

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

# REQUEST FOR PROPOSALS

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***JUDICIAL COUNCIL OF CALIFORNIA***

**REGARDING:**

**RFP: IT-2019-60-RB**

**TITLE: PHOENIX SAP HANA CLOUD MIGRATION**

**PROPOSALS DUE:**

***February 10, 2020***, NO LATER THAN **3** P.M. PACIFIC TIME

## 1.0 BACKGROUND INFORMATION

The Judicial Council of California (“JCC”) is seeking to acquire systems integration services (“**Phoenix SAP HANA Cloud Migration**”) (hereinafter referred to as the “Project”) to perform:

- Migration of its Phoenix SAP ECC ERP (Enterprise Resource Planning) to a Cloud Services Provider (“CSP”) hosting SAP Suite on HANA, or alternatively, S/4HANA; and
- Migration of its Phoenix SAP Business Warehouse (“BW”) to a Cloud Services Provider hosting SAP BW on HANA.

The JCC already has successfully implemented Government and Commercial Cloud Tenants in Amazon Web Services and Microsoft Azure. Proposers shall propose a Project solution with either as the target environment. Cloud Hosting Services for Phoenix on either Amazon Web Services (“AWS”) or Microsoft Azure will be secured by the JCC using one of its existing Judicial Branch Leveraged Purchase Agreements (“LPA”) currently in effect. It is assumed that all services (e.g. SAP-certified compute and storage) necessary to support cloud hosting services for the Project are available from AWS or Microsoft Azure under these respective LPAs.

Additionally, the JCC will secure multi-year Maintenance and Operational Support for Phoenix and all other JCC programs through a separate Enterprise Managed Services Contract which shall be finalized in the first half of 2020.

The Phoenix Program utilizes SAP software and various complementary tools to provide the Superior Courts in the State of California with integrated financial and human resource system functionality, financial reporting and interface to other Courts and vendors.

Currently, Phoenix provides services on behalf of the Superior Courts of the State of California. Phoenix provides:

- Human Capital Management (“HCM”) for 17 Superior Courts; and
- Financial Accounting (“FI”) for all 58 Superior Courts.

Refer to Exhibit 1 for an understanding of the Statewide presence of Phoenix and most-recent metrics for services provided to California Trial Courts.

### 1.1 Phoenix Organization

Phoenix is administered by the JCC Center of Excellence (“COE”). Application Maintenance and Operations (“M&O”) support is performed by a mature Phoenix support

organization. The Phoenix Program has received primary SAP CCOE certification and as such, generally follows all SAP recommendations for methodology.

Refer also to Exhibit 1 for the Phoenix Organization.

### **1.2 Current Phoenix Landscape**

Presently, Phoenix is hosted in three separate locations and managed by a third-party Managed Services provider:

- 2 environments support BW and ECC application development in San Francisco, CA;
- 3 environments support BW and ECC testing, training and application staging in Omaha, NE; and
- 1 environment supports production ECC operations in Tempe, AZ.
- Solution Manager is hosted in 1 environment in each of the locations.

### **1.3 Cloud Migration Goals**

- Easily scale computing environments to meet daily and seasonal needs with little or no investment in capital and labor
- Focus JCC resources on strategic business issues by making technical changes largely automated
- Modernization of systems and infrastructure for future maintenance on the latest SAP releases
- Cost reduction for the IT infrastructure and IT management
- Increase in performance through SAP HANA and a cloud infrastructure
- Maintain Phoenix viability beyond 2025

## **2.0 DESCRIPTION OF SERVICES**

### **2.1 Requested Services**

Proposers must propose solutions and include implementation costs for all Requirements directed by this RFP. Failure to provide adequate responses to any Section shall be grounds to disqualify a Proposer.

For more detailed information on the Description of Services, please refer to Appendix A – Project Requirements and Response Instructions.

### **2.2 Scenarios**

In order to assess the financial feasibility for the Target Landscape, the JCC is soliciting proposals for 2 Scenarios: migrating its on-premise ECC to Suite on HANA (“SoH”) and, alternatively, to S/4HANA (“S/4”). BW on HANA is the Target Business Warehouse

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

Landscape for either Scenario. There are implications implicit for Proposers for the 2 Scenarios. Proposers shall provide separate Cost Workbooks for each Scenario when addressing the respective requirements. A single set of Requirement Response Matrices is expected from the Proposer.

### **2.3 Approach**

The JCC is seeking a considered approach based on Proposers prior experience and successful completion for these types of Projects. The JCC is requesting that Proposers propose a solution that limits the impact to Phoenix services (“Business Downtime”) and minimizes the JCC’s dependency for dual on-premise and cloud hosting environments during migration and cutover.

### **2.4 Requested Qualifications**

The Proposer will have experience with, and appropriate understanding of SAP Enterprise business practices, including but not limited to: SAP ERP, SAP S4/HANA, SAP Business Suite on HANA, SAP Solution Manager, SAP Business Warehouse and SAP Portal EP as well as expertise in infrastructure components Red Hat Enterprise Linux, Apache reverse proxy, and Oracle relational databases.

The Proposer will have core knowledge of hardware virtualization, load balancing, networking, security and operations and a solid understanding of public and private clouds (i.e. SAP HANA Enterprise Cloud and Secure HANA Cloud, Amazon Web Services, Microsoft Azure.).

The Proposer will have demonstrated a thorough knowledge of converting and migrating SAP ECC ERP on-premise applications to cloud service providers hosting SAP Business Suite on HANA and/or SAP S/4HANA. Proposer shall be able to demonstrate experience in SAP S/4HANA custom code remediation and S/4HANA Simplification.

In addition, the JCC expects that a prevailing Proposer will have core expertise in infrastructure, application project management and project lifecycle experience for requirements analysis, design, development, installation, system upgrades, configuration, performance tuning, system sizing, administration, implementation, functions, features, forms, and reports.

The Proposer will be able to demonstrate experience as an ITIL Certified Managed Services provider with mature ITSM policies, procedures, and practices.

To successfully complete the Project, the Proposer will work with the Phoenix Program SAP Customer Center of Excellence (COE), located in both the San Francisco (Information Technology (IT) and Sacramento (Branch Accounting and Procurement (BAP) offices. Proposer must also engage representatives from the Cloud Services and Managed Services Providers during the term of the Project, beginning with Project Kickoff.

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

### **3.0                   TIMELINE FOR THIS RFP**

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

RFP: IT-2019-60-RB  
 Title: Phoenix Cloud Migration

Events	Date
RFP issued	December 13, 2019
Pre-proposal Conference 3:00 PM, Pacific Time. Call in number to be provided	January 7, 2020
Deadline for questions 3:00 PM, Pacific Time. Questions should be sent to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a> .	January 9, 2020
Questions and answers posted	January 13, 2020
Latest date and time proposal may be submitted, 3:00 PM, Pacific Time	February 10, 2020
Evaluation of proposals	February 11, 2020 - February 28, 2020
Anticipated interview dates for those who meet the <i>mandatory requirements</i> . Proposer has the option to choose between In-person (in JCC Sacramento) or Telephonic interview.	February 18, 2020 - February 28, 2020
Non Cost Technical proposals score posted at <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> (estimate only)	March 2, 2020
Public opening of cost portion of proposals	March 3, 2020 JCC San Francisco, 3rd floor conference room, 10 a.m.
Notice of Intent to Award (estimate only)	March 6, 2020
Deadline to Submit Award Protest (JCC must receive award protest within 5 days of Notice of Intent to Award) (estimate only)	March 13, 2020
Contract Negotiations (estimate only)	March 16, 2020 to June 3, 2020
Execution of contract (estimate only)	June 4, 2020
Contract start date (estimate only)	June 5, 2020
Contract end date (estimate only)	June 4, 2021 or earlier upon Project Acceptance. A One-Year Extension may be exercised at the option of JCC

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Services)	These rules govern this solicitation.
Attachment 2: JCC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JCC 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: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its 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: Payee Data Record Form	This form contains information the JCC requires in order to process payments and must be submitted with the proposal.
Attachment 9: References	The Proposer must complete the Past Performance Form.
Attachment 10: DVBE Bidder Declaration	The Proposer must complete this form only if it wishes to claim the DVBE preference associated with this solicitation.

<b>ATTACHMENT</b>	<b>DESCRIPTION</b>
Attachment 11: DVBE Declaration	The Proposer must complete this form only if it wishes to claim the DVBE preference associated with this solicitation.

The following exhibits and appendices are also included as part of this RFP:

- Exhibit 1 - Phoenix Program
- Exhibit 2 - Phoenix Organization
- Exhibit 3 - Interface List
- Exhibit 4 - BPML List
- Exhibit 5 - Custom Object Workbook
- Exhibit 6 - Current Landscape
- Exhibit 7 - Target Landscape
- Exhibit 8 - Implementation RACI
- Exhibit 9 - JB 2020 JC Calendar
- Exhibit 10 - Infrastructure Assessment
- Exhibit 11 - Anticipated Storage Requirements
- Exhibit 12 - Readiness Check Baseline
- Exhibit 13 - JCTC Information Systems Controls
- Exhibit 14 - ST03N Transaction Profile July
- Exhibit 15 - List of Reports
- Exhibit 16 - JCC Security Architecture
  
- Appendix A - Project Requirements and Response Instructions
  - 1.0 - Fundamental Requirements RTM
  - 2.0 - System Implementation RTM
  - 3.0 - Functional RTM
  - 4.0 - Phoenix Technical RTM
- Appendix B - none
- Appendix C - Vendor Response Template
- Appendix D
  - 1.0 - Cost Proposal Instructions
  - 2.0 - Resource Planner
  - 3.0 - Schedule Planner
  - 4.0 - Cost Proposal Response Template

## **5.0 PAYMENT INFORMATION**

Please refer to Appendix D1 – Cost Proposal and Instructions of this RFP for information on the preparation of the Proposer’s Cost Workbook:

- Appendix D2 - Cloud Upgrade Resource Planner;

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

- Appendix D3 - Cloud Upgrade Schedule Planner;
- Appendix D4 – Cloud Upgrade Cost Proposal Response Template (Proposers to provide 2 copies: 1 for SoH and 1 for S4).

## 6.0 PRE-PROPOSAL CONFERENCE

The JCC will hold a pre-proposal conference on the date identified in the timeline above. Prospective Proposers will be able to attend the pre-proposal conference by teleconference.

Attendance at the pre-proposal conference is optional. Proposers are strongly encouraged to attend.

## 7.0 SUBMISSIONS OF PROPOSALS

7.1 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.

7.2 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 six (6) 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 JCC 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 six (6) 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 JCC 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 submit an electronic version of the entire proposal on USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

7.3 Proposals must be delivered by the date and time listed on the cover sheet of this RFP to:

The Bid Desk

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

Re: RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration  
Branch Accounting and Procurement | Administrative Division  
Judicial Council of California  
455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102-3688

- 7.4 Late proposals will not be accepted.
- 7.5 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.

## 8.0 PROPOSAL CONTENTS

8.1 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.

- 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 Proposer's designated representative for purposes of this RFP.
- c. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JCC may check references listed by the Proposer.
- e. Proposed method to complete the work. Please refer to Appendix A – Project Requirements and Response Instructions.
- f. 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.

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

- 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.
- g. Certifications, Attachments and other Requirements.
- h. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
- i. The Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (ii) a certificate of registration issued under Revenue and Taxation Code section 6226.
  - 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. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 6) and submit the completed certification with its bid.
  - vi. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
  - vii. No Proposer (or subsidiary thereof) that a recommendation may submit a Bid or be awarded a contract to provide those services to the JCC. In addition, no Proposer may be paid out of JCC funds for developing recommendations on the acquisition of IT services or assisting in the preparation of a feasibility study, if that Proposer is to be a source of such acquisition or would otherwise directly and/or materially benefit from the

JCC's adoption of such recommendations or the course of action recommended in the feasibility study. This "follow-on" prohibition does not extend to Proposers that were awarded a subcontract of the original consulting services contract that amounted to no more than 10 percent of the total monetary value of the consulting services contract.

8.2 Cost Portion. The following information must be included in the cost portion of the proposal for each Section:

- i. A detailed line-item budget showing the total NTE cost of the proposed services (See Cost Workbook).
- ii. An overview narrative of Services to be provided.
- iii. A "not to exceed" total for all work and expenses payable under the contract, if awarded.

Failure to provide adequate responses and/or NTE costs for any Section shall be grounds for Proposer disqualification.

**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.

## **9.0 OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for one hundred-twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this period, the JCC reserves the right to negotiate extensions to this period.

## **10.0 EVALUATION OF PROPOSALS**

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0 at any of the rooms in the conference section, third floor of the Judicial Council of California Building, 455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102-3688.

The Judicial Council will establish the total evaluated price for evaluation and comparison.

Proposers should note that the year one price values are applicable throughout the base contract one-year period. Adjustments to the price values will occur at the one-year option period.

The total evaluated price is based upon the contractor's cost proposal and the following calculations:

- The bid with the lowest cost is assigned the maximum number of cost points, 45.

RFP: IT-2019-60-RB  
 Title: Phoenix Cloud Migration

- Each of the other evaluated proposals will be scored as follows:
  1. Divide the lowest bid price by the evaluated bid price to calculate a resulting number;
  2. The total available cost score, 45 points, will then be multiplied by the resulting number from step (1) to arrive at the score for the evaluated number;
  3. Round the score in step (2) to the nearest whole number.

See example below:

<u>Bidder</u>	<u>Bid Amount</u>
A	\$120,000
B	\$110,000
C	\$100,000

Scoring:

<u>Bidder</u>	<u>Score</u>	<u>Calculation</u>
C	45	As lowest bidder
B	41	$100,000/110,000 = 0.909$ ; $45 * .909 = 40.9$ ; rounded to 41
A	38	$100,000/120,000 = 0.833$ ; $45 * 0.833 = 37.5$ ; rounded o 38

The Proposer may also refer to formula outlined in the Judicial branch Contracting Manual at <https://www.courts.ca.gov/documents/jbcl-manual.pdf#page=151>

The JCC will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. The Award, if made, will be to the highest scored proposal.

If a contract will be awarded, the JCC will post an intent to award notice at [www.courts.ca.gov](http://www.courts.ca.gov).

	<b>Points</b>
<b>COMPANY QUALIFICATION</b>	<b>4.0</b>
Proposer is an SAP Partner and also a Partner with the proposed Cloud Service Provider	
Proposer’s history and structure, including total staff size and composition (their capacity), to provide services under this RFP	
Proposer's experience providing services comparable to those requested in this RFP. Added weight is given to large, complex state government entities. Other government entities in similar size to the Judicial Branch is acceptable.	
Number of implementations and customers under management. Added weight for public sector customers.	
Financial Performance - The competitive health of the vendor (e.g. revenue, net income, debt, ratios)	
Market Performance – Gartner ranking, Market Penetration.	
Industry Acceptance.	
<b>KEY PERSONNEL QUALIFICATION AND EXPERIENCE</b>	<b>6.0</b>

RFP: IT-2019-60-RB  
 Title: Phoenix Cloud Migration

Proposed staffing structure (e.g. FTE, 3PP, Account Management), roles and responsibilities	
Applicability of proposed staff qualifications and education, including partners and subcontractors	
Commitment to provide continuity of qualified staff through completion of services	
Proposal includes advisory services of the software vendor SAP, such as support of the HANA Ambassador program, or placement of SAP consulting resource(s) in key project team positions	
Proposed functional and technical experts have worked together with similar roles in prior projects for the proposer	
<b>APPROACH CLEARLY STATED</b>	<b>22.0</b>
Proposer clearly understands the scope of work. Proposer’s questions are considered and demonstrate a thorough review of the RFP.	
Project Plan demonstrates an understanding of the project and the tasks performed.	
Proposer has appropriate expectations of client involvement or level of effort.	
Project Schedule demonstrates ability to complete Project in required timeframe.	
Ability to satisfy Non-Mandatory Requirements (RTM Responses)	
<b>ACCEPTANCE OF JCC STANDARD TERMS AND CONDITIONS</b>	<b>5.0</b>
<b>REFERENCES</b>	<b>5.0</b>
<b>INTERVIEWS</b>	<b>10.0</b>
<b>Evaluation Team Review Criteria</b>	<b>52.0</b>
<b>COST CRITERIA</b>	<b>45.0</b>
<b>DVBE (no broker or agents)</b>	<b>3.0</b>
<b>Procurement Review Criteria</b>	<b>48.0</b>
<b>Total</b>	<b>100.0</b>

## 11.0 INTERVIEWS

The JCC will conduct interviews with all qualified Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of proposals. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. Only Proposers that pass all the *mandatory requirements* will be entitled to interviews.

Please refer to the Appendix A – 1.4.1 JCC-Assigned Requirement Priorities:

Every requirement designated with an RQM-ID in the RTM has been given a “Priority” rating from 1 to 4, indicating the JCC desirability. A priority 1 indicates a Mandatory requirement while a 4 is the lowest rating.

<b>Priority Rating</b>	<b>Priority Type</b>	<b>Definition</b>
1	Mandatory	Mandatory Requirement / Respondent may be disqualified for not meeting requirement
2	Highly Desirable	High Priority Requirement
3	Preferred	Preferred Priority Requirement
4	Minor	Minor Priority Requirement / Nice to Have

The interviews may be conducted in person or by phone at the option of the Proposer. If conducted in person, interviews will be held at the JCC's office in Sacramento. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview arrangements.

## **12.0 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 JCC 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 JCC's right to disclose information in the proposal, or (b) requiring the JCC 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.

## **13.0 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 JCC's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JCC'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 10.0 above.

To receive the DVBE incentive, at least 3% of the contract services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of IT and services,

Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 11). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Proposer must submit with its proposal a DVBE Declaration (Attachment 10) completed and signed by each DVBE that will provide 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.

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

Because this solicitation is for IT services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the JCC’s Small Business Preference Procedures for the Procurement of Information Technology Services.

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 JCC 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. SEE MVC 999.9.

#### **14.0 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 JCC’s Small Business Preference Procedures for the Procurement of Information Technology Services. The Proposer will receive a small business preference if, in the JCC’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

RFP: IT-2019-60-RB  
Title: Phoenix Cloud Migration

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 9). 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 JCC 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 MISREPRETATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

## 15. 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 JCC to receive a solicitation specifications protest is on the proposal due date. Protests must be sent to:

The Contracts Manager  
Branch Accounting and Procurement | Administrative Division  
Judicial Council of California  
455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102-3688  
[www.courts.ca.gov](http://www.courts.ca.gov)