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|  | INVITATION FOR BIDS |
| **Judicial council of california**  **Regarding: *[Toll Free Reservationless Audio Only Conferencing Service***  IT-2023-10-SB  **BIDS DUE:**  *[3/28/2023]* no later than *[1:30]* p.m. Pacific time |

1. **BACKGROUND INFORMATION**

Judicial Council of California. The Judicial Council of California (JCC), 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 Judicial Council is the staff agency that assists both the council and its chair in performing their duties. The Supreme Court of California, the First District Court of Appeal, and the Habeas Corpus Resource Center are independent Judicial Branch Entities (**JBEs**) that will also be party to the Agreement for Toll Free Reservationless Audio Only Conference Services.

The Judicial Council seeks to obtain offers for services to provide a Reservationless Audio Conferencing Service with an option for the public to dial into a conference line.

**Contract Term**

The Judicial Council of California, on behalf of all JBEs, intends to award a single master agreement for the Toll Free Reservationless Audio Only Conference Services. The initial term will be a one (1) year term, with three (3) consecutive one-year renewal option terms. Each of the three options term may be exercised at the Judicial Council’s sole discretion.

The Judicial Council does not guarantee that master agreement awardee will receive a specific volume of work, a specific total contract amount, or a specific order value under the master agreement executed pursuant to this IFB.

**2.0 DESCRIPTION OF GOODS**

The person or entity awarded the master agreement (Contractor) shall provide Reservationless Audio Only Conference Services with the following Specifications:

Each conference line can be ordered on an as-needed basis and will include:

* Toll Free Number and Toll Number.
* Allow up to a minimum of 100 participants.
* Ability to allow certain callers to dial into a conference line and automatically to be put in a muted state.
* Per minute/per caller usage only. No monthly recurring costs.
* Dedicated Account Manager.
* 24/7 Customer Service Number.
* Ability to record a meeting. No additional cost to this service. The service should have the ability to download the meeting to a .wav file with a minimum retention of 30 days.
* Ability to allow a “Lecture” style meeting, where there are groups: Host, Participants and General Public. The host and participants will be able to dial into the conference line and be able to speak. When the General Public dial into the conference line, they will be automatically put in a muted state. Could be substituted with a listen-only passcode.
* For the users (ie General Public) that are in a muted state, they will not have the ability to unmute themselves. Only the host can unmute them.
* Tone commands for functions such increasing/decreasing volume, mute/unmute, access to the Help Menu.
* Tone Commands for Moderator controls which includes participant commands, as well as functions such as recording a conferencing, enable/disable security code, enable/disable entry tones, participant count, disconnect lines, lock/unlock conference, Mute/Unmute.
* Ability to run reports online.
* Ability to run a report showing how many callers dialed in, time and date.
* Ability to export accurate statistical information of a conference call. We need to see how many callers call in and from what numbers.
* Ability to modify or add a note to a caller’s Caller ID on the online-portal. For example, a number of callers from our agency dialed in, all had a caller id of 415-865-4200. The host would request the ability to modify or make note of that caller ID on the online portal during the call so they can identify who is speaking.
* Ability to disable hold music
* Ability to access the invoices online
* Ability to have the option of callers to be dropped from the call if the Host has not arrived within a specific number of minutes.
* Ability to automatically end the call once the Host leaves the meeting.
* Ability to change/add/delete Hosts Names online
* Ability to export all users into a .csv, pdf or excel file.
* Ability to send a summarized billing statement for all the users
* Ability to send a detailed bill/statement to each Host or Group
* Ability to provide a summarized bill for each group/users
* Ability to assign create groups/Client ID’s and assign hosts accounts underneath these groups.
* Ability to send invoices online.
* Automatically delete a conference line if there is no usage after 6 months.
* Ability to access an online portal where we can add/delete or modify accounts.
* Ability to access a web portal to make changes to the conference line (i.e. change password, enable or disable audible beep when users log into the call, mute/unmute callers, remove callers, record).

**3.0 TIMELINE FOR THIS IFB**

| **EVENT** | **DATE** |
| --- | --- |
| IFB issued**:** | *3/10/2023* |
| Deadline for questions | *3/17/2023 at 1:30pm* |
| Questions and answers posted | *3/21/2023* |
| Latest date and time Bids may be submitted | *3/28/2023 at 1:30pm* |
| Bids publicly opened via Team Meeting:  Meeting Link: [Click here to join the meeting](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTk0MWVlM2QtNzFhNy00M2JlLWEwYzAtMmM2ZTVhMDg0ZDcz%40thread.v2/0?context=%7b%22Tid%22%3a%2210cfa08a-5b17-4e8f-a245-139062e839dc%22%2c%22Oid%22%3a%225fc262ae-2cbb-4471-9c96-018698dc20e4%22%7d)  Meeting ID: 260 810 950 847  Meeting Password: 6VkPVn  Dial in Number: [+1 415-906-0569](tel:+14159060569,,770262996# )  Phone Conference ID: 770 262 996# | *3/30/2023 at 1:00PM* |
| Notice of Intent to Award (*estimate only*) | *4/3/2023*  posted at: *http://www.courts.ca.gov/rfps.htm* |
| Execution of contract (*estimate only*) | *4/15/2023* |
| Initial Term | *May 1, 2023 – April 30, 2024* |
| First Option Term | *May 1, 2024 – April 30, 2025* |
| Second Option Term | *May 1, 2025 – April 30, 2026* |
| Third Option Term | *May 1, 2026 – April 30, 2027* |

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

**4.0 IFB ATTACHMENTS**

The following attachments are included as part of this IFB:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing IFBs (IT Goods): | These rules govern this solicitation. |
| Attachment 2: Master Agreement – Terms and Conditions | If selected, the person or entity submitting a bid (“Bidder”) must sign **this JBE Master Agreement (the “Terms and Conditions”).** |
| Attachment 3: Bidder’s Acceptance of Terms and Conditions | On this form, the Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.  **Note: A material exception to the Terms and Conditions (addition, deletion, or other modification) will render a bid non-responsive.** |
| Attachment 4:  Small Business Declaration | Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| Attachment 5: Payee Data Record Form (STD 204) | This form contains information the JBE requires in order to process payments and must be submitted with the bid. |
| Attachment 6: Payee Data Record Form (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. |
| ***[Only for solicitations of $100,000 or more]***Attachment 7: Unruh and FEHA Certification | Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: Darfur Contracting Act Certification | Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 9: DVBE Declaration | Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration. |
| Attachment 10: Bidder Declaration | Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation. |

**5.0 SUBMISSIONS OF BIDS**

5.1 Bids should provide straightforward, concise information that satisfies the requirements of the “Bid Contents” section below. 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. **Non cost information** - The Proposer must submit via e-mail their non-cost information as a separate Attachment from the Cost Proposal to the Solicitations mailbox at [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). The non-cost information must include all component required in Section 6.1 of the IFB. The non-cost information must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission e-mail the IFB title and number and indicate the IFB number and title on the Proposal attachments.

b. **Cost Proposal** - The Proposer must submit via e-mail their Cost Proposal as a separate Attachment from the non-cost information to the Solicitations Mailbox at[IFB-IT-2023-10-SB-COST@jud.ca.gov](mailto:IFB-IT-2023-10-SB-COST@jud.ca.gov)**.** The Cost Proposal must include all components required in Section 6.2. of the IFB. The Cost Proposal must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission e-mail the IFB title and number and indicate the IFB number and title on the Proposal attachments.

5.3 Submission acceptance will be based on the date and time the e-mails are received

by the Judicial Council. Both e-mails must be received no later than the due date and time or the proposal will not be accepted.

5.4 Late bids will not be accepted.

5.5 Only written proposals via e-mail will be accepted. Proposals may not be transmitted by fax.

**6.0 BID CONTENTS**

6.1 Non-Cost Information. The following must 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 JBE, including warranty information.

d. Names, addresses, and telephone numbers of a minimum of two (2) clients for whom the Bidder has provided similar goods. The JBE may check references listed by Bidder.

e. Acceptance of the Terms and Conditions.

i. On Attachment 3, the 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, or other modification.

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 (addition, deletion, or other modification) will render a bid non-responsive.**

f. Certifications, Attachments, and other requirements.

i. Bidder must include the following certifications in its bid:

**Conflict of Interest:** Bidder certifies that it 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. **Sellers Permit**: Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.

iii. **Good standing:** If (i) Bidder is a corporation, limited liability company, or limited partnership, and (ii) the agreement resulting from this IFB will be performed in California, proof that Bidder is in good standing and qualified to conduct business in California.

iv. Bidder must complete the Payee Data Record forms (attachment 5 & 6) and submit with its bid.

v. Bidder complete and submit with its bid the Small Business Declaration (Attachment 4) ONLY if bidder is a DGS certified Small Business and they wish to claim the small business preference associated with this solicitation.

vi. Bidder complete and submit with its bid the Bidder Declaration (Attachment 10) only if bidder is a DGS Certified DVBE or using a DVBE DGS Certified Subcontractor and they wish to claim the DVBE incentive associated with this solicitation.

vii. If Bidder completed any portion of Attachment 10, then bidder must also complete the DVBE Declaration (Attachment 9). A Bidder who provides incomplete or inaccurate information will not receive the DVBE incentive.

viii. **Unruh and FEHA Certification:** *[for solicitations of $100,000 or more]* Bidder 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.

ix**. Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims, and as set forth in Attachments 1 and 2. *See* Gov. Code Sections 4552-4554.

x. **Darfur Contracting Act**: Bidder must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its bid.

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

i. The cost per minute and per caller for the initial contract year and each of the three (3) 1-year option terms.

**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 ninety (90) days following the bid 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.

**8.0 EVALUATION OF BIDS**

The bids will be publicly opened as per schedule or timeline indicated on Section 3 above.

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

The JBE 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 JBE’s offices. The JBE will not reimburse Bidders for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Bidders regarding interview arrangements.

If a contract will be awarded, the JBE will post an intent to award notice at http://www.courts.ca.gov/rfps.htm.

**9.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

One copy of each bid will be retained by the JBE for official files and will become a public record. The Public Contract Code requires that bids be publicly opened and made available for public inspection. Accordingly, Bidder should not include confidential or proprietary information in its bid.

**10.0 DISABLED VETERAN BUSINESS ENTERPRISE (“DVBE”) 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 JBE’s DVBE Rules and Procedures. Bidder will receive a DVBE incentive if, in the JBE’s sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 3% of the lowest responsible bid, not to exceed $100,000.

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”).

If Bidder wishes to seek the DVBE incentive:

1. Bidder must complete and submit with its bid the Bidder Declaration (Attachment 10). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.

2. Bidder must submit with its bid a DVBE Declaration (Attachment 9) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. 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 JBE may request additional written clarifying information. Failure to provide this information as requested will result in Bidder not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive (including the maximum value of the DVBE incentive) may be affected by application of the small business preference. For additional information, see the JBE’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

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 bid unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its bid will constitute a breach of contract.

If using DVBE subcontractors, the Bidder must complete and return to the JBE a copy of the post-contract certification form (https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx), promptly upon completion of the awarded contract, and by no later than the date of submission of Bidder’s final invoice to the JBE. If the Bidder fails to do so, the JBE will withhold $10,000 from the final payment, or withhold the full payment if it is less than $10,000 until the Bidder submits a complete and accurate post-contract certification form.

When a Bidder fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Bidder to cure the deficiency after written notice. Notwithstanding the foregoing and any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Bidder refuses to comply with the certification requirements, the JBE shall permanently deduct $10,000 from the final payment, or the full payment if less than $10,000.

**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.**

**11.0 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 JBE’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Bidder will receive a small business preference if, in the JBE’s sole determination, the Bidder has met all applicable requirements. If the Bidder receives the small business preference, the score assigned to its proposal will be given a 5% preference consistent with Public Contract Code Section 12012.2(c). 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 Bidder 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 Bidder wishes to seek the small business preference, the Bidder must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Bidder 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 Bidder not receiving the small business preference. In addition, the JBE may request additional written clarifying information. Failure to provide this information as requested will result in the Bidder not receiving the small business preference.

If the Bidder receives the small business preference, (i) the Bidder 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.**

**12.0 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*). 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 JBE to receive a **solicitation specifications protest** is the bid due date. Protests should be sent to:

Judicial Council of California

ATTN: Protest Hearing Officer

Branch Accounting and Procurement | Administrative Division

ATTN: Protest Hearing Officer, RFP Number CFCC-2022-08-SB

455 Golden Gate Avenue, 6th floor

San Francisco, CA 94102-3688

**Protests of an Intent to Award** shall be filed with the JBE within five working days after the Notice of Intent to Award is published. Authority to protest may be limited to participating bidders.