

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP Number – TCAS-2018-03-BH
EMERGENCY NOTIFICATION SERVICES

PROPOSALS DUE:

May 11, 2018, 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, Appellate Courts, the Supreme Court, and other Judicial Branch Entities (JBE)

DATE: April 12, 2018

SUBJECT/PURPOSE OF MEMO: Request for Proposals (RFP)
The JCC on behalf of the Superior Courts of California, Appellate Courts, the Supreme Court, and other Judicial Branch Entities seeks to enter into Master Agreements with a suitable vendor that can provide Emergency Notification Services (ENS).

Proposers entering into a Master Agreement commit to implementing and operating these services in any JBE requesting to engage under a Participation Agreement as set forth in this RFP. The JCC reserves the right to reject any and all proposals, to award the contract in whole or in part and/or negotiate any or all items with individual proposers if it is deemed in the JCC's best interest or not award any contracts based on submitted proposals.

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: Emergency Notification Services (ENS)
RFP Number: TCAS-2018-03-BH

SOLICITATIONS MAILBOX TCSolicitation@jud.ca.gov

PROPOSERS' CONFERENCE: A pre-proposal conference will be held via conference call:
April 23, 2018 at 10:00 a.m. (PST)

DUE DATE & TIME FOR SUBMITTAL OF QUESTIONS: The deadline for submittal of questions pertaining to the solicitation document is:
April 25, 2018 no later than 3:00 p.m. (PST)

PROPOSAL DUE DATE AND TIME: Proposals must be received by:
May 11, 2018 no later than 3:00 p.m. (PST)

RFP Title: Emergency Notification Services (ENS)
RFP Number: TCAS-2018-03-BH

**SUBMISSION OF
PROPOSAL:**

Proposals should be sent to:

**Judicial Council of California
Attn: Procurement – Contracts Supervisor
RFP No. TCAS-2018-03-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348**

Attachments:

- Attachment 1: Administrative Rules Governing RFPs
- Attachment 2: JCC Standard Terms and Conditions
- Attachment 3: Bidder's Acceptance of Terms and Conditions
- Attachment 4: Payee Data Record Form
- Attachment 5: General Certifications Form
- Attachment 6: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification
- Attachment 7: Small Business Declaration
- Attachment 8: DVBE Declaration
- Attachment 9: Bidder Declaration

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California, hereinafter referred to as “Judicial Council” or “the council,” chaired by the Chief Justice of California, is the primary policy making agency of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure and performs other functions prescribed by law. The Judicial Council’s staff assists both Judicial Council and its chair in performing their duties for the purpose of this Request for Proposal (RFP).
- 1.2 The Superior Court system in California comprises fifty-eight (58) trial courts, one in each county. Trial courts provide a forum for resolution of criminal and civil cases under state and local laws. As used within this RFP, the term “trial court” is used synonymously with Superior Court or Court.
- 1.3 This RFP is being issued by the Judicial Council, on behalf of itself, the Supreme Court of California, the Courts of Appeal, the Habeas Corpus Resource Center and the fifty-eight (58) Superior Courts of California (collectively, “Judicial Branch Entities,” or “JBEs” and individually, a “JBE,” “trial court,” or “JBEs.”).
- 1.4 The JCC seeks proposals from highly qualified vendors with expertise in providing emergency notification services, with the services being capable of notifying JBE members individually and/or of a selected group in the event of an emergency. The JBEs will be under no obligation to participate in any resulting Master Agreement or to issue any Work Orders or Purchase Orders under any resulting Master Agreement.
- 1.5 The Judicial Council anticipates awarding one master agreement for an initial two-year term, with three consecutive one-year options to extend for a potential maximum of five years (“Master Agreement”). Each of the three option terms may be exercised at the Judicial Council’s sole discretion. Any resulting contract is estimated to be effective from July 1, 2018 through June 30, 2020.

2.0 DESCRIPTION OF GOODS AND/OR SERVICES

- 2.1 The Judicial Council’s Security Operations unit is requesting proposals from highly qualified vendors with expertise in providing emergency notification service for use by the Purchasing Group members. The emergency notification service must enable each Purchasing Group member to immediately distribute an electronic voice or written message simultaneously to one or more individuals as designated by the sender.

2.2 **Mandatory Specifications**

- Preference will be granted to open services architectures when such a service involves devices or protocols.
- The service must be intuitive and easy-to-use and must allow Purchasing Group members to create and distribute notifications quickly from any location.
- The service must be a hosted, off-site service that operates independently of the Purchasing Group member's infrastructure and must guarantee security of stored data.
- The service must be backed up at more than one location and have a plan for continuity of service in the event of an emergency at the location where the service is housed.
- The service must allow the Purchasing Group to designate users as Active/Inactive and/or Administrator(s) and manage password creation, maintenance and permissions.
- The vendor must make 24/7 technical support available to Purchasing Group members and their designated Administrator(s) via e-mail and phone number.
- The vendor must ensure that all customer service issues are resolved in a timely and consistent manner, with a maximum of one hour "Time-to-Respond" (TTR).
- The service must allow Purchasing Group members to configure and maintain individual and group contact information.
- The service must support import and export of contact information via delimited text file or current Excel spreadsheet (e.g. CSV file, XLXS file, .TXT file or etc.).
- The service must allow users to create and distribute messages via mobile device (e.g., phone or tablet) or Internet at any time, with no restriction on the number of individuals or groups contacted.
- The service must allow users to set up and use pre-made message templates or to create messages as needed.
- The service must allow users the choice of sending messages to individuals or groups simultaneously, *or* in a pre-designated ranked order.
- The service must allow for multiple means of notification (for example: calls to work phone and extension, home phone, mobile phone, text messaging, Telephone Device for the Deaf (TDD) and e-mail).
- The service must make multiple or alternate (retry) connection attempts if a notification does not go through, and allow users to require acknowledgement.
- The service must be able to dial extensions in addition to direct lines and be able to leave complete recorded voicemail messages.
- The service must offer a real-time, web-based view detailing the overall progress of notifications, receipts (if applicable), and acknowledgements (if applicable) for response purposes.

- The service must include a reporting feature that tracks and documents notifications, receipts (if applicable), and acknowledgements (if applicable) for auditing, compliance, and debriefing purposes.
- The service should be regularly updated for compatibility with modern operating systems and web browsers, and include prudent security enhancements as needed.
- The system should allow for messages to be sent out as audio (phone call), text (SMS), and e-mail.
- The system should allow users to select the type of message, or combination of message types to send.
- The service must be web-browser-based and not require any software to be installed on users' computer(s).
- The service must be compatible with the following web browsers, at their most current versions:
 - Microsoft Internet Explorer
 - Microsoft Edge
 - Apple Safari
 - Mozilla Firefox
 - Google Chrome
- The service must not require any Active-X, non-default browser extensions that require installation or similar "plug-ins."
- The service must not require Java (JRE) "applets" or similar.

Optional Specifications

- The service **should** provide free apps compatible with the latest version of Apple IOS and Android mobile device (phone/tablet).
- The service **should** include Role-Based-Access-Control so that each Purchasing Group member can designate certain administrator(s), power user(s) and general recipients (or similar structure).
- The service **should** include a self-service opt-in (subscribe) feature/method/portal.
- The service **should** include a self-service opt-out (unsubscribe) feature/method/portal.
- The service **should** include a self-service feature/method/portal to allow for subscribers to update relevant contact information (e.g. phone number, email addresses, etc
- Application Programmable Interface (API) to allow for integration and/or data exchange(s) between various Purchasing Group system(s) (e.g. HR systems, case management systems, etc.).
- Message Center or Call-in Number –a toll free number (access code requirement optional) for callers to listen to messages regarding the emergency situation.

- Personalized Message Center –a personalized message center requiring the use of a PIN, allowing for secure delivery of messages containing confidential information.
- Conference Call Bridging – the capability to allow for multiple users to be connected on a conference line immediately, if desired by leadership for emergency response.
- The service should include an optional and adjustable automated reminder feature to help Purchasing Group members ensure timely updates and testing.
- Hierarchical organization setup to allow for a “head office” to send messages to all or select JBEs while limiting individual purchasing group(s) messaging capabilities to their specific group.
- Authentication based on external identity management/authentication services (e.g. OAUTH, OAUTH2, Microsoft Azure Identity Management, Microsoft Office 365, etc.)
- Apple iMessage capabilities.
- Non-character text (e.g. emoticons/symbols) capabilities.
- Integration with digital signage solutions (e.g. TV’s, docket displays, etc.)
- Integration with paging systems
- Integration with audio/video systems
- Ability to integrate with IP-type push/duress buttons (e.g. Cyberdata SIP Emergency Intercom, or similar)
- Ability to integrate with Cisco Unified Communications VoIP system(s)
Two-factor authentication

Certifications and Verifications

All products offered for sale by the proposer to the JBEs under any resulting Leveraged Procurement Agreement resulting from this RFP must be compliant with all standards and regulations as set forth by all federal agencies and state and local governmental entities. All installations and materials shall meet state and local building codes, as well as California fire and safety codes.

Guarantee

All equipment (if any) shall be guaranteed to be new and to perform to the manufacturer’s specifications and proposer shall warrant the equipment against defects in installation, materials, and workmanship.

Ordering Process

Proposer will establish a customer account with the Judicial Council for placing orders on behalf of any JBE under any Leveraged Procurement Agreement that may result from this RFP and an individual account for any JBE that elects to place an order directly from the proposer.

Proposers will provide the Judicial Council with the total cost and lead time required for the product(s) and services ordered, including maintenance and repairs on existing systems. The total cost will itemize the cost of the products and installation. Proposer will coordinate the installation dates with the Judicial Council prior to finalizing the order. Proposer will provide the Judicial Council with an immediate acknowledgement of the order. The acknowledgement will be submitted by facsimile or email, regardless of what method is used to place the order, and will include: the products and services ordered, installation dates, and contact information. If a JBE is ordering directly from the proposer, the proposer will provide the same information to the JBE and use the same ordering process.

Proposer is required to maintain a staffed number for ordering, inquiries, and customer service, including requests for maintenance service.

Customer Service

The proposer's customer service process shall ensure that all customer service issues are addressed in a consistent and expeditious manner, including problem escalation and resolution of maintenance and service issues. The customer service process includes, but is not limited to:

- a. Customer service organizational structure.
- b. Contact process and contact person identified by position in the company (phone, email, fax, etc.).
- c. Follow up process.
- d. Internal procedures to track customer service contact and resolution.
- e. Escalation process to resolve outstanding customer service issues.

Installation

All products ordered under any resulting Leveraged Procurement Agreement from this RFP shall be completely installed and tested for functionality by the proposer. The proposer shall provide all materials, equipment, parts and labor necessary for the installation of the ordered products. The proposer shall be responsible to transport all ordered products to the JBE's facility prior to installation. The JBE will not be responsible for risk of loss for any materials delivered to its facility prior to the proposer completing installation of the product.

Proposer is responsible for system integration and software validation. In engineering, system integration is the bringing together of the component subsystems into one system and ensuring that the subsystems function together as a system. In information technology, systems integration is the process of linking together different computing systems and software applications physically or functionally, to act as a coordinated whole. The system integrator brings together discrete systems utilizing a variety of techniques such as computer networking, enterprise application integration, business process management or manual programming.

Reports

The Judicial Council requires semi-annual program reports that include a list of all products that are manufacturer discontinued within the current quarter or are scheduled to be

manufacturer discontinued within the next twelve-month period. The report shall include a proposed replacement product for any product that is manufacturer discontinued. Additionally, the quarterly report shall provide a summary of the equipment and services ordered, including the location where the equipment was installed and the total value ordered during the quarter reported. Quarterly reports must be provided to the designated Judicial Council staff member no later than thirty (30) days after the end of each six month term (December and June) and shall include purchases that are invoiced.

Rejection of Goods or Acceptance of Service

If a JBE requests maintenance service, a designated JBE representative (“Representative”) will review any completed repairs and approve by signing the proposer’s service report. The designated representative must then be given a copy of this approved proposer service report. For time and materials repairs, the proposer’s invoice will not be paid unless the proposer’s service report is approved by the representative.

Estimated Volumes

No minimum ordering estimate is stated in this RFP. The Judicial Council and JBEs will not be required to use any Leveraged Procurement Agreement that may result from this RFP. The Judicial Council and JBEs will make their purchasing decision based on what is in the best interest of the Judicial Council and JBEs.

Procurement Process – Use of Leveraged Procurement Agreement

After award of Leveraged Procurement Agreement(s), requests for goods and services as specified in the Leveraged Procurement Agreement will be made by the Judicial Council and JBEs through the issuance of a Purchase Order. The Purchase Order will reference the Leveraged Procurement Agreement number and will list and describe all of the requested goods and services. The terms and conditions of the Leveraged Procurement Agreement shall take precedence over the terms and conditions of any Purchase Order, contract, or terms and conditions included on an invoice or like document unless changes are made by reference to specific provisions of the Leveraged Procurement Agreement.

3.0 TIMELINE FOR THIS RFP

3.1 Proposed Procurement Schedule

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 12, 2018
Pre-proposal Conference Call. Dial 1-877-820-7831, PASSCODE 652386	April 23, 2018 10:00 am – 11:00 am (Pacific Time)
Deadline for written questions to TCSolicitation@jud.ca.gov	April 25, 2018
Questions and answers posted (<i>estimate only</i>)	May 2, 2018
Latest date and time proposal may be submitted	May 11, 2018 No later than 3:00 pm (Pacific Time)
Evaluation of proposals (<i>estimate only</i>)	Week of May 14-30, 2018
Posting of Technical Scores (<i>estimate only</i>)	June 5, 2018
Public opening of Cost portion of proposals. Time: 10:30 am – 11:00 am Location: 2850 Gateway Oaks Drive, Suite 300 Sacramento, CA 95833 (<i>estimate only</i>)	June 6, 2018
Notice of Intent to Award (<i>estimate only</i>)	June 13, 2018
Negotiations and execution of contract (<i>estimate only</i>)	June 13-29, 2018
Contract start date (<i>estimate only</i>)	July 1, 2018
Contract end date (<i>estimate only</i>)	June 30, 2020

3.2 Optional Proposers Conference

The JCC will hold an optional pre-proposal Proposers' Conference on April 19, 2018 at 10:00 AM (PDT). The pre-proposal Proposers' Conference will be held via conference call with number and passcode provided in section 3.1 above. Proposers are not required to attend this Proposers' Conference to be eligible to submit a response to this RFP.

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and 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 a JBE 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 JBE requires in order to process payments and must be submitted with the proposal.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: DVBE Declaration	The Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.
Attachment 9: 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.

5.0 PAYMENT INFORMATION

Payment provisions are set forth in Appendix B (Payment Provisions) of Attachment 2, Master Agreement Terms and Conditions.

6.0 PRE-PROPOSAL CONFERENCE CALL

The JBE will hold a pre-proposal conference call on the date identified in the timeline above and Section 3.2 of this RFP. Attendance at the pre-proposal conference is optional. Proposers are strongly encouraged to attend.

7.0 SUBMISSIONS OF PROPOSALS

7.1 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.

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

- a. The Proposer must submit **one (1) original and one (1) copy** of the non-cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original non-cost portion of the proposal (and the copies thereof) must be submitted to the JBE 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.

- b. The Proposer must submit **one (1) original and one (1) copy** of the cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original cost portion of the proposal (and the copies thereof) 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.

- c. 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.

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

Judicial Council of California
Attn: Procurement – Contracts Supervisor
RFP No. TCAS-2018-03-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348

- 7.4 Late proposals will not be accepted.
- 7.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

8.0 PROPOSAL CONTENTS

8.1 Non-Cost Portion. The following information must be included in the non-cost portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. Model number(s), specifications, or other description of the goods the Proposer proposes to supply to the JBE, including warranty information.
- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has provided similar goods. The JBE may check references listed by the Proposer.
- e. 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.
- f. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
- g. Proposed method to complete the work.
 - i. Maintenance Services: including response times to JBE facilities either statewide or within specified region (per sec. ##). Telephone support availability.
 - ii. Service agreement and project management (if any) cost methodology.
- h. 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 (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.
- i. 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. 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.
 - iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
 - iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
 - v. Proof of financial solvency or stability (e.g., balance sheets and income statements).
 - vi. Proposer must complete and provide the Small Business Declaration (**Attachment 5**) only if it wishes to claim the small business preference associated with this solicitation.
 - vii. Proposer must complete a Payee Data Record form. (**Attachment 6**)

- viii. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed certification with its bid.
- ix. Proposer must complete and provide the Bidder DVBE Declaration (**Attachment 8**) only if it wishes to claim the DVBE incentive associated with this solicitation.
- x. Proposer must submit a Bidder Declaration (**Attachment 9**) 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

8.2 Cost Portion. The following information must be included in the cost portion of the proposal.

Item Description	Pricing (less tax) Based on Mandatory Specifications (RFP Section 2.2)
Annual Subscription Price (includes service maintenance, support and web-based training costs): Cost per use – number of notifications:	\$ \$
Annual Subscription Price (includes service maintenance, support and web-based training costs): Cost per recipient – unlimited use:	\$ \$
Other Price Plans – list details of price breakdown and what is included:	\$
One-Time Set Up Price (if applicable)	\$
Optional Specifications – Cost of any options offered, including any applicable options listed in this RFP (Section 2.2 - Options):	\$

9.0 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.

10.0 EVALUATION OF PROPOSALS

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.

CRITERION	MAXIMUM NUMBER OF POINTS
Cost	50
Technical Attributes and Support Services	30
Simplicity and Ease of Use	7
Training Services	5
Acceptance of the Terms and Conditions	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3

11.0 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 interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JBE's offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.

12.0 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.

13.0 SMALL BUSINESS PREFERENCE

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

13.2 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.

13.3 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.

13.4 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.

13.5 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.

13.6 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.

14.0 DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE

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

14.2 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 10.0 above.

14.3 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").

14.4 If Proposer wishes to seek the DVBE incentive:

14.4.1 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.

14.4.2 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.

14.5 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.

14.6 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.

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

15.0 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
Attn: Procurement – Contracts Supervisor
RFP No. TCAS-2018-03-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348