

RFP Title: Diversity Recruitment Services
RFP Number: RFP-HR-2022-10-LV

REQUEST FOR PROPOSALS

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

TITLE: DIVERSITY RECRUITMENT SERVICES

RFP NO: RFP-HR-2022-10-LV

REVISION #1

**PROPOSALS DUE:
NOVEMBER 29, 2022 NO LATER THAN 3:00 P.M. PACIFIC TIME**

This Addendum 1 hereby modifies the RFP as follow:

1. Insertions in the RFP are shown in bold underlined font (**bold underlined font**). Paragraph numbers refer to the numbers in the original RFP.
2. The following changes are made to the RFP

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	November 9, 2022
Deadline for questions must be submitted to solicitations@jud.ca.gov	November 17, 2022 No later than 3:00 P.M. Pacific Time
Questions and answers posted at (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	November 18, 2022
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	November 29, 2022 No Later than 3:00 PM Pacific Time
Cost Proposal Only must be submitted separately to email RFP-HR-2022-10-LV-COSTS@jud.ca.gov .	November 29, 2022 No Later than 3:00 PM Pacific Time
Evaluation of proposals (<i>estimate only</i>)	November 30, 2022 – December 2, 2022
Non-Cost scores posted on the JCC website www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	December 7, 2022
<u>Public opening of cost portion of proposals may be viewed via Microsoft Teams at Click here to join the meeting</u> <u>Meeting number (access code): 224 551 724 204</u> <u>Meeting password: ce63KT</u> <u>Dial in Number: 619-650-0345, Phone Conference ID: 626 767 399#</u> <u>(Call-in toll number (US/Canada))</u>	December 8, 2022 <u>At 11:00 AM PST</u>

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EVENT	DATE
Notice of Intent to Award (<i>estimate only</i>)	December 9, 2022
Contract Start Date (<i>estimate only</i>)	January 1, 2023

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: JBE Standard 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 Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to 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 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 (STD 204)	This form contains information the JBE requires in order to process payments and must be submitted with the proposal.
Attachment 7: Payee Data Record Form Supplement (STD 205)	This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204.
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: Small Business Declaration Form	The Contractor must complete this form only if it wishes to claim the small business preference associated with this solicitation.
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 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 Technical Proposal and the Cost Proposal**, with associated attachments,

6.2.1 **Technical Proposal.** The Proposer must submit their Technical proposal **as a separate attachment** from the Cost Proposal to an email sent to: solicitations@jud.ca.gov

6.2.1.1 The proposal must be signed by an authorized representative of the Proposer.

6.2.1.2 The Technical Proposal must include all components required in **Section 7.0**

6.2.1.3 The Proposer must indicate on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.2.2 **Cost Proposal** - The Proposer must submit their Cost Proposal as an attachment to an email sent to: The Proposer must submit their Cost Proposal via email sent to: RFP-HR-2022-10-LV-COSTS@jud.ca.gov marked “COST PROPOSAL”, separate from the technical proposal.

6.2.2.1 The Cost Proposal must be signed by an authorized representative of the Proposer.

6.2.2.2 The Cost Proposal must include all components required in **Section 7.5.**

6.2.2.3 The Proposer must indicate on the subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received no later than the due date and time.

Late proposals will be rejected. Only written proposals via email will be accepted. Proposals may not be transmitted by fax or other methods.

- 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 Technical Proposal. The following information must be included in the technical 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 Contractor's designated representative for purposes of this RFP
 - c. 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.
 - d. 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:
 - i. **Account or Client Service Representative** will manage or resolve any issues related to the contract, terms and conditions of the master agreement, services issues. The Representative will ensure that jobs are posted accurately and in a timely manner on the diversity sites. The Representative will deliver reports in a timely manner and act as a primary contact for the duration of the master contract.
 - ii. **Accounting Lead** will manage billing, invoices and submit billing reports. The Accounting Lead will be responsible for

- delivering invoices on time and resolving any issues related to billing and invoices.
- iii. **Account Manager or Client Services Manager** will manage or resolve any issues that account or client services representative or accounting lead cannot resolve. The Manager will handle escalation of issues as needed.
- b. **Resumes:** Provide detailed and complete resumes documenting the background and professional expertise of each individual that Contractor proposes to be a designated Key Staff member for Contractor in a subsequent master agreement (if awarded to contractor).
 - c. **Stability of Key Staff:** Identify how long each of the designated Key Staff members have been serving in those specified roles, and if less than two-years for any designated Key Staff, describe the reasons for such short tenure, and identify how long their predecessor(s) served in those roles, and why the predecessor left that role. Describe and discuss the company's specific plans for ensuring stability of Key Staff for the duration of a prospective master agreement.
 - d. **Turnover Rate of Executives and Key Staff:** Describe and discuss the turnover rate of key executives and the designated Key Staff members. Describe and discuss the company's Key Executive / Key Staff retention philosophy.
- e. A completed **Attachment 6:** Payee Data Record Form.
 - f. Acceptance of the Terms and Conditions.
 - i. On Attachment 3, the Contractor must check the appropriate box and sign the form. If the Contractor 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 Contractor 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. Any exceptions not included in the red-lined version of the Terms and Conditions submitted with the proposal will not be considered.
 - iii. **Note: A material exception to a Minimum Term will render a proposal non-responsive.**
 - g. 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. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
- iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- iv. (Conditional) A signed (Attachment 8), Bidder Declaration Form if Contractor seeks the Disabled Veteran Business Enterprise preference.
- v. (Conditional) A signed (Attachment 9), Bidder DVBE Declaration Form if Contractor seeks the Disabled Veteran Business Enterprise preference.

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.

The 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 www.courts.ca.gov.

CRITERION	MAXIMUM NUMBER OF POINTS
Goods and Services	25
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

The 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. The Judicial Council will notify eligible contractors regarding interview arrangements.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Except as required by law, the JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," "copyright ©," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JBE's right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, pursuant to this Section 12.0. **Proposers 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE 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). 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 JCC to receive a solicitation specifications protest is the due date to submit questions. Protests must be sent to:

Protests should be sent to:
Judicial Council of California
Branch Accounting and Procurement, Administrative Division
Attn: Protest Hearing Officer,

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San Francisco, CA 94102-3688