

RFP Title: Diversity Recruiting
RFP Number: HR-2021-09-LV

REQUEST FOR PROPOSALS

**REGARDING:
JUDICIAL COUNCIL OF CALIFORNIA,
HUMAN RESOURCES DIVISION**

TITLE: DIVERSITY RECRUITING

RFP NO: HR-2021-09-LV

**PROPOSALS DUE: OCTOBER 21, 2021
NO LATER THAN 3:00 P.M. PACIFIC TIME**

1.0 BACKGROUND INFORMATION

The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system, and includes the superior courts, appellate courts and state supreme court. 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 Judicial Council also adopts rules for court administration, practice and procedure, and performs other functions prescribed by law. The Judicial Council is the staff agency for the council and assists both the council and its chair in performing their duties.

The Human Resources office of the Judicial Council provides the full range of recruitment and selection services to the employees of the appellate courts, the Judicial Council, the Habeas Corpus Resource Center (HCRC), Supreme Court (SC) and the Commission on Judicial Performance (CJP). The Human Resources office prioritizes increasing the number of applicants from diverse backgrounds while promoting fair and inclusive recruitment, selection, and hiring practices.

2.0 DESCRIPTION OF GOODS AND/OR SERVICES

- 2.1 The Judicial Council is requesting proposals from highly qualified contractors with expertise in taking job postings from the court’s website (www.courts.ca.gov/careers) and sharing them with numerous external diversity or underrepresented minority sites, also known as “scraping” our careers page. Contingent upon approval from Judicial Council, contractors may elect to team with subcontractors to meet the requirement of this RFP.
- 2.2 It is our goal to reach prospective applicants from a wide range of diverse and/or under-represented communities such as (illustrative only) Black and African Americans, Latino and Hispanic Americans, Asian Americans, Native Americans, persons with disabilities, persons from the LGBT+ community, women, persons over the age of fifty, veterans, veterans with disabilities, etc.
- 2.3 Contractor or Contractors will work with the Judicial Council IT department to create tracking tags (XML feed for PeopleSoft). Once the tracking tags are established, then the system will be able to post all the jobs from www.courts.ca.gov/careers to different sites that specialize in diversity recruitment or target underrepresented groups like those mentioned in section 2.2.
- 2.4 Contractor or contractors will provide metrics on a monthly basis that include, but are not limited to data related to:
 - Number of jobs posted on the diversity sites (with detail of which specific site).
 - Number of applicant views on each job posting.
 - Number of applicants that clicked “Apply Now”, if applicable.

- 2.5 Contractor must inform Judicial Branch Human Resources (JBHR) when the diversity or network of affiliate sites change, i.e., when new sites are added or when current sites are no longer utilized.
- 2.6 Contractor should include in their bid whether access to career fairs targeted to underrepresented groups or that are focused on diversity and inclusion efforts would be made available JBHR at regular cost, at a discount, or free of charge.
- 2.7 The Judicial Council intends to award one Master Agreement, for an initial three (3) year agreement with two (2) one-year options to renew. The price schedules per Exhibit 1 are valid for the initial three (3) years of the Master Agreement. If the Judicial Council elects to extend the term of this Master Agreement by exercising any of the two (2) one-year options to renew, any agreed upon price adjustment (whether an increase or decrease) may not exceed the percentage change in the 12-month average of the Consumer Price Index (CPI), below.

http://data.bls.gov/timeseries/CUUR0000SA0?output_view=pct_12mths
Consumer Price Index - All Urban Consumers
12-Month Percent Change
Series Id: CUUR0000SA0
Not Seasonally Adjusted
Area: U.S. city average
Item: All items
Base Period: 1982-84=100

The contractor or contractors shall supply an unknown quantity of job postings.

- 2.8 The Judicial Council may elect to make an award to one contractor if it is in the Judicial Council's best interest to do so. The Judicial Council reserves the right to make only one award, multiple awards or to reject any or all proposals submitted in response to this RFP in whole or in part. The Judicial Council further reserves the right to make no award and to modify or cancel, in whole or in part, this RFP.

3.0 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	September 14, 2021
Deadline for questions must be submitted to solicitations@jud.ca.gov	September 30, 2021 no later than 3:00 p.m. Pacific Time

EVENT	DATE
Questions and answers posted at (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	October 8, 2021
Final proposal due date and time – Non-Cost and Cost Proposals are submitted in different mailboxes, please see below: Non-Cost Only must be submitted to: solicitations@jud.ca.gov	October 21, 2021 no later than 3:00 p.m. Pacific Time October 21, 2021 no later than 3:00 p.m. Pacific Time
Cost Proposal Only must be submitted separately to RFP-HR-2021-LV-COSTS@jud.ca.gov	October 21, 2021 no later than 3:00 p.m. Pacific Time
Evaluation of proposals (<i>estimate only</i>)	October 22, 2021 – November 5, 2021
Non-Cost scores posted on the JCC website (<i>estimate only</i>)	November 12, 2021
Public opening of cost portion of proposals Details to be posted on the courts’ website	November 18, 2021 at 2:00 p.m. (Pacific Time)
Notice of Intent to Award (<i>estimate only</i>)	November 25, 2021
Master Agreement start date (<i>estimate only</i>)	January 1, 2022

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: JCC Standards Terms and Conditions	If selected, the person or entity submitting a proposal (the “Contractor”) must sign the Judicial Council Master Agreement Form agreement (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Condition	On this form, the Contractor must indicate acceptance of the Terms and Conditions. Note: A material exception to a minimum Term will render the proposal non-responsive.
Attachment 4: General Certifications Form	The Contractor must complete the General Certifications Form and submit the completed form with its proposal.

ATTACHMENT	DESCRIPTION
Attachment 5: Darfur Contracting Act Certification	The Contractor 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 in order to process payments and must be submitted with the proposal.
Attachment 7: Small Business Declaration Form	The Contractor must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 8: Bidder Declaration	Complete this form only if the Contractor wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9: DVBE Declaration	Complete this form only if the Contractor wishes to claim the DVBE incentive associated with this solicitation.
Attachment 10: Unruh Civil Rights Act	The Contractor must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.
Attachments 3-10 must be signed by an authorized representative of the Contractor.	
Exhibit 1 – Pricing Sheet	On this form, the Contractor must provide pricing for their scraping service for year 1 to 3 and option years.

5.0 PAYMENT INFORMATION

See **Attachment 2:** JCC Standard Terms and Conditions, Appendix B, Invoicing and Payment.

6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. 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 via email in two parts** the **Non-Cost Proposal** and the **Cost Proposal**, with associated attachments,

6.2.2 **Cost Proposal** - The Proposer must submit their Cost Proposal as an attachment to an email sent to: RFP-HR-2021-LV-COSTS@jud.ca.gov

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

Technical Proposal - solicitations@jud.ca.gov

Cost Proposal - RFP-HR-2021-LV-COSTS@jud.ca.gov

- 6.4 Late proposals will not be accepted.
- 6.5 Proposals must be submitted with signatures by an authorized representative of the contractor by the due date and time as listed on the coversheet and per Section 3.0 in order to be considered.
The Proposer must indicate on the subject line of the email submissions the RFP number and RFP title and also indicate the RFP number and title on the Proposal and all attachments.

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.
- i. The Contractor's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Contractor is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
 - ii. Name, title, address, telephone number, and email address of the individual who will act as the Contractor's designated representative for purposes of this RFP.
 - iii. Model number(s), specifications, or other description of the goods the Contractor proposes to supply to the Judicial Council, including warranty information.
 - iv. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Contractor has conducted similar services. Judicial Council may check references listed by the Contractor.
 - v. Contractors must designate certain highly experienced and qualified individuals in their respective subject matter areas as Key Staff to function in specified roles and serve as consistent, accessible, single points of contact to support the Judicial Council in filling requests under a resulting master agreement.
 - a. **Designate Key Staff:** Identify and designate individual(s) that will serve as Key Staff for Contractor in a subsequent master agreement (if a master agreement is awarded to contractor). The following positions have been designated as Key Staff:

(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.**

7.4 Certifications, Attachments, and other requirements.

- i. The Contractor 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. (Conditional) A signed **Attachment 7**, Bidder Declaration Form if Contractor seeks the Disabled Veteran Business Enterprise preference.
- iv. (Conditional) A signed **Attachment 8**, Bidder DVBE Declaration Form if Contractor seeks the Disabled Veteran Business Enterprise preference.
- v. The Contractor must complete the Darfur Contracting Act Certification (**Attachment 9**) and submit the completed certification with its proposal.
- vi. The Contractor must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 10**) and submit the completed certification with its proposal.

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

- i. **Exhibit 1: Pricing Sheets** must be completed and included as part of the RFP response.
- ii. Contractor pricing must include all anticipated charges, including, but not limited to: cost of materials and product, implementation, training, all applicable taxes, overhead, profit, and cost of providing insurance. Additionally, contractor must include the amount that will be charged for annual license and support costs for the duration of the master agreement as well as the option years.

- iii. Members of the Judicial Council are exempt from federal excise taxes and no payment will be made for any taxes levied on the contractor's or any subcontractor employee's wages. Judicial Council will pay for any applicable State of California or local sales or use taxes on the products provided or the services rendered. Contractor must indicate if it collects State of California taxes on the products provided or the services rendered. All tax must be included as a separate line item on contractor's invoice.
- iv. The contractor's pricing proposal must describe how the annual license and support costs might change in each year of the agreement, how future price increases will be minimized and capped, and how both increases and decreases will be passed on to the Judicial Council if the Master Agreement is renewed after the initial term.

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 Contractor'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.

9.0 EVALUATION OF PROPOSALS

The cost portion of the proposals will be publicly opened via WebEx on the date and time noted in Section 3.0. Notice to be posted on the court website prior to the date of cost opening.

The cost portion will only be opened and evaluated if the Proposer's non-cost portion is determined to be responsive.

Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award(s), if made, will be to the highest-scored proposal(s).

If a contract will be awarded, the Judicial Council will post an intent to award notice at the court's website, www.courts.ca.gov.

CRITERION	MAXIMUM NUMBER OF POINTS
Goods and Services	25

CRITERION	MAXIMUM NUMBER OF POINTS
Cost/Pricing	40
Key Staff	10
Acceptance of the Terms and Conditions	20
(“DVBE”) Incentive Disabled Veterans Business Enterprise incentive is available to qualified contractors.	5

10.0 INTERVIEWS

Judicial Council may conduct interviews with contractors 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, remotely via online application, or by phone. If conducted in person, interviews will likely be held at the Judicial Council’s offices. The Judicial Council will not reimburse contractors for any costs incurred in traveling to or from the interview location. Judicial Council will notify eligible contractors regarding interview arrangements.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

CONTRACTORS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a contractor that is not a publicly traded corporation. All other information in proposals may 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 contractor 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. Contractors are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

12.0 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. Contractor will receive a DVBE incentive if, in the Judicial Council's sole determination, Contractor has met all applicable requirements. If Contractor receives the DVBE incentive, a number of points will be added to the score assigned to contractor's proposal. The number of points that will be added is specified in Section 9 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, Contractor may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If contractor wishes to seek the DVBE incentive:

Contractor must submit with its proposal a DVBE Declaration (**Attachment 9**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If contractor is itself a DVBE, it must complete and sign the DVBE Declaration. If contractor will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if contractor will qualify for the DVBE incentive using a BUP on file with DGS.

Contractor must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). Contractor must submit with the Bidder Declaration all materials required in the Bidder Declaration.

Failure to complete and submit these forms as required will result in contractor 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 contractor not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If contractor receives the DVBE incentive: (i) Contractor will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Contractor 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.

13.0 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 contractor will receive a small business preference if, in the Judicial Council's sole determination, the contractor has met all applicable requirements. If the contractor 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 contractor 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 contractor wishes to seek the small business preference, the contractor must complete and submit with its proposal the Small Business Declaration (**Attachment 5**). The contractor 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 contractor 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 contractor not receiving the small business preference.

If the contractor receives the small business preference, (i) the contractor 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 MISREPRETATION IN CONNECTION WITH THE SMALL BUSINESS PREFERNCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

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); however, in light of the state of emergency related to the COVID-19 pandemic, electronic submissions will be permitted. Failure of a Proposer to comply with the protest procedures set forth in that chapter, with the exception of being permitted to submit a protest electronically, will render a protest inadequate and nonresponsive and will result in rejection of the protest. The deadline for the JCC to receive a solicitation specifications protest is 24 hours after the bid due date and time. Protests must be sent electronically to: Solicitations@jud.ca.gov.