

IFB Title: *VMware vSphere 5 Enterprise*

IFB Number: *IFB-ISD-053014-AA*



# INVITATION FOR BIDS

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**ADMINISTRATIVE OFFICE OF THE  
COURTS (AOC)**

**REGARDING:**

*VMware vSphere 5 Enterprise*

**BIDS DUE:**

***Thursday 06/12/14*** NO LATER THAN ***12:00 P.M.***  
PACIFIC TIME

**1.0 BACKGROUND INFORMATION**

1.1 Judicial Council of California – AOC. The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. 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 council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The AOC is the staff agency for the council and assists both the council and its chair in performing their duties.

1.2 Website. For additional information about this solicitation, including electronic copies of the solicitation documents, see the California Courts Website located at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

**2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

*See Attachment with quantities and specifications for VMware vSphere 5 Enterprise*

**3.0 TIMELINE FOR THIS IFB**

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

**4.0**

EVENT	DATE
IFB issued	<i>Friday 05/30/14</i>
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<i>Tuesday 06/03/14 at 10:00am PDT</i>
Questions and answers posted	<i>Thursday 06/05/14 at 12:00pm PDT</i>
Latest date and time bids may be submitted	<i>Thursday 06/12/14 no later than 12:00pm PDT</i>
Bids publicly opened Location: AOC-Fiscal Services Office Sixth Floor 455 Golden Gate Ave San Francisco Ca, 94102	<i>Friday 06/13/14, at 10:00am PDT</i>
Notice of Intent to Award ( <i>estimate only</i> )	<i>Thursday 06/20/14</i>
Issuance of Purchase Order ( <i>estimate only</i> )	<i>Thursday 06/27/14</i>

**IFB ATTACHMENTS/DOCUMENTS**

The following attachments are included as part of this IFB:

ATTACHMENT / DOCUMENT	DESCRIPTION
Attachment with quantities and Specifications	<i>VMware vSphere 5 Enterprise</i>
Administrative Rules Governing IFBs attachment 1	These rules govern this solicitation; see attachment 1 Governing IFBs.
AOC Standard Terms and Conditions attachment 2	If selected, the person or entity submitting a bid (“Bidder”) must agree to the terms and conditions per attachment <a href="http://www2.courtinfo.ca.gov/termsandconditions2.pdf">http://www2.courtinfo.ca.gov/termsandconditions2.pdf</a> <b>Note: A material exception to the Terms and Conditions will render a bid non-responsive.</b>
Proposer’s Acceptance of terms and conditions attachment 3	This form needs to be signed by (Bidder) and submitted with bid, The Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Darfur Contracting Act Certification attachment 4	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal
DVBE Declaration	This form needs to be signed by (Bidder) if vendor is participating for the DVEB incentive and submitted with bid
Small Business Declaration	Complete this form only bidder will claim the small business preference associated with the solicitation
Payee Data Record Form	This form contains information the AOC requires in order to process payments; see attachment

## 5.0 SUBMISSIONS OF BIDS

- 5.1 Bids should provide straightforward, concise information that satisfies the requirements of Section 6 (“Bid Contents”). Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Bidder must submit its bid in two parts, the non-cost information and the cost information.
- a. The Bidder must submit **one (1) original and (1) copies** of the non-cost information. The original must be signed by an authorized representative of the Bidder. The non-cost information (including all copies thereof) must be submitted to the AOC in a single sealed envelope, separate from the cost information. The Bidder must write the IFB title and number on the outside of the sealed envelope.
  - b. The Bidder must submit **one (1) original and (1) copy** of the cost information. The original must be signed by an authorized representative of the Bidder. The cost information (including all copies thereof) must be submitted to the AOC in a single sealed envelope, separate from the non-cost information. The Bidder must write the IFB title and number on the outside of the sealed envelope.
- 5.3 Bids must be delivered by the date and time listed on the coversheet of this IFB to:

Administrative Office of the Courts  
Attn: Nadine McFadden  
455 Golden Gate Avenue  
San Francisco, CA 94102

- 5.4 Late bids will not be accepted.
- 5.5 Only written bids will be accepted. Bids must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Bids may not be transmitted by fax or email.

## 6.0 BID CONTENTS

- 6.1 Non-Cost Information. The following should be included in the non-cost information. A bid lacking any of the following may be deemed non-responsive.
- a. Bidder’s name, address, telephone and fax numbers, and federal tax identification number. Note that if Bidder 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 Bidder's designated representative for purposes of this IFB.
- c. Model number(s), specifications, or other description of the goods Bidder proposes to supply to the AOC, including warranty information.
- d. Acceptance of the Terms and Conditions.
  - i. Bidder must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other change. If no exceptions are noted, then acceptance will be deemed.
  - ii. If exceptions are identified, the Bidder must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.
  - iii. **Note: A material exception to the Terms and Conditions will render a bid non-responsive.**
- f. Certifications, Attachments, and other requirements.
  - i. Bidder must include the following certification in its bid:

Bidder has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
  - ii. If the Bidder has never been issued a purchase order by or has had a contract with the AOC, then the Bidder must include in its bid a completed and signed Payee Data Record Form, or provide a copy of a form previously submitted to the AOC.
  - iii. If Bidder is a corporation, proof that Bidder is in good standing and qualified to conduct business in California.

- iv. In its bid, Bidder must certify that it and all of its affiliates that make sales for delivery into California are holders of either (i) a California seller's permit issued under Revenue and Taxation Code section 6066 and following; or (ii) a certificate of registration issued under Revenue and Taxation Code section 6226.

6.2 Cost Information. The following must be included in the cost information.

- a. The cost per unit for the goods described in the non-cost information.

**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.

## **7.0 OFFER PERIOD**

A Bidder's bid is an irrevocable offer for thirty (30) days following the bid due date. In the event a final contract has not been awarded within this thirty (30) day period, the AOC reserves the right to negotiate extensions to this period.

## **8.0 EVALUATION OF BIDS**

The bids will be publicly opened at *the time and place noted in Section 3.0, Timeline for this IFB.*

The AOC will evaluate the bids as described in the Administrative Rules. Award, if made, will be to the lowest responsible bidder meeting specifications.

The AOC may conduct interviews with Bidders to clarify aspects of their bids. The interview process may 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 AOC's offices in San Francisco. The AOC will not reimburse Bidders for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Bidders regarding interview arrangements.

## **9.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

One copy of each bid will be retained by the AOC for official files and will become a public record. California judicial branch entities are subject to rule 10.500 of the California Rule of Court (see [www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_500](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500)), which governs public access to judicial administrative records.

If information submitted in a bid contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to

such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

## **10.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

Bidders may receive a DVBE incentive if, in the Court's sole determination, Bidder has met all applicable requirements. If Proposer receives the DVBE incentive, the total bid price will be adjusted by 3%. This reduction is for evaluation purposes only and will not affect the contract amount.

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

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, Bidder may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

Bidders seeking the DVBE incentive must complete the Bidder Declaration and DVBE Declaration (Attachment I) with all materials specified.

**Bidder Declaration** – Each Bidder seeking the DVBE incentive must complete the Bidder Declaration. Only one (1) Bidder Declaration should be submitted for each proposal.

**DVBE Declaration** - Each DVBE business that will provide goods and/or services in connection with the contract must submit a DVBE Declaration with the proposal. This includes subcontractors. If Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Bidder will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

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

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## 11.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see [www.courts.ca.gov/documents/jbcl-manual.pdf](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Bidder 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 AOC to receive a solicitation specifications protest is within ***24 hours after the bid due date and time***. Protests should be sent to:

AOC – Business Services  
ATTN: Protest Hearing Officer  
455 Golden Gate Avenue, Sixth Floor  
San Francisco, CA 94102