

REQUEST FOR PROPOSALS

REGARDING:

RFP TITLE: JUDICIAL COUNCIL OF CALIFORNIA
WEBSITE COLOCATION FACILITY
RFP NUMBER: IT-OPD-18-043-RB

PROPOSALS DUE:

April 13, 2018 NO LATER THAN 3:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 The Judicial Council of California (Judicial Council), San Francisco is seeking a secured offsite data facility vendor to house critical network and server systems that support the Courts.Ca.Gov website for the Judicial Council, California Supreme Court and District Appellate Courts 7x24.

2.0 DESCRIPTION OF GOODS AND/OR SERVICES

2.1 Seeks qualified bids for the secured offsite hosting of the Courts.Ca.Gov website that serves the public with access to the court systems.

The Judicial Council is actively seeking a qualified and experienced firm to host the Courts.Ca.Gov website in a secured environment with high availability.

The minimum requirement criteria:

- One Full standard size secured four-post enclosed data cabinet that is lockable (not shared with other customers), providing a minimum of 42 u usable space.
- Power requirements: redundant 115v circuits rated at 20amps or greater each on dual metered power strips located in cabinet.
- Backup power requirements: Rack to have 7x24 UPS/Generator backup systems.
- Internet Connectivity minimum 25 Mbps burstable (or greater)
- Static IP address: Minimum ten (10) IP addresses or a /28,
- Onsite facility security 24x7 and monitoring: Ability for Judicial Council technical staff to access facility 24x7 for any scheduled service or unplanned/emergency troubleshooting.
- HVAC and environmental controls to meet cooling, heating and static issues 24x7.
Fire suppression
- 24x7 qualified network/technical support onsite at facility.
- Multi-provider infrastructure (ISP, Power)
- Facility to provide documentation prof that proposed site meets all state and federal regulations as it pertains to data hosting facilities (minimum Tier 3/Level 3, preferred Tier 4 / Level 4 or higher)

2.2 Judicial Council's stats on daily, weekly monthly user (hits) may be provided for comparisons. Judicial Council will supply current existing Data IP addressing and security/firewall requirements.

2.3 The Judicial Council seeks qualified bids from an entity with expertise in medium to large businesses. The entity should have a secured web-hosting facility within a 60-mile radius from the Judicial Council's San Francisco offices located at 455 Golden Gate Avenue, San Francisco, Ca. 94102.

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	<i>March 26, 2018, 3pm PST</i>
Deadline for questions	<i>April 2, 2018</i>
Questions and answers posted	<i>April 6, 2018</i>
Latest date and time proposal may be submitted	<i>April 13, 2018, 3pm PST</i>
Evaluation of proposals (<i>estimate only</i>)	<i>April 16-20, 2018</i>
Public opening of cost portion of proposals	<i>April 23, 2018, 11am PST</i>
Notice of Intent to Award (<i>estimate only</i>)	<i>April 27, 2018</i>
Negotiations and execution of contract (<i>estimate only</i>)	<i>April 30, 2018</i>
Contract start date (<i>estimate only</i>)	<i>May 16, 2018</i>
Contract end date (<i>estimate only</i>)	<i>May 15, 2019</i>

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Judicial Council Standard Terms and Conditions	<p>If selected, the person or entity submitting a proposal (the “Proposer”) must sign this Judicial Council Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).</p> <p>The following provisions within the Terms and Conditions are minimum contract terms and conditions (“Minimum Terms”) <i>if applicable</i>: Qualification in California, Nondiscrimination, National Labor Relations Board, Expatriate Corporations, Sweatshop Labor, Child Support Compliance Act, Iran Contracting Act, Termination Due to Nonavailability of Funds, Loss Leader, Antitrust Claims, Recycled Products/Post-Consumer Material, Priority Hiring, DVBE Commitment, Small Business Preference Commitment, Union Activities and State Auditor Audit Provision.</p>
Attachment 3: Proposer’s Acceptance of Terms and Conditions	<p>On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.</p> <p>Note: A material exception to a Minimum Term will render a proposal non-responsive.</p>
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: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
<i>[Only for solicitations of \$100,000 or more]</i> 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: DVBE Bidder Declaration	The Proposer must complete this form only if it wishes to claim this preference associated with this solicitation.
Attachment 9: DVBE Declaration	The Proposer must complete this form only if it wishes to claim this preference associated with this solicitation.

5.0 PAYMENT INFORMATION

5.1 See Appendix B on Pricing and Payment of Attachment 2 – Standard Agreement.

6.0 SUBMISSIONS OF PROPOSALS

6.1 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.

6.2 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 four (4) 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 Judicial Council 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 four (4) 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 Judicial Council 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 a USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

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

Bid Desk
RFP Number: IT-OPD-18-043-RB
Branch Accounting and Procurement | Administrative Division
Judicial Council of California
455 Golden Gate Avenue, 6th floor
San Francisco, CA 94102-3688

6.4 Late proposals will not be accepted.

- 6.5 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.

7.0 PROPOSAL CONTENTS

7.1 Non-Cost Portion. The following information must be included in the non-cost portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive.

- 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 Judicial Council may check references listed by the Proposer.
- e. Proposed method to complete the work.

Proposer has to support a minimum Tier/Level 3 (T3 or higher) facility for our equipment as accessibility to the public. (See attached PDF high-level overview of what tiers mean.

Judicial Council needs a location to house its gear and provide the high availability data/internet access, power, redundancy, environmental and security needs for its servers and connectivity to the WWW/Internet for public/court access. So mostly it would be to meet its requirements for space as well and the ability for the Judicial Council to move its gear from one location to another.

- 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.

- ii. If exceptions are identified, the Proposer must also submit (a) a redlined 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.
 - iii. **Note: A material exception to a Minimum Term will render a proposal non-responsive.**
- g. Certifications, Attachments, and other requirements.
- i. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
 - ii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
 - iii. 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. *[for solicitations of \$100,000 or more]* The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its bid.

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

IT Services:

- i. A detailed line item budget showing total cost of the proposed services.
- ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”

- iii. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

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 Proposer'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 proposals will be publicly opened at the date and time noted in Section 3.0 at

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Inquiries on the exact venue within the 455 Golden Gate Avenue address may be inquired at solicitations@jud.ca.gov no earlier than the day after the latest date and time proposal may be submitted.

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

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

<i>CRITERION</i>	<i>MAXIMUM NUMBER OF POINTS</i>
<i>Quality of work plan submitted</i>	<i>14</i>
<i>Experience on similar assignments</i>	<i>10</i>
<i>Cost</i>	<i>50</i>
<i>Credentials of staff to be assigned to the project</i>	<i>8</i>

<i>CRITERION</i>	<i>MAXIMUM NUMBER OF POINTS</i>
<i>Acceptance of the Terms and Conditions</i>	7
<i>Ability to meet timing requirements to complete the project</i>	8
<i>DVBE</i>	3

10.0 INTERVIEWS

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

11.0 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 Judicial Council 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 Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council 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.

12.0 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. Proposer will receive a DVBE incentive if, in the JBE’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 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, 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 8). 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 9) completed and signed by each DVBE that will provide goods and/or 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 JBE may request additional written clarifying information. Failure to provide this information as requested will result in Proposer 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 JBE's Small Business Preference Procedures for the Procurement of Information Technology Goods and 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 JBE 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 Proposer will receive a small business preference if, in the Judicial Council'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 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 5). 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 Judicial Council 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 PREFERNCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

14.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). 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 Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to the:

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Judicial Council of California
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