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|  | REQUEST FOR PROPOSALS |
| **Jucicial Council of California**  **Regarding: Energy efficiency Lighting Goods and Services**  admin-2018-08-lb  **PROPOSALS DUE:**  Wednesday, April 25, 2018 no later than 2:00 p.m. Pacific time |

1. **BACKGROUND INFORMATION**
   1. The Judicial Council of California (Judicial Council), chaired by the Chief Justice of California, is the chief policy making body for the California judicial branch. The Judicial Council’s Facility Services is responsible for the operation, repair, maintenance, modification, and environmental compliance of the judiciary's portfolio, which includes over 480 courthouse facilities throughout the State of California.
   2. The Judicial Council’s Sustainability Unit is responsible for the development and implementation of the Judicial Council’s energy and water management, and renewable generation programs. This includes the development and execution of energy and water efficiency measures at Judicial Council owned or managed courthouse facilities.
2. **DESCRIPTION OF GOODS AND SERVICES**
3. The Judicial Council seeks a person or entity to provide a wide variety of LED lighting goods and support services. This RFP may result in the issuance of a master purchase agreement which the Judicial Council will issue purchase orders against for goods and/or services on an as needed basis. The initial term of the master purchase agreement will be three (3) years with two (2) one year renewal options.
4. This RFP includes energy saving products including LED lamps, LED fixtures, fixture replacement parts as needed, and controls. This will also include fluorescent lamp and ballast recycling services and the availability for training support, site technical support and project management on an as needed basis. The Judicial Council estimates the purchases to be approximately $3-5 million dollars annually, however there is no guarantee any purchases will be made as approval of funding is required. NOTE: This will be a fixed price contract.
5. The Judicial Council has partnered with the California Conservation Corp’s (“CCC”) Energy Division to install LED retrofit lighting at many of our courthouse facilities.
6. The CCC prepares an inventory and lighting survey report of all existing lighting fixtures and lamps in a facility. These reports will be provided to the selected vendor prior to the Judicial Council issuing an order for each respective facility. The vendor chosen from this RFP process, will then review information from the report and will make appropriate LED lamp recommendations and create a proposed order package for Judicial Council’s review and approval. The Judicial Council reserves the right to edit, alter, or make changes before creating or approving any purchase orders.
7. The Judicial Council is also seeking a person or entity to provide lamp recycling services of the replaced fluorescent lamps. The cost for this recycling must be a flat fee per lamp assessed upon the purchase of its LED replacement. The chosen vendor must have a qualified lamp recycler licensed in California available for pick up and disposal of fluorescent lamps and ballasts. Coverage of this service must be available for all areas within the State of California. Vendor, or their subcontractor, will be required to pick up by truck transport is mandatory. No mail or box delivery will be considered. Materials to be disposed of will be appropriately packaged and staged at the project site (Judicial Council of California facility), for the recycler to pick up. The proposer will collect the recycling fees from the purchase order/invoicing process and maintain a separate recycling account for the future payment of recycling activities. Items such as ballasts which are not being replaced may have a recycling fee without purchase of replacement. Quantities of such items will be provided on the CCC inventory/survey report prior to issuance of a purchase order. The Judicial Council of California Project Management or it’s designated representative will request in writing for recycling pick up at least two (2) weeks in advance of the expected pick up date. The vendor will be responsible for providing all necessary packing materials, pick up services, transport, and appropriate recycling in accordance with Federal, State, and local laws.

1. Qualified firms, entities or individuals (“Proposer”) must have the ability and technical expertise to provide appropriate goods necessary for energy efficient LED lighting, including, but not limited to, the following:
2. LED lamps, retrofit kits, fixtures, and accessories for interior and exterior energy efficiency lighting retrofitting or replacement.
3. Energy saving devices related to lighting such as controls, fixture ballasts and drivers, switches, etc.
4. Recycling pickup of replaced lamps, ballasts and drivers, and other items associated with energy efficiency retrofit installations.
5. The master purchase agreement will be a “materials” or “goods” agreement with a minimal amount of training/technical support services. The installation of the LED lamps is not included in this this RFP, since these services are provided by a separate vendor.
6. LED lamps will be procured for the retrofitting of the Judicial Council’s facilities which contains a wide variety of lamp types, bases, sizes, wattages, required lumen outputs, and color temperatures. Dimmable lamps and vandal proof fixtures and accessories also need to be available for purchase through the master purchase agreement. The Proposer will need to determine a fluorescent lamp recycling fee that will be charged to each LED lamp sold for the recycling (pickup, packing supplies, etc.) for the existing fluorescent lamp the LED lamp is replacing.
7. Basic services included in the unit cost of materials will include project coordination including creating orders, determining solutions that work with the existing lighting systems, order and track shipments. These services, along with any other labor needed to appropriately execute the scope of work, will be billed in the per unit cost of materials.
8. During the term of the master purchase agreement, the Proposer shall provide a dedicated Project/Account Manager who shall be available 9am-5pm during work days and a customer technical support team who can be reached by phone to answer technical questions from the field installation supervisors. The technical support shall be available 9am-9pm Monday thru Saturday.
   1. **DESCRIPTION OF LED LIGHTING**

The Judicial Council of California seeks goods that meet the following mandatory specifications, and as many of the optional/preferred specifications as possible. The lamps below account for over 90% of the anticipated volume of LED lighting purchases. The described specifications below will be the basis of the cost portion for each Proposer’s response. Note: those specifications labeled “**Mandatory**” are required specifications.

1. **ITEM #1.** **Dimmable LED linear T-8 replacement 4 foot lamps:**

The Judicial Council anticipates order volumes could meet or exceed 10,000 pieces per order.

Provide a solution for:

A LED lamp for use with standard wall Toggle/Rocker switch. Solution can be lamp & driver combination, plug & play and/or direct wire, or any combination to make a proposed solution for re-lamping in either plug & play, direct wire, or lamp plus driver modes. Solution should meet or exceed Mandatory specifications, and include, as many of the Optional/Preferred specifications below as possible:

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| **Mandatory Specifications** |
| 1. 15-18 Watt LED Tube for replacement of T-8 Fluorescent |
| 1. Beam Angle: between 100º - 140º |
| 1. L70 Lumen Maintenance (Hours) ≥50,000 |
| 1. Power Factor ≥0.9 |
| 1. Input Voltage AC 100-277v |
| 1. Frequency 50/60Hz |
| 1. Operating Temperature ≥ -20ºC ~ +40ºC |
| 1. IP Rating IP20 |
| 1. Certification(s) UL, DLC, CUL, RoHS |
| 1. Color Temperature 4000-4200k |
| 1. Poly Carbonate lens, Glass prohibited |
| 1. Diffuser Frosted |
| 1. Efficiency ≥140 lm/w |
| 1. Lumens ≥2100 lm |
| 1. CRI ≥80 |

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| **Optional/Preferred Specifications** |
| 1. Dimmable |
| 1. Type A+B (plug & play and direct wire) installation |
| 1. 10 Year warranty |

1. **ITEM #2. NON-Dimmable LED linear T-8 replacement lamps:**

The Judicial Council anticipates order volumes could meet or exceed 1,000 pieces per order.

Provide a solution for:

A non-dimmable LED lamp for use with standard wall Toggle/Rocker switch. Solution can be lamp & driver combination, plug & play/direct wire hybrid, or any combination to make a proposed solution for re-lamping in either plug & play, direct wire, or lamp plus driver modes. Solution should meet or exceed the Mandatory specifications below as possible:

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| **Mandatory Specifications** |
| 1. 15-18 Watt LED Linear for replacement of T-8 Fluorescent. |
| 1. NON-DIMMABLE |
| 1. Beam Angle: 100º - 120º |
| 1. L70 Lumen Maintenance (Hours) ≥50,000 |
| 1. Power Factor ≥0.9 |
| 1. Input Voltage AC 100-277v |
| 1. Frequency 50/60Hz |
| 1. Operating Temperature ≥-20ºC ~ +40ºC |
| 1. IP Rating IP20 |
| 1. Certification(s) UL, DLC, CUL, RoHS |
| 1. Color Temperature 4000 -4200k |
| 1. Poly Carbonate lens, Glass prohibited |
| 1. Diffuser: Frosted |
| 1. Efficiency ≥110 lm/w |
| 1. Lumens ≥2100 lm |
| 1. CRI ≥80 |

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| **Optional/Preferred Specifications** |
| 1. Type A+B (plug & play and direct wire) installation |
| 1. 10 YEAR WARRANTY |

1. **ITEM #3. LED Lighting “A” Lamp:**

The Judicial Council anticipates order volumes could meet or exceed 50 pieces per order:

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| **Mandatory Specifications** |
| 1. 14-16W LED A19 A-Lamp |
| 1. DIMMABLE |
| 1. ≥25,000 Hours Rated Life Color Temperature 4000 -4200kInput Voltage AC: 120 |
| 1. Lumens: 1100-1400 lm |
| 1. ≥ 80 CRI |
| 1. Minimum 5-year warranty |
| 1. UL and Energy Star 2.0 Certified |
| 1. Fully enclosed fixture rated |

1. **ITEM #4. LED Lighting “A” Lamp:**

The Judicial Council anticipates order volumes could meet or exceed 50 pieces per order:

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| **Mandatory Specifications** |
| 1. 8-10W LED A19 A-Lamp |
| 1. DIMMABLE |
| 1. ≥25,000 Hours Rated Life |
| 1. Color temperature: 4000-4200K |
| 1. Input Voltage:120 |
| 1. Lumens: 800-900 lm |
| 1. ≥ 80 CRI |
| 1. UL and Energy Star 2.0 Certified |
| 1. Minimum 5-year warranty |
| 1. Fully enclosed fixture rated |

1. **ITEM #5. LED Lighting “BR40” Lamp:**

The Judicial Council anticipates order volumes could meet or exceed 50 pieces per order:

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| **Mandatory Specifications** |
| 1. 16-17W LED BR40 Lamp |
| 1. Dimmable |
| 1. ≥25,000 Hours Rated Life |
| 1. Color Temperature: 4000-4100K |
| 1. Input Voltage:120 |
| 1. Lumens: 1000-1500 lm |
| 1. 120 Degree Beam (Wide Flood) |
| 1. UL and Energy Star 2.0 Certified |
| 1. Minimum 5-year warranty |
| 1. Fully enclosed fixture rated |

1. **ITEM #6. LED Lighting “BR30” Lamp:**

The Judicial Council anticipates order volumes could meet or exceed 50 pieces per order:

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| **Mandatory Specifications** |
| 1. 10-12W LED BR30 Lamp |
| 1. Dimmable |
| 1. ≥25,000 Hours Rated Life |
| 1. Color Temperature: 4000- 4100K |
| 1. Input Voltage:120 |
| 1. Lumens: 900-1000 lm |
| 1. 120 Degree Beam (Wide Flood) |
| 1. UL and Energy Star 2.0 Certified |
| 1. Minimum 5-year warranty |
| 1. Fully enclosed fixture rated |

1. **ITEM #7 LED Lighting “Linear T-8 replacement, 2 foot”**

The Judicial Council anticipates order volumes could meet or exceed 50 pieces per order:

A 2 foot 8-10 Watt DIMMABLE LED Tube for replacement of T-8 Fluorescent. Provide dimmable LED lamp (minimum 2 lighting levels) for use with standard wall Toggle/Rocker switch. Solution can be lamp & driver combination, plug & play and/or direct wire, or any combination to make a proposed solution for re-lamping in either plug & play, direct wire, or lamp plus driver modes. Solution should meet or exceed as many of the Mandatory specifications below as possible:

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| **Mandatory Specifications** |
| 1. 15-18 Watt LED Tube for replacement of T-8 Fluorescent |
| 1. Beam Angle: between 100º - 140º |
| 1. L70 Lumen Maintenance (Hours) ≥50,000 |
| 1. Power Factor ≥0.9 |
| 1. Input Voltage AC 100-277v |
| 1. Frequency 50/60Hz |
| 1. Operating Temperature ≥ -20ºC ~ +40ºC |
| 1. IP Rating IP20 |
| 1. Certification(s) UL, DLC, CUL, RoHS |
| 1. Color Temperature 4000-4200k |
| 1. Poly Carbonate lens, Glass prohibited |
| 1. Diffuser Frosted |
| 1. Efficiency ≥140 lm/w |
| 1. Lumens ≥2100 lm |
| 1. CRI ≥80 |

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| **Optional/Preferred Specifications:** |
| 1. Dimmable |
| 1. AB = TYPE A+B (plug & play and direct wire) installation |
| 1. 10-year warranty |

**2.2 ORDERING PROCESS**

The vendor will review the inventory and survey data from the CCC report for each facility, and make appropriate LED lamp recommendations for a functional solution and create a proposed order package for Judicial Council’s review and approval. The vendor’s dedicated account manager will need to coordinate and communicate with the JCC, and CCC to request any clarification or additional information needed (including pictures, measurements, nameplate data, etc.) to make appropriate recommendations for LED lamp replacement. Once approved, the vendor will then create a proposed order, which will be submitted via email to the Judicial Council’s Project Manager for processing of a purchase order. The purchase order will be delivered to the vendor, at which time an order to their designated wholesaler or manufacturer can be placed. The vendor will provide the Judicial Council with the delivery tracking information including the expected delivery date. Upon JCC’s receipt of the goods and/or services, the vendor will then invoice the Judicial Council the corresponding purchase order.

**2.3 SHIPPING & DELIVERY**

Shipping costs are to be included within the unit pricing. For in stock items shipping from the continental US, shipping is expected to be less than fifteen (15) working days from the day the order is placed to delivery at a Judicial Council authorized location in California. For items located outside the continental US, shipping is expected to be less than forty-five (45) working days from the day the order is placed to delivery at a Judicial Council authorized location in California. The Judicial Council, may, on occasion, request in writing, 2-day or overnight (expedited shipping) on an order. Expedited shipping costs will not be marked up by Proposer. Delivery locations may be at any Judicial Council, California Conservation Corps, or otherwise designated facility in California as directed by the Judicial Council or its designated representative.

* 1. **SUPPLEMENTAL SERVICES**

The Judicial Council, may, on occasion, request in writing, Proposer to provide Supplemental Services, including but not limited to the below Services. Proposers must identify the qualifications of the staff proposed, and any applicable cost per hour to provide the Supplemental Services.

Provide training and support to the CCC staff, in the areas of:

1. On-site technical support-
   * 1. From time to time, it may be necessary to provide technical support in person at a given facility site to assist in lamp identification, fitment, installation methods, etc.

1. Lighting survey support-
   * 1. CCC Lighting survey personnel may require extended training or support in lighting surveys. This is usually extended conference calls, telephone based video calls, etc. for the purposes of assisting with the production of lighting surveys and /or existing lighting inventory.

1. Lighting retrofit project management-
   * 1. If the Judicial Council needs project management services for management of lighting retrofit projects, the vendor may be asked to provide a project management services (scheduling, installation crew support and direction, post installation inspection to manufacturers specifications, coordination with all stakeholders, etc.).
   1. **DESIRED SERVICE QUALIFICATIONS**

It is the Judicial Council’s desire the Proposer satisfy as many of the following requirements as possible:

1. A minimum of five (5) years’ experience in providing lighting materials and services for facilities totaling over 5 million square feet.
2. A minimum of five (5) years’ experience in project management of lighting projects.
3. A minimum of five (5) years’ work experience with public agencies.
4. Ability to coordinate and manage all manufacturer warrantees for products purchased.
5. Experience in arranging fluorescent lamp recycling through a California licensed recycler. This could also be a subcontractor of Proposer.

**3.0 RFP TIMELINE**

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

| **EVENT** | **DATE** |
| --- | --- |
| RFP issued**:** | April 11, 2018 |
| Pre-proposal Conference Call @ 3 p.m. | April 16, 2018 |
| Deadline for questions by 2 p.m. (PT) Submit to mail box solicitations@jud.ca.gov | April 17, 2018 |
| Questions and answers posted *(estimate only)* | April 18, 2018 |
| **Latest date and time proposal may be submitted by 2 p.m. (PT)** | **April 25, 2018** |
| Evaluation of proposals (*estimate only*) | April 26, 2018 |
| Notice of Intent to Award (*estimate only*) | April 27, 2018 |
| Negotiations and execution of contract (*estimate only*) | May 15, 2018 |
| Contract start date (*estimate only*) | May 18, 2018 |
| Contract end date (*estimate only*) | May 18, 2021 |

**4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs (Non-IT Services): | These rules govern this solicitation. |
| Attachment 2: Judicial Council Standard Terms and Conditions | If selected, the person or entity submitting a bid (“Proposer”) must sign this Judicial Council Standard Form agreement. |
| Attachment 3: Proposer’s Acceptance of Terms and Conditions | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. |
| Attachment 4: General Certifications Form | The Proposer must complete the General Certifications Form and submit the completed form with its proposal. |
| Attachment 5: Darfur Contracting Act Certification | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 6: Payee Data Record Form | This form contains information the Judicial Council requires to process payments and must be submitted with the proposal. |
| Attachment 7: Iran Contracting Act Certification | The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 8: Unruh and FEHA Certification | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 9: Bidder Declaration Form | Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation. |
| Attachment 10: DVBE Declaration Form | Complete this form for all DVBE’s |
| Attachment11 : Non-Cost Information | The Proposer must complete this Attachment and return the completed form with its proposal. |
| Attachment 12: Cost Information | The Proposer must complete this Attachment and return the completed form with its proposal. |
| Attachment 13: FTP Site Instructions | The Proposer will follow the instructions to enter the FTP site to access CCC survey and inventory samples. |

1. **PAYMENT INFORMATION**

Payment will be in accordance with the Master Purchase Agreement, Appendix B, Payment Provisions.

1. **Pre-proposal Conference CALL**

The Judicial Council will hold a pre-proposal conference call on the date identified in the timeline above. The pre-proposal conference call will be held on Monday April 16, 2018 at 3 p.m. Please call 1-877-820-7831 and enter Participant Code: 326556#. Attendance on the pre-proposal conference call is optional. Proposers are strongly encouraged to participate.

**7.0 SUBMISSIONS OF PROPOSALS**

1. Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
2. The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
3. The Proposer must submit **one (1) original and one (1) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
4. The Proposer must submit **one (1) original and one (1) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
5. The Proposer must submit an electronic version of the entire bid on CD-ROM or USB stick drive. The files contained on the CD-ROM or USB stick drive should be in PDF, Word, or Excel formats, as appropriate.
6. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Judicial Council of California

Branch Accounting and Procurement | Administrative Division Attn: Lenora Fraga-Roberts, RFP-ADMIN-2018-08-LB

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688

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

**8.0 PROPOSAL CONTENTS**

8.1 Non-Cost Information

The following information must be included in the non-cost response of your proposal response. A proposal lacking any of the following information may be deemed non-responsive.

* 1. The Proposer’s name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
  2. Name, title, address, telephone number, and email address of the individual who will act as the Proposer’s designated representative for purposes of this RFP.
  3. General Overview of Proposer’s Business. Proposer shall include information regarding company/entity description, duration of the business, any key accomplishments.
  4. 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.
  5. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The Judicial Council may check references listed by the Proposer.
  6. Organizational Chart. Proposer shall provide an organizational chart showing the relationship and roles of key staff members.
  7. Proposed method to complete the work.
  8. Attachment 11, Non-Cost Information sheet is requested under the materials section of this RFP. The Attachment must remain in Microsoft Excel format. The Attachment should include model number(s), specifications, or other description of the goods the Proposer will supply to the Judicial Council, including warranty information. Proposer is required to include all manufacturer’s cut sheets for each solution being proposed. Product information shall be clear and easy-to read, and directly taken from the manufacturer, and not faxed or include blurred information. Document format shall be a searchable PDF.

1. Acceptance of the Terms and Conditions.
   * 1. On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.
     2. If exceptions are identified, the Proposer must also submit (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.
2. Certifications, Attachments, and other requirements.
   * + 1. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
       2. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
       3. 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.
       4. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
3. The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.
4. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its bid.
   1. Cost Information.

The following information must be included in the cost proposal:

1. Costing information must be submitted using Attachment 12 Cost Worksheet.
2. The worksheet must remain in Microsoft Excel format as an attachment detailing quantity and labor associated costs. Information must be clear and concise with any additional text placed in each spreadsheet cell.
3. For services provided, Proposer shall include a cost per hour for Supplemental Services as stated in section 2.4 of this document.

**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.

**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**

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

| **CRITERION** | **maximum number of points** |
| --- | --- |
| Proposer’s demonstrated experience with providing materials and services for lighting. | 10 |
| Meeting specifications and/or preferred specifications of materials listed. | 25 |
| Acceptance of terms and conditions | 20 |
| Cost of goods and services | 40 |
| DVBE | 5 |

**11.0 INTERVIEWS**

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

**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 Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

Eligibility for and application of the DVBE incentive is governed by the 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.

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

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 7). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

2. Proposer must submit with its proposal a DVBE Declaration (Attachment 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.

1. 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.
2. 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.
3. If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

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

**14.0 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 Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California

Branch Accounting and Procurement | Administrative Division

Protest Manager –RFP-ADMIN-2018-08-LB

455 Golden Gate Avenue

San Francisco, CA 94102