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|  | REQUEST FOR PROPOSALS   |
| **judicial council of california****REVISION NO. 2****REVISED AUGUST 29, 2017****Regarding:TITLE: ABILITY-TO-PAY ON-LINE TOOL****RFP NO.: CJS-2017-08-ML****PROPOSALS DUE:** **September 20, 2017****no later than 3:00 p.m. Pacific time**  |

**1.0 BACKGROUND INFORMATION**

* 1. The Judicial Council of California (“Judicial Council”) seeks a vendor that will develop software to guide both court users and judicial officers through the process of resolving a traffic infraction, including conducting an ability-to-pay determination. The determination will calculate a specific recommendation for the judge to consider and accept, or to modify. The software will be an online accessible, mobile enabled tool, allowing individuals to resolve their infraction violations without having to come into court. Defendants with traffic infraction cases will be able to go online, create an account, and view the details of their infraction(s). Defendants will also be able to obtain information on how to resolve their case, make in-full or installment payments online, request an ability-to-pay determination as appropriate and receive information about steps toward resolution.
	2. In October of 2016, the Judicial Council was awarded a grant under the U.S. Department of Justice “Price of Justice Initiative” to study issues related to defendants’ inability to pay criminal justice fines and fees. A primary project focus is the development of an ability-to-pay tool to help courts process determinations in a fair and efficient manner. The tool will be piloted in five (5) different court sites, providing key information necessary to understand the tool’s impact on defendant access to the court, payments and case resolution and also possibilities for potential future expansion.

**2.0 DESCRIPTION OF GOODS AND/OR SERVICES**

2.1 **Purpose**

 The primary objective of this Request for Proposals (“RFP”) is to identify a vendor with the capability to develop an ability-to-pay on-line tool (“ATP Tool”) to be deployed and studied in five (5) different pilot court sites. This vendor will develop the tool using agile development methodology with input from a cross- functional team made up of Judicial Council staff, pilot site representatives and front-end design consultants. The selected entity and the cross functional team will maintain regular communication and cooperation throughout the development, exchanging input and feedback to make the tool as user centered as possible.

 The Judicial Council is requesting development, user training and support through initial deployment to help ensure smooth initial implementation at pilot sites, and transfer of knowledge to Judicial Council staff for the support and maintenance of the tool post pilot. With this agreement the Judicial Council seeks sole and exclusive ownership rights to all developed products and materials, including all applicable intellectual property rights, in order for the Judicial Council to use, maintain, enhance, reproduce, and deploy, as the Judicial Council deems appropriate.  Contractor shall assign such rights to the Judicial Council to the extent necessary. The Judicial Council will own the license and the rights to the tool after Contractor has completed the development, deployment and knowledge transfer to Judicial Council staff, at which point Judicial Council staff will maintain, support and enhance the tool.

2.2 **Scope of Work**

 The scope of the RFP is to obtain an on-line ability-to-pay tool including software development and implementation services. The ability-to-pay tool will help courts conduct determinations in a fair and efficient manner as part of an on-line infraction case resolution process. Requirements are detailed in the Requirements Document in **Attachment 8**.

Development of the ATP Tool includes:

* A Defendant configurable workflow
* A Judicial Officer configurable workflow
* An Administrative module to allow for courts to configure their workflow and calculations based on their specific local business practices
* A reporting module to allow for data point collection and extraction
* A short optional user survey at the end of each interaction

Vendor deliverables and services includes:

* Use of Agile development methodology
* Functional and Design Specifications
* Integration to local court payment processing systems
* Query interfaces to court records
* Query interfaces to at least one external state agency
* In the absence of Court Case Management System (CMS) integration, a manual process for updating local court records with key system data
* Project plan, regular status and progress reports
* Implementation and Deployment Plan
* Testing and validation of all system functionality
* Collaboration with the cross functional team on data point collection and extraction
* End-user training
* Help desk services and problem resolution processes during deployment
* Transfer of knowledge to Judicial Council staff for ongoing maintenance & support and future enhancements of the ATP Tool
* Lessons learned analysis and report as part of project closure

2.3 **Overall Project Timeline**

 The Judicial Council intends to award a chosen vendor in October 2017 and engage with them through September 2019. While the most active phase of the project is expected to last through the first 12 months, the proposer’s plan should also include some limited involvement for the next 12 months helping to monitor software use, interpret user surveys and data reports, resolve intermittent issues and turnover software maintenance and enhancement to Judicial Council staff.

| **EVENT** | **DATE** |
| --- | --- |
| Project Kick-off and Software Development Phase**:** | November 2017-April 2018 |
| Software Deployment in five (5) pilot sites | May 2018-October 2018 |
| Software monitoring and evaluation, error fixes, minor enhancements | November 2018-September 2019 |
| Software turnover | September 2019 |

**3.0 ROLES AND RESPONSIBILITIES**

3.1 **Judicial Council Responsibilities**

 The Judicial Council will act as the liaison and coordinator to the cross functional team assuring the team is communicating with the developers and answering questions. The Judicial Council will be responsible for obtaining any contracts or permissions needed to access external databases and any detail requested by the selected entity to allow integrations with court case management systems.

3.2 **Vendor Responsibilities**

The vendor is responsible for leading the development and agile project management of the on-line infraction resolution and ability to pay tool. It is the vendor’s responsibility to submit project development, training, deployment and transfer of knowledge plans for review and acceptance by the Judicial Council. The vendor will incorporate user centered design principles by facilitating input from the cross functional team and also usability experts as appropriate. The vendor will notify the Judicial Council of any subcontracts it intends to enter into and the Judicial Council will approve the selected subcontractor entities. The vendor will plan and conduct a post-project review highlighting lessons learned for this project after deployment and facilitate a transfer of knowledge to Judicial Council staff responsible for ongoing tool configuration, maintenance and future deployment.

**4.0 TIMELINE FOR THIS RFP**

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

| **EVENT** | **DATE** |
| --- | --- |
| RFP issued**:** | **August 23, 2017** |
| Pre-proposal Telephone Conference Call at 1:00 pm, Pacific Time (attendance is optional) Dial 1-877-820-7831, PASSCODE 109630 | **August 29, 2017** |
| Deadline for questions to solicitations@jud.ca.gov  | **August 31, 2017** **at 3:00 p.m. (Pacific Time)** |
| Questions and answers posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) *(estimate only)* | **September 4, 2017** |
| Latest date and time proposal may be submitted  | **September 20, 2017** **No later than 3:00 pm (Pacific Time)** |
| Evaluation of Technical proposals (*estimate only*) | **September 20, 2017-September 27, 2017** |
| Technical proposals scores posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) *(estimate only)* | **September 28, 2017** |
| Public opening of cost portion of proposals. Notice of time and location will be posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) *(estimate only)* | **September 29, 2017** |
| Notice of Intent to Award (*estimate only*) | **October 6, 2017** |
| Negotiations and execution of contract (*estimate only*) | **October 9-13, 2017** |
| Contract start date (*estimate only*) | **November 1, 2017** |
| Contract end date (*estimate only*) | **September 30, 2019** |

**5.0 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: Judicial Council Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Judicial Council Standard Form agreement containing these terms and conditions(the “Terms and Conditions”).  |
| Attachment 3: Proposer’s Acceptance of Terms and Conditions | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.  |
| Attachment 4: General Certifications Form | The Proposer must complete the General Certifications Form and submit the completed form with its proposal. |
| Attachment 5: Small Business Declaration | The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.  |
| Attachment 6: Payee Data Record Form | This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. |
| Attachment 7: Unruh and FEHA Certification | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: Requirements Document[Revision No. 1] | The Proposer must complete the requirements document and submit the completed document with its proposal. |
| Attachment 9: RFP Response Template | The Proposer must complete the response to the RFP and submit the completed document with its proposal |
| Attachment10: NIST Standards | The National Institute of Standards and Technology security standards |
| Attachment 11: | Preliminary Ability-to-Pay-Tool-Data-Collection-Points |
| **Attachment 12:****DVBE Declaration** | **Complete this form only if the Proposer wishes to claim the DVBE inventive associated with this solicitation.** |
| **Attachment 13:****Bidders Declaration** | **Complete this form only if the Proposer wishes to claim the DVBE inventive associated with this solicitation.** |

**6.0 PAYMENT INFORMATION**

**6.1 Deliverables**

The selected vendor will be paid upon acceptance of the following deliverables.

1. **Kick off meeting and presentation of agile software development plan:** Participation in an in person or video conference kick off meeting to review requirements, timeline and deliverables. Selected entity will present their agile software development plan for review and approval by the cross functional team. The plan will include a methodology for incorporating user centered design principles that focus on gaining a deep understanding of who will be using the product and incorporating feedback from user testing into the tool’s development and deployment. The selected vendor will receive design input from the cross functional team, but is encouraged to also coordinate input from usability experts, either on their team already, or through subcontract.
2. **Development iterations/sprint series:** Successful coordination and completion of tool development, including functional and design specifications, through sprint series. The selected entity will organize a series of three development iterations gathering input from the cross functional team, and other experts as appropriate, on design, coding and user testing. The selected entity may propose a payment schedule broken down per sprint/iteration. The Judicial Council will provide sign off and acceptance criteria for each sprint.
3. **Software deployment in five identified sites:** The selected entity will guide the roll out of the software in five sites. The deployment plan and a phased timeline will be presented to the cross functional team for review and approval. The deployment plan will include coordinating and conducting user training. Deployment plan will also include process for resolving any system problems encountered.
4. **Post project review and transfer of knowledge:** The selected entity will organize a final de brief meeting, in-person or by video conference, to culminate the implementation in the pilot sites and facilitate a transfer of knowledge to the Judicial Council team responsible for ongoing tool maintenance, configuration, enhancement and deployment.

**6.2 Payment**

A maximum of $150,000 is available in payment for the services outlined in this RFP. Payment will be made subject to the availability to funds from the United States Department of Justice grant agreement (2016-ZB-BX-0004) with the Judicial Council.

**7.0 Pre-proposal Conference**

The Judicial Council will hold a pre-proposal conference call on the date identified in the timeline above. The pre-proposal conference call information is provided to all interested respondents. Participation in the pre-proposal conference call is optional.

**8.0 SUBMISSIONS OF PROPOSALS**

8.1 Vendors must respond to each and every section of this RFP and all attachments and sub-exhibits. An RFP Response Template has been included (**Attachment 9**) for standardization of responses. 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.

8.2 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 3 copies** 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 Judicial Council 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 3 copies** 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 Judicial Council 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 also 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.

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

  **Judicial Council of California**

 **Attn: Lenore Fraga-Roberts – Bid Desk**

 **RFP# CJS-2017-08-ML**

 **455 Golden Gate Avenue, 6th Floor**

 **San Francisco, CA 94102-3688**

8.4 Late proposals will not be accepted.

8.5 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.

**9.0 PROPOSAL CONTENTS**

9.1 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.

1. Completed Requirements Document and any relevant commentary on specific optional and mandatory system features. (**Attachment 8**)
2. Completed Executive Summary, Organization Overview and Qualifications, Project Management Plan, Product Offering Response, ATP Tool Development and Deployment, Section 6.1, and Additional Information (if desired) sections of the attached Response Template (**Attachment 9**).
3. 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.

iii. **Note: A material exception to a Minimum Term will render a proposal non-responsive.**

1. 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. 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.

iii. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

iv. Proof of financial solvency or stability (e.g., balance sheets and income statements).

v. (Conditional) A signed **Attachment 5**, Small Business Declaration if proposer wished to claim the small business preference associated with this solicitation.

vi. The Proposer must complete **Attachment 6**, Payee Data Record Form.

vii. 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.

viii. The Proposer must complete **Attachment 9**, RFP Response Template and submit the completed document with its proposal.

**vi. (Conditional) A signed Attachment 12, DVBE Declaration if proposer wished to claim the small business preference associated with this solicitation.**

**x. (Conditional) A signed Attachment 13, Bidders Declaration if proposer wished to claim the small business preference associated with this solicitation.**

9.2 Cost Portion. The following information must be included in the cost portion of the proposal. A maximum of $150,000 is available for this solicitation.

IT Services:

i. A detailed line item budget showing total cost of the proposed services following the deliverable schedule outlined in Section 6.0 above.

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.

**10.0 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 Judicial Council reserves the right to negotiate extensions to this period.

**11.0 EVALUATION OF PROPOSALS**

The cost portion of proposals will be publicly opened at the date and time noted in Section 4.0.

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** |
| --- | --- |
| Cost | 50 |
| Acceptance of the Terms and Conditions | ~~5~~**3** |
| Experience and Qualifications | ~~15~~**14** |
| Quality of work plan submitted | 15 |
| Ability to meet requirements | 15 |
| **(“DVBE”) Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers**. | **3** |

**12.0 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 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 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.

**13.0 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.

**14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

~~The Judicial Council has waived the DVBE incentive in this solicitation.~~

* 1. **Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.**
	2. **Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 11 above.**
	3. **To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).**
	4. **If Proposer wishes to seek the DVBE incentive:**
		1. **Proposer must submit with its proposal a DVBE Declaration (Attachment 12) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.**
		2. **Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 13). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.**
	5. **Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.**
	6. **If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.**
	7. **If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.**

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

**15.0 SMALL business preference**

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

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

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

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

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

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

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

**16.0 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

 Attn: Protest Hearing Officer

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 Branch Accounting and Procurement | Administrative Division

 455 Golden Gate Avenue, 6th Floor

 San Francisco, CA 94102-3688