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|  | REQUEST FOR PROPOSALS   |
| ***JUDICIAL COUNCIL OF CALIFORNIA*****REVISION NO. 6****REVISED JANUARY 24, 2018****Regarding:***RFP Number – TCAS-2017-05-JU**Court Case Management Systems for the Superior Courts of California***PROPOSALS DUE DATE AND TIME:** *October 30, 2017,* NO later than *3:00* p.m. Pacific time  |

|  |  |
| --- | --- |
| **TO:** | Potential PROPOSERs |
| **FROM:** | The Judicial Council of California (JCC), on behalf of the Superior Courts of California |
| **DATE:** | September 21, 2017 |
| **SUBJECT/PURPOSE OF MEMO:** | Request for Proposals (RFP)The JCC on behalf of the Superior Courts of California seeks to enter into at least one, possibly multiple Master Agreements with suitable vendors to license and implement a new case management systems (CMS) to replace existing legacy systems with a fully integrated and developed CMS solution that will be able to interface with a court’s e-filing service provider and document management system (DMS). In particular, the RFP seeks proposals for a state-of-the-art CMS, which includes design of the CMS and all requirements for infrastructure to implement and support the CMS solution, including implementation/deployment services, training, and hardware, network and desktop assessment to ensure adequate desktop and network infrastructure is in place, and ongoing application maintenance and support of the CMS. |
| **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: Court Case Management Systems for the Superior Courts of CaliforniaRFP Number: TCAS-2017-05-JU |
| **SOLICITATIONS MAILBOX:** | 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 October 4, 2017** |
| **MANDATORY PROPOSERS’ CONFERENCE:**  | A mandatory proposers’ conference will be held via conference call:**2:00 p.m. (PDT) on September 29, 2017** |
| **PROPOSAL DUE DATE AND TIME:** | Proposals must be received by:**3:00 p.m. (PDT) on October 30, 2017**  |
| **SUBMISSION OF PROPOSAL:** | Proposals should be sent to:**Judicial Council of California****Attn: Procurement** **– Contracts Supervisor****RFP No. TCAS-2017-05-JU****2850 Gateway Oaks Drive, Suite 300****Sacramento, CA 95833-4348** |

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Exhibit 1: CMS Business and Functional Requirements

Exhibit 2: CMS Technical Requirements

Exhibit 3: CMS Implementation and Deployment Requirements

Exhibit 4: Court Specific Information and Requirements

Exhibit 5: Manual of Accounting

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Exhibit 7.1: Cost Matrix for Initial Courts

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Exhibit 8: Proposer Response Template

# BACKGROUND INFORMATION

## Judicial Council of California and Superior Courts of California

The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy-making agency of the California judicial system. The California Constitution directs the JCC 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 JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC’s staff assists both the JCC and its chair in performing their duties for the purpose of this Request for Proposal (RFP).

The Superior Court system in California comprises 58 trial courts, 1 in each county. The Superior Courts provide a forum for resolution of criminal and civil cases under state and local laws. This RFP is intended to address the needs of all of these Superior Courts. This RFP is being issued by the JCC’s staff on behalf of the 58 Superior Courts of California (collectively, “Superior Courts,” “trial courts,” or “courts” and individually, a “Superior Court,” “trial court,” or “court”). In this RFP, JCC and the trial courts are Judicial Branch Entities (JBEs). They may be referred to individually as “a JBE” and the JCC may be referred to as the “Establishing JBE.” The RFP requests that interested vendors respond with a proposal (“Proposer”) that meets the RFP requirements.

## Case Management Systems’ Current Status

The JCC submitted a budget change proposal (BCP) for fiscal year 16/17 to seek $24.8 million over a 3-year period on behalf of four courts to replace their V3 case management system. Similarly, for fiscal year 17/18, the JCC submitted a BCP seeking $5 million over a 2-year period for nine courts to replace their Sustain Justice Edition (SJE) case management systems. These BCP’s were submitted in pursuit of the Digital Court goal specified in the judicial branch’s strategic and tactical technology plans. This goal seeks to provide trial courts with a digital court foundation by implementing modern and supportable case management systems (CMS) to allow all courts to efficiently deliver services to the public.

For fiscal year 18/19, the Judicial Council Technology Committee has approved submission of a BCP for the next wave of courts to replace their legacy case management system in support of the Digital Court strategic goal. It is expected that there will be eight courts participating in the fiscal year 18/19 BCP.

Outside of the BCP process described above, the Superior Court of Sacramento County (“Sacramento Court”) issued an RFP in 2013 which resulted in Master Services Agreements (MSA) for three case management system vendors which trial courts could use to replace their CMS. To date over 30 courts have leveraged the Sacramento MSA’s to procure a CMS. Tyler Technologies and Thomson Reuters have recently renewed their MSA’s with the Sacramento Court and remain an option for courts to use to replace their CMS.

The JCC reserves the right to reject any and all proposals, in whole or in part, and to award or not award any contracts based on submitted proposals. The Superior Courts are free to conduct their own solicitations not connected with this RFP or any resulting contract. The Superior Courts are not obligated to purchase services under any contract that may result from this RFP.

## Objectives and Process

The JCC intends to award at least one, but possibly multiple leveraged procurement agreements, also referred to as “Master Agreements,” for an initial 5-year term and one 3-year option to renew and an additional 2-year option to renew to vendors that can license and implement a new case management system (CMS) to replace the existing legacy systems with a fully integrated and developed CMS solution that will be able to interface with a court’s e-filing service provider and document management system (DMS). In particular, the RFP seeks proposals for a state-of-the-art CMS, which includes design of the CMS and all requirements for infrastructure to implement and support the CMS solution, including implementation/deployment services, training, and hardware, network and desktop assessment to ensure adequate desktop and network infrastructure is in place, and ongoing application maintenance and support of the CMS.

The intent is to provide possibly multiple CMS vendor solutions and pricing for potential use by all trial courts.

Additionally, the RFP will provide cost estimates for the eight trial courts which require funding assistance to replace their legacy case management system. A budget change proposal (BCP) will be submitted seeking funding in Fiscal Year (FY) 2018/2019. This funding may or may not be included in the final FY 18/19 state budget. Those courts are the Superior Courts of Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono and Shasta Counties, which may be referred to in this RFP as the “Initial Courts”.

Trial courts may elect, but are not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP. Trial courts that elect to purchase services under a Master Agreement that has been awarded will enter into a Participation Agreement, substantially in the form of the sample Participation Agreement provided in Attachment 2 (JCC Standard Terms and Conditions), with the vendor that the court selects.

If multiple Master Agreements are awarded, the trial court may select the vendor that best meets the court’s individual requirements and provides the best value to the court. Each Participation Agreement will incorporate the terms and conditions of the Master Agreement that has been awarded as a result of this RFP.

Based on the terms and conditions of the Master Agreement, each Participation Agreement will set forth the specific services, schedule, and fees to be provided to the individual court. Each Participation Agreement will constitute a separate independent contract between the vendor and the court signing the Participation Agreement. Any Master Agreement awarded as a result of this RFP is nonexclusive. The JCC may have other agreements for the same or similar services, and each trial court reserves the right to provide or have others provide the same or similar services.

Interested parties are invited to submit a proposal following the directions set forth in this RFP and referenced documents, including Attachment 1, Administrative Rules Governing RFPs.

# DESCRIPTION OF GOODS AND/OR SERVICES

## Scope

The scope of the RFP includes case management software, licensing, implementation services, data conversion, network and infrastructure recommendations, maintenance and support and alternative hosting solutions required to support the courts as further described herein.

The selected and contracted Proposers must provide case management software that meets or exceeds a set of functional requirements in ongoing daily operations. These requirements are contained in Exhibit 1, CMS Business and Functional Requirements.

The services provided by the selected and contracted Proposer must also meet a set of technical requirements. These requirements are contained in Exhibit 2, CMS Technical Requirements.

The Proposers shall refer to Exhibit 1, CMS Business and Functional Requirements, and Exhibit 2, CMS Technical Requirements, for the scope of features and capabilities the software must reliably deliver. The Proposer shall respond to Exhibit 1 and Exhibit 2 using Exhibit 8, Proposer Response Template.

The scope is further described in the sections that follow.

## The Implementation of a Case Management System Application will include:

* Providing CMS application software that meets the general functional requirements for all Superior Courts including, but not limited to, the following components: database security, an ability to interface with e-filing service providers, a web-based public-facing portal, and optionally an integrated DMS.
* Analyzing Superior Court operations to effectively implement the CMS applications.
* Installing, configuring, and testing the selected CMS applications according to the business rules and processes of the individual Superior Court to produce a high-performance CMS.
* Configurable workflow to actively process cases using automated and manual work queues to maximize productivity and efficiency.
* CMS configured to be current with state laws, federal regulations, rules of court, calculations of fees and fines distribution, and administrative requirements.
* Maintaining and supporting the CMS application for changes in regulatory requirements, application enhancements, common configuration changes, and fixing program defects.
* Scalable system to accommodate court size, court users, data volume, and public web users.
* Full statewide and local justice partner - Department of Motor Vehicles (DMV), Department of Justice (DOJ), local county Sheriff/Jail, etc. – data exchanges and interface integration. Implement data exchanges with statewide justice partners using standards required by the Judicial Council, and local exchanges as required by the individual court.
* Complying with current revision of the California State Controller’s Trial Court Revenue Distribution Guidelines, including Addendum(s). The Proposer shall refer to Exhibit 5 Manual of Accounting dated January 1, 2017. The Proposer shall comply with any version published after the date of this RFP.
* Capturing recording and transmitting monthly reports to the Judicial Branch Statistical Information System (JBSIS) as required. The Proposer shall refer to Exhibit 6, JBSIS Implementation Manual. Include any updates and/or amendments as required by the Judicial Council.

## The Requirements for a Superior Court Network Infrastructure include:

* Desktop assessment with hardware and software recommendations.
* Network assessment and design specifications for network security and bandwidth specifications to adequately handle anticipated networking loads and access for the CMS proposed solution.
* Integration support for the network infrastructure to function with the CMS.
* Data Integration support ensuring connectivity for all required state and local justice partners and interfaces.

## Hosting Solution includes:

* Providing the design specifications and acquisition details for locally and/or off-site hosted CMS, and if offered, Software as a Service (SaaS) hosting solution; including production and non-production environments to run and support them using modern proven technology that is in compliance with the security and infrastructure requirements (detailed in Exhibit 2, CMS Technical Requirements).
* Integrating the CMS servers and network servers with the network infrastructure and desktop workstations.
* (Optionally) Document Management Services including any additional hardware and third party software recommendations and assisting in DMS scanners setup, configuration and business use.
* Systems management (administration, change management, security, data recovery, and disaster recovery).

## Implementation and Deployment Services

Once a Participation Agreement has been established with a Superior Court, the selected and contracted Proposer will implement the CMS solution within the timeframes specified in the Participation Agreement. This will involve data conversion, configuration, implementation, operation, support, and maintenance of the CMS for the Superior Court. These implementation and deployment services are described in Exhibit 3, Implementation and Deployment Requirements, which provides the scope of services and deliverables

It is the aim of the Establishing JBE to select and contract with experienced proposers capable of executing an efficient project within the agreed-upon schedule and budget. The Proposer shall refer to Exhibit 3, CMS Implementation and Deployment Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 3 using Exhibit 8, RFP Proposer Response Template.

## Maintenance and Support

Maintenance and support that complies with the JCC’s Standard Terms and Conditions (Attachment 2) which shall include, but not be limited to:

* Application Software Licensing
* Application Support and Technical Support for local hosted solution
* End-user and technical support
* Provision of periodic maintenance, legislative updates, and security upgrades per service-level standards and support agreements
* Global configuration changes necessary to support business changes
* Emergency support for break-fix situations

## Warranty

The Services Warranty under any awarded Master Agreement must comply with the JCC’s Standard Terms and Conditions (see *Attachment 2; Exhibit 3; Section 22*).

The Licensed Software Warranty must comply with the JCC’s Standard Terms and Conditions (see *Attachment 2; Exhibit 3; Section 22*).

## Payment Requirements

## Milestone Payment Schedule

Payments shall me made according to milestone payment schedules. The milestone payments must be based on key deliverables identified in the JBE’s Participating Agreement.

## No Payment Prior to Go Live

No payment for vendor and/or third party software, licensing fees and maintenance and support will be owed and made before the Court accepts live productive use (“Go-Live”) of the CMS.

## Retention

Participating Entities shall retain at least 10% of the total cost of milestone payments for professional services, payable upon final acceptance and Go Live.

## Upgrades Due to Changes in Law

Participating Entities will not pay an additional amount for software upgrades and modifications that are required due to changes in the law or regulations. Proposers’ proposed costs must include such upgrades and modifications.

## Non-Scope Upgrades

Participating Entities will be entitled to use any non-scope upgrades or modifications to the CMS that have been previously paid for by another Participating Entity without paying an additional fee. In other words, Proposers must be willing to provide non-scope upgrades or modifications to the CMS that are paid for by a single court to be available for use to all other courts at no additional cost.

## Reimbursable Expenses

Reimbursable expenses will be allowed only as defined in Attachment 2, JCC’s Standard Terms and Conditions.

# TIMELINE FOR THIS RFP

## Proposed Procurement Schedule

Initial proposals are due by 3:00 p.m. (PDT) on **October 30, 2017**. The JCC intends to have signed Master Agreements within 60 days of the initial proposal submission deadline.

| **No.** | **Milestone** | **Date** |
| --- | --- | --- |
| 1 | JCC, on behalf of the Superior Courts of California, issues RFP | September 21, 2017 |
| 2 | Deadline for Proposer to register for Mandatory Proposers’ Conference; submit requests to the Solicitations Mailbox (3:00 p.m. PDT)  | September 27, 2017 |
| 3 | Mandatory Proposers’ Conference via conference call at 2:00 p.m. (PDT) | September 29, 2017 |
| 4 | Deadline for Proposers to submit questions, requests for clarifications, or modifications to the Solicitations Mailbox (3:00 p.m. PDT) | October 4, 2017 |
| 5 | Questions and answers posted and addenda issued, if required (estimated date) | October 12, 2017 |
| 6 | Proposer solicitation specifications protest deadline | October 30, 2017 |
| 7 | **Final proposal due date and time (3:00 p.m. PDT)** | October 30, 2017 |
| 8 | Evaluation Team Meets (estimated dates) | November 1 - 8, 2017 |
| 9 | Demonstrations | December 4, 5 and 6, 2017 |
| 10 | Technical scores posted on the JCC Website | January 3, 2018 |
| 11 | Public cost opening in Sacramento, California at 2850 Gateway Oaks Drive, Suite 300 at 2:00 p.m. (PDT) | January 5, 2018 |
| 12 | Notice of Intent to Award (estimated date) | February 5, 2018 |
| 13 | Execution of Master Agreements (estimated date) | May 2018 |

## Mandatory Proposers’ Conference

The JCC will hold a mandatory pre-proposal Proposers’ Conference on September 29, 2017 at 2:00 p.m. (PDT). The pre-proposal Proposers’ Conference will be held via conference call. Proposers must attend this Proposers’ Conference to be eligible to submit a response to this RFP.

Interested Proposers must submit an email to TCSolicitation@jud.ca.gov requesting the call-in number and pass code no later than 3:00 p.m. (PDT) on September 27, 2017. The email must include: 1) name of your company and 2) name and title of your designated representative attending the conference call. The RFP number must be included in the subject line of the email. A response will be sent by May 28, 2017 at 5:00 p.m. (PDT) with the call in number and pass code. Attendance will be taken before the call begins.

NOTE: The Proposers’ Conference information will be sent out to all registered Proposers on the day before the conference.

# RFP ATTACHMENTS

The following attachments and exhibits are included as part of this RFP.

## Attachments and Forms

| **Attachment** | **Description** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs | These rules govern this solicitation. |
| Attachment 2: JCC Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “vendor”) must sign a Judicial Council Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly identifies the benefit to the JCC and the Superior Courts from the proposed changes and provides a written explanation or rationale for each proposed change.  |
| Attachment 3: Bidder’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: Payee Data Record Form | This form contains information the Superior Courts require to process payments and must be submitted with the proposal. |
| Attachment 5: General Certifications Form | Proposer must complete and submit the General Certifications Form. |
| Attachment 6: Darfur Contracting Act Certification | Proposer must complete and submit the signed Darfur Contracting Act Certification. |
| Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification | Proposer must complete and submit the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: Iran Contracting Act Certification | Proposer must complete and submit the Iran Contracting Act Certification. |
| Attachment 9: Small Business Declaration | Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| Attachment 10: Bidder DVBE Declaration | Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation. |
| Attachment 11: Bidder Declaration | Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration. |

## Requirements and Informational Exhibits

|  |  |
| --- | --- |
| **Exhibit** | **Description** |
| Exhibit 1 - CMS Business and Functional Requirements | These are the business and functional requirements. The Proposer will complete Exhibit 1 and respond with Yes, No, or In Progress (with a release date in the comments box). No comments are allowed for Yes or No responses. Proposer must include the completed Exhibit 1 as part of Exhibit 8, Proposer’s Response Template. |
| Exhibit 2 - CMS Technical Requirements | These are the technical requirements for this RFP. The Proposer shall address each requirement and describe how its proposed services fulfill those requirements in a manner that best serves the needs of the courts. Proposer must include the completed Exhibit 2 as part of Exhibit 8, Proposer’s Response Template.  |
| Exhibit 3 - CMS Implementation and Deployment Requirements  | These are the requirements that set forth the roles and responsibilities of the parties for the application implementation and the deployment services to be provided. The Proposer will complete Exhibit 3 using the instructions provided in the Exhibit. Proposer must include the completed Exhibit 3 as part of Exhibit 8, Proposer’s Response Template. |
| Exhibit 4 – Court Specific Information | This exhibit is informational only. It contains court specific information for the Initial Courts that may be contracting for a new CMS. The Proposer will use this information to complete Exhibit 7.1, Cost Matrix for Initial Courts. |
| Exhibit 5 – Manual of Accounting | This document contains the Fees and Fines Distribution guidelines and is a mandatory requirement.  |
| Exhibit 6 - JBSIS Implementation Manual | This document contains the process, definitions and technical requirements for monthly statistical reporting required by the JCC. This is a mandatory requirement. |
| Exhibit 7.1 – Cost Matrix for Initial Courts | This document is the cost matrix for the eight Initial Courts that may be contracting for a new CMS system. Proposer must complete this Exhibit and include the Exhibit with the Cost Proposal. **DO NOT include with the Non-Cost Proposal.** |
| Exhibit 7.2 – Cost Matrix for Small, Medium and Large Courts | This document is the cost matrix to be completed for a small, a medium and a large court. Proposer must complete this Exhibit and include the Exhibit with the Cost Proposal. **DO NOT include with the Non-Cost Proposal.** |
| Exhibit 8 - RFP Vendor Response Template | This template is used for Proposers response to this RFP.  |

# SUBMISSION OF PROPOSALS

## Proposal Structure

Proposers should respond to every section of this RFP, all attachments, and all exhibits. Vendors may download the original RFP documents from our Web site, [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm). These documents will be available in whole as the RFP and individually for your review and use.

A Proposer Response Template has been included (Exhibit 8) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 6, Non-Cost Proposal Contents, 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.

## Proposal Copies

The Proposer **must** submit its proposal in two parts, the non-cost portion and the cost portion.

**Non-Cost Portion of the Proposal:** The Proposer must submit one (1) original hard copy and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in PDF, Word, or Excel formats. The source Excel files used to prepare responses to Exhibits 1–3 must also be submitted. The original must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted to the JCC **in a single sealed envelope, separate from the cost portion**. The Proposer must write the RFP title and number on the outside of the sealed envelope.

**Cost Portion of the Proposal:** The Proposer must submit one (1) original hard copy and an electronic version on a USB memory stick/flash drive of the cost portion of the proposal. The electronic files must be in PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The cost portion of the proposal must be submitted to the JBE in a **single sealed envelope, separate from the non-cost portion**. The Proposer must write the RFP title and number on the outside of the sealed envelope.

## Proposal Delivery Address

Proposals must be delivered by the date and time listed on the cover sheet of this RFP to:

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. TCAS-2017-05-JU

2850 Gateway Oaks Drive, Suite 300

Sacramento, CA 95833-4348

## Late Proposals

Late proposals will not be accepted. Postmarks by the due date will not substitute for actual receipt of proposal by the JCC.

## Original Proposal Delivery Methods

Only original written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g., FedEx), or hand delivery. Original proposals may not be transmitted by FAX or e-mail.

# NON-COST PROPOSAL CONTENTS

The following information must be included in the non-cost portion of the proposal (Exhibit 8). A proposal lacking any of the following information may be deemed non-responsive.

## Proposer Information

### Proposer’s name, address, telephone and FAX numbers, and federal tax identification number. *Note that if proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.*

### Name, title, address, telephone number, and email address of the individual who will act as proposer’s designated representative for purposes of this RFP.

## Company Overview and Financial Information

### Company name, headquarters location, date founded, ownership (private/public, joint venture, etc.), number of years providing application deployment and application user training services, total number of employees and number of deployment service employees, service delivery locations in the continental United States.

### Details of revenue stream, including specific details outlined in Exhibit 8, Proposer Response Template.

### Audited financial statements for the last 3 years together with a current certification made by the CFO stating that statements are current, accurate, and complete with the exception of any materials adverse changes specifically described which have occurred in the status and/or prospects of Proposer since the effective date of the most recent financial statements.

## Executive Summary

### This section should provide a summary of the key aspects of Proposer’s response to this RFP and the principal advantages to the individual courts. The Executive Summary must include, but is not limited to, the following:

### The Proposer must describe its approach to the implementation of the case management system software. The guideline for implementation of a participating court is 18 months unless otherwise mutually agreed upon by the court and the Proposer. This approach must describe the tasks and schedule for implementation for a single court. The Proposer must also describe:

* What factors will impact the schedule for implementation of the CMS solutions.
* The tasks, resources, and work products required from the participating court to ensure on-time implementation. This must describe the timeframe in which the court must perform these tasks and provide resources and work products.
* The factors that would cause variation in the schedule for implementation.
* The type, quantity, and time commitment of Proposer staff involved in each court implementation.
* Approach to providing ongoing maintenance and support.

The Executive Summary must include Proposer’s approach and capacity to successfully execute multiple concurrent CMS implementations.

## Business Disputes

### Provide details of any disciplinary actions or other administrative action taken by any jurisdiction or person against Proposer. List and summarize all judicial or administrative proceedings involving your sourcing activities, claims of unlawful employment discrimination and anti-trust suits in which you have been a party within the last 5 years. If Proposer is a subsidiary, submit information for all parent companies. If the Proposer uses subcontractors, associated companies, and consultants that will be involved in any phase of this Agreement, include pertinent subcontractor information.

## Overview of Proposer’s Qualifications.

## Teams

### The Proposer must provide a description of the team or teams that will deliver services under any resulting Master Agreement. This must identify individuals and Proposer organizations responsible for:

* Standards Management. This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.
* Implementation and Deployment. This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.
* Support and Maintenance. This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

## Resumes

### For each key staff member: a résumé of key staff members as outlined in Exhibit 8, Proposer Response Template, describing the individual’s background and experience, as well as the individual’s ability and experience in conducting the proposed activities.

## Certifications and Honors

### Proposer must provide a description of any certifications and honors that Proposer has received that are related to the requested services, as requested in Exhibit 8, Proposer Response Template.

## References

### Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the Proposer has provided similar goods and services, including specific details outlined in Exhibit 8, Proposer Response Template. The Court may check references listed by Proposer.

## Use of Subcontractors

### A listing of proposed subcontractors, if any, providing the specific details requested in Exhibit 8, Proposer Response Template.

## Response to Requirements

## Business and Functional Requirements

### Proposer will include its response to Exhibit 1 - CMS Business and Functional Requirements.

## Technical Requirements

### Proposer will include its response to Exhibit 2 - CMS Technical Requirements.

## Implementation and Deployment Requirements

### Proposer will include its response to Exhibit 3 - CMS Implementation and Deployment Requirements.

## Manual of Accounting

### Proposer will include a statement that it can comply with the Fees and Fines Distribution guidelines set forth in Exhibit 5, Manual of Accounting.

## JBSIS Implementation Manual

### Proposer will include a statement that it can comply with the requirements set forth in Exhibit 6, JBSIS Implementation Manual.

## Payment Requirements

### Proposer will include a statement that it can comply with the payment provisions set forth in Section 2.5 of this RFP.

## Superior Court Negotiations

### Superior Court Negotiation Rules and Procedures for Participation Agreements: Negotiations between the individual courts and the Proposer will take place when a court is ready to implement a CMS and enters into a Participation Agreement. The following rules and procedures will apply to such negotiations:

* 1. Proposer’s Negotiation Team

The Proposer will deploy a senior negotiation team for the contract negotiations. The Proposer’s negotiation team be led by their proposed Program Executive, who would be responsible for day-to-day management of the engagement. The negotiation team must be empowered to make decisions on all aspects of the project and the Participation Agreement.

The Proposer agrees to honor the spirit of this process by limiting contact to the court team members authorized to conduct the process. Any deviation from authorized points of contact will be grounds for rejection.

If it is determined that the Proposer’s negotiation team is not empowered to negotiate, or if substitutions are made or if additional members are added to the team, the net effect of which is to delay the negotiations, then the court has the right to cease negotiations and the Proposer may be required to reimburse the court for expenses incurred in connection with the Proposer’s failure to comply with the above procedures.

* 1. Control of Documents

The court will retain revision control of the final version of the Participation Agreement, including all exhibits and attachments.

* 1. In Person Meetings – Location of Meetings

Negotiations will be conducted at the court at times to be determined by the court. Meetings will require the in-person presence of the Proposer’s entire negotiation team. Meetings via telephone may be scheduled at the discretion of the court.

* 1. Costs and Expenses

Proposer will be responsible for its own costs and expenses in negotiating the Participation Agreement with the court.

## Disentanglement Plan:

### Proposer must describe approach and methodology for disentanglement, and detail a plan for and schedule of activities following termination of a Master Agreement awarded as a result of this RFP and an individual Participating Agreement, including all related costs.

## Acceptance of the Terms and Conditions.

### On Attachment 3, Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change.

### If exceptions are identified, Proposer must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale of the benefit to the court resulting from exception and/or proposed change.

## Certifications, Attachments, and Other Requirements

1. California Seller’s Permit - Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code Section 6066 et seq. or (ii) a certificate of registration issued under Revenue and Taxation Code Section 6226.
2. Proof of Good Standing - If Proposer is a corporation, proof that proposer is in good standing and qualified to conduct business in California.
3. Business License - Copies of current business licenses, professional certifications, or other credentials.
4. Payee Data Record - Proposer must complete and provide the Payee Record Form (Attachment 4).
5. General Certifications - Proposer must complete and provide the General Certifications Form (Attachment 5).
6. Darfur Contracting Act Certification - Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 6).
7. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification - Proposer must complete and provide the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7).
8. Iran Contracting Act - Proposer must complete and provide the Iran Contracting Act Certification (Attachment 8).
9. Small Business Declaration - Proposer must complete and provide the Small Business Declaration (Attachment 9) only if it wishes to claim the small business preference associated with this solicitation.
10. Bidder DVBE Declaration - Proposer must complete and provide the Bidder DVBE Declaration (Attachment 10) only if it wishes to claim the DVBE incentive associated with this solicitation.
11. Bidder Declaration - Proposer must submit a Bidder Declaration (Attachment 11) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

# COST PROPOSAL CONTENT

### Proposer must complete and submit Exhibits 7.1, Cost Matrix for Initial Courts, and 7.2, Cost Matrix for Small, Medium and Large Courts. Proposer should include their best offer in their submission.

### The purpose of Exhibit 7.1 is to obtain detail pricing for the Initial Courts in the Budget Change Proposal seeking funding to replace their case management system.  This detail pricing is required in the event one of these Initial Courts selects a vendor awarded a Master Agreement as a result of this RFP. The purpose of Exhibit 7.2 is to provide costs for different size courts that may elect to purchase a CMS under a Master Agreement that may be awarded as a result of this RFP.

### Proposer’s costs must include software upgrades and modifications due to changes in the law or regulations. Courts will not pay an additional amount for such software upgrades and modifications.

### Proposer must be willing to provide non-scope upgrades or modifications to the CMS that are paid for by a single court to be available for use to all other Courts at no additional cost.

**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 Section17030 of the Business and Professions Code.

# OFFER PERIOD

### A Proposer's proposal is an irrevocable offer for 180 days following the proposal due date. In the event a final contract has not been awarded within this period, the JCC reserves the right to negotiate extensions to this period.

# EVALUATION OF PROPOSALS

### The Establishing JBE will evaluate the proposals on a100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal

| **Category** | **Factors** | **Total Possible Points** |
| --- | --- | --- |
| Cost | Overall cost based on the fee structure described in the proposal  | 40 |
| Organization Information and Qualifications  | Level of Proposer organization experience, financial stability, and qualifications.  | 3 |
| Approach and Methods | Extent to which the proposed approach and methods are likely to deliver the services required in a cost-effective manner for the courts. (Exhibit 3) | 20 |
| Requirements Response | Degree to which the Proposer’s proposed solution meets the requirements set forth in Exhibits 1 and 2and narrative responses. | 27 |
| Acceptance of Terms and Conditions | Level of Proposer’s acceptance of Terms and Conditions. (Attachment 3) | 7 |
| DVBE Incentive | DVBE incentive points. | 3 |

## Non-Cost Portion

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

### The scores for the non-cost portion of the responsive proposals will be posted on the date listed in Section 3.1, Proposed Procurement Schedule, at the JCC website, <http://www.courts.ca.gov/rfps.htm>.

## Cost Portion

### Following the publication of the non-cost portion scores, the cost portions will be opened. The cost portion of the proposals will be publicly opened on the date and time noted in Section 3.1, Proposed Procurement Schedule. The public opening will be held at the Judicial Council’s Sacramento office located at 2850 Gateway Oaks Drive, Suite 300, and Sacramento, California. The cost portion will only be opened and evaluated if the Proposer’s non-cost portion is determined to be responsive.

### Proposals containing false or misleading statements may be rejected if, in the opinion of the Judicial Council, the information was intended to mislead the state regarding a requirement of the solicitation document.

### If a Master Agreement or Master Agreements is awarded, JCC staff will post notice of an intent to award at <http://www.courts.ca.gov/rfps.htm>.

# FINALISTS’ PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS)

The JCC may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in evaluation of the top-ranked proposals. The interviews may be conducted in person or by phone. Proposers whose proposed products meet the specifications and requirements set forth in this RFP may be asked to provide a live demonstration of their proposed products. The demonstration will take place in Sacramento, California at a location chosen by the Judicial Council. The date for the live demonstration is set forth in Section 3.1, Proposal Procurement Schedule. The JCC will notify eligible Proposers regarding demonstration arrangements.

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

# CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the JCC for official files and will become a public record. California JBEs are subject to Rule 10.500 of the California Rules of Court, which governs public access to Judicial Administrative Records (see  [*www.courts.ca.gov/documents/title\_10.pdf*).](file:///C%3A%5CUsers%5CJosephDWheeler%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CNG9OHP68%5Cwww.courts.ca.gov%5Cdocuments%5Ctitle_10.pdf%29)

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the JCC’s sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the JCC finds or reasonably believes that the materials marked confidential and/or proprietary are **not** exempt from disclosure, the JCC will disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public opening of certain proposals. If required to do so by the Public Contract Code, the JCC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

# SMALL BUSINESS PREFERENCE

## Participation Not Mandatory

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

## Small Business Enterprise (SBE) Incentive

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 Proposer receives the SBE preference, the score assigned to its proposal will be increased by an amount equal to 5 percent 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.

## Qualification

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

## Process

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 9). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

## Failure to Complete Forms

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

## Meeting SBE Commitments

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.**

# DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

## Qualification Not Mandatory

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

## DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the JCC’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the sole determination of JCC staff, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 8, above.

## Qualification

To receive the DVBE incentive, at least 3 percent 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 DGS.

## Process

If Proposer wishes to seek the DVBE incentive:

* Proposer must complete and submit with its proposal the Bidder DVBE Declaration (Attachment 10).  Proposer must also submit all materials required in the Bidder DVBE Declaration.
* Proposer must submit with its proposal a Bidder Declaration (Attachment 11) 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 Bidder Declaration.  If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder Declaration.  **NOTE**: The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

## Failure to Complete Forms

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.

## Application of 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 JCC’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

## Meeting DVBE Commitments

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 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. SEE MVC 999.9.**

# PROTESTS

Any protests will be handled in accordance with the Protest Procedures outlined in the Administrative Rules Governing RFPs (Attachment 1), Section 9 (Protest Procedures). 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 JCC to receive a solicitation specifications protest is set forth in Section 3.1 (Proposed Procurement Schedule). The post-award protest deadline for submission will be 5 business days after the Notice of Intent to Award has been posted. The protesting party will have 10 calendar days after the JCC receives the protest to submit all required information. Protests should be sent to:

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. TCAS-2017-05-JU

2850 Gateway Oaks Drive, Suite 300

Sacramento, CA 95833-4348