

# REQUEST FOR PROPOSALS

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***COURT OF APPEAL, THIRD APPELLATE DISTRICT***

**REGARDING:**

***ADOBE IMPLEMENTATION SERVICES***

**PROPOSALS DUE:**

***FRIDAY, APRIL 27, 2018***

NO LATER THAN

***4:30*** P.M. PACIFIC TIME

## **1.0 BACKGROUND INFORMATION**

### **1.1 Background**

The Court of Appeal, Third Appellate District (hereinafter referred to as the Court), is located at the historic Stanley Mosk State Library and Courts Building, at 914 Capitol Mall, Sacramento, California, 95814. The Court seeks to enter into a Services Agreement with a suitable vendor who can provide an Adobe Solution that includes development and implementation services.

## **2.0 DESCRIPTION OF SERVICES**

### **2.1 Purpose**

The Court will be implementing an Adobe solution, Correspondence Management System, within the Clerk's Office operations. The solution will provide the Clerk's Office staff the ability to manage the development of all outgoing correspondence related to appeals. Additionally, the Clerk's Office will need the ability to pull data from the current Appellate Court Case Management System (ACCMS) into the correspondence and upload to the e-filing system (OnBase). The case types include civil, juvenile delinquency, juvenile dependency, criminal, and original proceedings. The Court currently generates over 100 existing correspondence related documents. Specifically, the vendor will perform the following tasks.

### **2.2 Set-up:**

Ensure the required hardware and environment are appropriately configured to support the new solution/system.

Work with the Judicial Council of California Information Technology (JCCIT) staff in San Francisco to effectively accomplish this task.

This effort will not require the ongoing support of the environment as that would be the responsibility of the JCCIT.

### **2.3 Design:**

Work with the Clerks' Office subject matter experts to identify all related documents, and determine best practices for the design of existing and future templates.

### **2.4 Develop:**

Five to ten initial document templates with subject matter experts.  
Data model for integration with Appellate Court Case Management System.

Integration to push final correspondence (PDF) to OnBase.

**2.5 Training:**

Authors – Creating and modifying correspondence.  
Users - Generating ad hoc correspondence.  
Additional tasks as needed.

**2.6 Options:**

1. There is a chance the Court will not have the design environment ready at the time of contract approval. As such, provide an option for standing up a temporary sandbox pending the design environment.
2. An optional hourly rate is requested as part of this bid for use of services on other Adobe solution projects. These services could include AdobePro training.

**3.0 TIMELINE FOR THIS RFP**

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

No.	EVENT	DATE
1.	RFP Issued:	April 6, 2018
2.	Deadline for Proposers to Submit Questions, Requests for Clarification, or Modifications to <a href="mailto:3DCA-Info@jud.ca.gov">3DCA-Info@jud.ca.gov</a> (4:30 p.m. PDT)	April 13, 2018
3.	Questions and Answers Posted ( <i>estimated date</i> )	April 18, 2018
4.	<b>RFP Response Due</b>	April 27, 2018
5.	Review and Scoring of Technical Proposals ( <i>estimated date</i> )	May 4, 2018
6.	Posting of Technical Scores ( <i>estimated date</i> )	May 11, 2018
7.	Public Opening of Cost Proposals Notice of Date and Time Will Be Posted at <a href="http://www.courts.ca.gov/rfps/htm">http://www.courts.ca.gov/rfps/htm</a>	May 18, 2018
8.	Notice of Intent to Award ( <i>estimated date</i> )	May 23, 2018
9.	Execution of Agreement ( <i>estimated date</i> )	June 8, 2018

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

##### 4.1 Attachments and Forms

Attachment	Description
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Court Standard Terms and Conditions	<p>If selected, the person or entity submitting a proposal (“Proposer”) must sign this Court’s Standard Form Agreement containing terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a redlined version of the Terms and Conditions that clearly identifies the benefit to the Court from the proposed changes and provides written explanation or rationale for each proposed change. The following provisions within the Terms and Conditions are non-negotiable provisions (“Mandatory Terms”):</p> <ul style="list-style-type: none"> <li>Qualification in California</li> <li>Nondiscrimination</li> <li>Domestic partners, spouses, gender, gender identity</li> <li>National Labor Relations Board</li> <li>Expatriate Corporations</li> <li>Sweatshop Labor</li> <li>Child Support Compliance Act</li> <li>Iran Contracting Act</li> <li>Termination Due to Nonavailability of Funds</li> <li>Loss Leader</li> <li>Antitrust Claims</li> <li>Recycled products/post-consumer material</li> <li>Priority Hiring</li> <li>EVBE Commitment</li> <li>Small Business Preference Commitment</li> <li>Union activities</li> <li>State Auditor Audit Provisions</li> </ul>
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. A material exception to a Mandatory Term will render the proposal non-responsive.
Attachment 4: Payee Data Record Form	This form contains information the Court requires to process payments and must be submitted with the proposal.

ATTACHMENT	DESCRIPTION
Attachment 5: General Certifications Form	Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 6: Unruh Civil Rights Act and Fair Employment and Housing Act Certification	Proposer must complete the submit Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 7: Small Business Declaration	Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 8: 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 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

5.1 Please refer to Appendix B of Attachment 2.

## 6.0 SUBMISSIONS OF PROPOSALS

6.1 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.

6.2 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 **two (2) original** hard copies 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 searchable PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted to the Court **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 **two (2) original** hard copies 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 searchable 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 Court 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.

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

Andrea K. Wallin-Rohmann  
Clerk/Executive Officer  
Court of Appeal, Third Appellate District  
914 Capitol Mall  
Sacramento, CA 95814  
[3DCA-Info@jud.ca.gov](mailto:3DCA-Info@jud.ca.gov)  
RFP#: 3DCA17/18-04

- 6.4 Late proposals will not be accepted.

- 6.5 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.

## 7.0 PROPOSAL CONTENTS

7.1 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. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has provided similar goods. The Court may check references listed by the Proposer.
- d. 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.
- e. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The Court may check references listed by the Proposer.

- g. Proposed method to complete the work.
  - i. Outline the implementation and deployment approach of the business requirements referenced in Section 2.2.
  - ii. Identify high level vendor and Court responsibilities in the implementation of the business requirements.
- 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. **Proof of Good Standing:** If Proposer is a corporation, the Proposer must present proof that it is in good standing and qualified to conduct business in California.
  - ii. **Business License:** Proposer must provide copies of current business licenses, professional certifications, or other credentials.
  - iii. **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).
  - iv. **Acceptance of Terms and Conditions:** Proposer must complete and provide the Bidder’s Acceptance of Terms and Conditions (Attachment 3). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a proposal non-responsive.

If exceptions are identified or additional provisions proposed, the 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 the proposed exception.
  - v. **Payee Data Record:** Proposer must complete and provide the Payee Data Record Form (in lieu of the IRS W-9) (Attachment 4).

- vi. **General Certifications:** Proposer must complete and provide the General Certifications Form (Attachment 5).
- vii. **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 6).
- viii. **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (Attachment 7) only if it wishes to claim the small business preference associated with this solicitation.
- ix. **Bidder DVBE Declaration:** 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 **Bidder Declaration:** 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.

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

IT Services:

- i. A detailed line item budget showing total cost of the proposed services, including costs associated with the following:
  - a. Licensing
  - b. Hosting
  - c. Maintenance and Support
  - d. Professional Services
- ii. A full explanation of all budget line items in a narrative entitled "Budget Justification."
- iii. A "not to exceed" total for all work and expenses payable under the contract, if awarded.

**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.



## 8.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Court reserves the right to negotiate extensions to this period.

## 9.0 EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0 at the Court of Appeal, Third Appellate District, 914 Capitol Mall, 4<sup>th</sup> Floor, Sacramento, CA 95814.

The Court 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 Court will post an intent to award notice on May 23, 2018.

<b>CATEGORY</b>	<b>FACTORS</b>	<b>TOTAL POSSIBLE POINTS</b>
Requirements Response	Degree to which the Proposer's solution meets and is likely to deliver the requirement set forth in Section 7.1.	25
Cost Structure	Overall cost based on initial setup and ongoing fees for consumption of services	50
Organization Information and Qualifications	Level of Proposers organization experience, financial stability and qualifications.	10
Acceptance of Terms and Conditions	Level of Proposer's acceptance of Terms and Conditions (Attachment 3)	12
DVBE Incentive	DVBE Incentive points.	3
		100

## **10.0 INTERVIEWS**

The Court 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 Court's offices. The Court will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Court will notify eligible Proposers regarding interview arrangements.

## **11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The Court 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 Court's right to disclose information in the proposal, or (b) requiring the Court to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

Please refer to Attachments 8 and 9.

## **13.0 SMALL BUSINESS PREFERENCE**

### **13.1 Participation Not Mandatory**

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

### **13.2 Small Business Enterprise (SBE) Incentive**

Eligibility for and application of the small business preference is governed by the Court'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 Court's sole determination, the Proposer has met all applicable requirements. If the 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.

### **13.3 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.

### **13.4 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 7). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

### **13.5 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, Court 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.

### **13.6 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.**

## **14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

### **14.1 Qualification Not Mandatory**

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

### **14.2 DVBE Point Award**

Eligibility for and application of the DVBE incentive is governed by the Court's DVBE Rules and Procedures. The Proposer will receive a DVBE incentive if, in the sole determination of Court staff, the Proposer has met all applicable

requirements. If the 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 9, above.

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

#### 14.4 **Process**

If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the DVBE Declaration (Attachment 8). Proposer must also submit all material required in the DVBE Declaration.
- Proposer must submit with its proposal a Bidder Declaration (Attachment 9) 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.***

#### 14.5 **Failure to Complete Forms**

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

#### 14.6 **Application of DVBE Incentive**

If the 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 Court's Small Business Procedures for the Procurement of Information Technology Goods and Services.

#### 14.7 **Meeting DVBE Commitments**

If the 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 Court 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 PCIVIL 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](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 Court to receive a solicitation specifications protest is the Bid Closing date. (JBCM, Ch. 7, p. 4).

The post-award protest deadline for submission will be 5 Court days after the Notice of Intent to Award has been posted. The protesting party will have 10 calendars days after the Court receives the protest to submit all required information.

Protest must be sent to:

Andrea K. Wallin-Rohmann  
Clerk/Executive Officer  
Court of Appeal, Third Appellate District  
914 Capitol Mall  
Sacramento, CA 95814  
[3DCA-Info@jud.ca.gov](mailto:3DCA-Info@jud.ca.gov)  
RFP#: 3DCA17/18-04