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|  | REQUEST FOR PROPOSALS |
| ***FIFTH DISTRICT COURT OF APPEAL***  **Regarding:** interactive appellate Self-Help and Learning center Website **(REvision no. 1)**  **PROPOSALS DUE:**  *October* ***20****, 2017*  no later than *4:00* p.m. Pacific time |

**1.0 BACKGROUND INFORMATION**

* 1. 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 Judicial Council of California is the staff agency for the council and assists both the council and its chair in performing their duties.
  2. The Courts of Appeal were established in 1904 and are California’s intermediate courts of review. The primary function of the Courts of Appeal is to ensure that law is interpreted and applied correctly. The Courts of Appeal decide questions of law, such as whether the superior court judge applied the law correctly in a case. The Courts of Appeal do not hear testimony or retry cases. An appeal from a superior court judgment is decided based on the record from the original trial or proceeding. [Learn More.](http://www.courts.ca.gov/2958.htm)

**2.0 PURPOSE FOR THIS REQUEST FOR PROPOSALS (“RFP”)**

2.1 The Courts of Appeal seek to develop and deploy an interactive online self-help center to educate users about how the appeals process works, offer fillable forms and templates, and ultimately provide users the ability to submit completed documents via the Courts of Appeal e-filing solution (TrueFiling EFS).

The intended audiences include attorneys, self-represented litigants, legal specialists (law students, paralegals), researchers, and educators. As envisioned, this new interactive website will clearly explain the necessary steps, requirements, and legal forms to successfully appeal a case. The website must strive to demystify litigant responsibilities and provide step-by-step instructions for all necessary filing processes.

In addition, the Courts of Appeal wish to allow site visitors to establish User Accounts and have the ability to save work and return to it later. A detailed inventory of website requirements is provided below.

2.2 This Request for Proposals (“RFP”) is the result of an “Innovations Grant” that the Courts of Appeal were awarded in July, 2017. As such, the funding is limited and therefore, the cost portion of a bidder’s proposal will constitute half of the total score in the evaluation process.

2.3 It is the intention of the Courts of Appeal to award a single contract to the successful bidder with a target completion date and delivery of all final deliverables by August 9, 2019. Early completion is highly encouraged.

**3.0 DESCRIPTION OF SERVICES**

* 1. The Courts of Appeal are seeking services and solutions to meet business requirements in the following areas:
     1. **Hosted Web or Learning Content Management platform**
     2. **Instructional Overlays for Forms and Document Templates**
     3. **Interactive Learning Resource Center**
     4. **Online Chat/Intelligent FAQs**
     5. **Identity Management and Account Personalization**
     6. **Interactive Timelines**
     7. **Electronic Signing**

The business requirements for each of these components are provided below:

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| **3.1.1 Hosted Web or Learning Content Management Platform** | |
| Recommend and provide a hosted Web- or Learning Content Management platform upon which to build and deliver instructional content, courses, questions, and interactive Judicial Council forms and templates. The ideal solution will be a managed Software-as-Service (SaaS) platform. Alternatively, if a hosted cloud (SaaS) platform is not offered, any proposed solution must be able to reside on the Judicial Council Microsoft Azure tenant. | |
| 3.1.1.1 Site Architecture and Navigation | In coordination with Judicial Council staff, design and deliver a scheme for site navigation and information architecture. |
| 3.1.1.2 Visual Design | Adhere to Judicial Council visual design guidelines for vendors. Guidelines provide direction on color palette and font specs. *(See Appendix 1, Visual Design Standards for Vendors.)* |
| 3.1.1.3 Distributed Publishing and Workflow | Provide role-based content authoring and a Workflow function for approvals and final publishing. |
| 3.1.1.4 Content Authoring for curriculum, tests, quizzes | Provide ability to develop and deploy modular courses, instructional content, online questions and tests without coding or html programming. |
| 3.1.1.5 Multi-lingual support and content delivery | The Judicial Council anticipates delivering educational content provided within the platform in both English and Spanish. Other languages may be added a future date. Provide the ability to display a language variant and enable users to toggle or switch between languages. |
| 3.1.1.6 Mobile/Responsive | Enable delivery of all site content on mobile devices; tablets and phones. Prefer Responsive framework. |
| 3.1.1.7 Platform analytics | Provide robust analytic tools to measure page-views and end-user engagement with online courses and content. |
| 3.1.1.8 ADA Web Accessibility | Support WCAG 2.0 compliance for all published content. |
| 3.1.1.9 FISMA-certified or equivalent platform/site security | Provide secure platform infrastructure and proactive server/application monitoring. |
| 3.1.1.10 Staging and Preview Environments | Provide a fully functional staging environment for previewing online content before it is released into production. Provide roll-back to previous builds. Allow distribution of staging links via email or other notification system. |
| 3.1.1.11 Resilience Requirements | Provide formal Service Level Agreement detailing uptime guarantees, back-up systems, issue resolution timelines, and hours that technical support will be available. |
| 3.1.1.12 Knowledge Transfer | Provide a formal knowledge-transfer plan, including manuals, training, documentation, and any other information necessary for Judicial Council staff to maintain the delivered build. |

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| **3.1.2 Document Assembly/Instructional Overlays for Forms and Templates** | |
| Provide guided interview questions and fillable templates to enable court users to successfully complete complex legal forms and filing documents. An example of this document automation/assembly functionality using HotDocs can be found [here](https://lawhelpinteractive.org/Interview/GenerateInterview/5559/engine). The Judicial Council is also receptive to learning about any alternatives that may exist, e.g. eForms.com. | |
| 3.1.2.1 General Requirements | All final form and template outputs must include buttons to a) Save; b) Clear, c) Print, and d) Download. |
| 3.1.2.2 Initial Questionnaire | Develop an interactive decision-tree intake form or questionnaire to determine a) who the user is (prospective appellant, appellant or respondent), b) whether the user needs any type of accommodation, c) whether the appeal is eligible for calendar priority or d) whether the user has been declared a vexatious litigant. See: <http://www.courts.ca.gov/12272.htm> for current list. |
| 3.1.2.3 High-Level Interface Forms and Templates  . | *Definition:*  High-Level Interface Judicial Council forms and template documents are defined as those that will require the end-user to answer many questions pertaining to fields in the form; these forms and templates will require document assembly/automation technology, including some video or other instructional prompts or overlays; pop-up boxes and/or links.  *Requirements:*  Templates:  Minimum of 10 specific templates and 3 generic templates (See Attachment 10)  Forms:  Up to 5 forms (See Attachment 10) |
| 3.1.2.4 Medium-Level Interface Forms and Templates | *Definition:*  Medium-Interface forms and templates are defined as those forms that may not need full document assembly technology, but may need several pop-ups or roll-overs to help guide users and prompt answers.  *Requirements:*  Forms:  Up to 3 forms |
| 3.1.2.5 Low-Level Interface Forms | *Definition:*  Low-Level Interface forms are those forms defined as requiring only dialogue boxes detailing timelines and links to California Rules of Court referenced within the form itself, or forms that simply need a few pop-up boxes to clarify instructions  *Requirements:*  Forms:  Up to 10 forms |

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| **3.1.3 Interactive Learning Center Components** | |
| Deliver a robust online educational resource comprised of animated videos, tutorials, checklists, form overlays, and interview-type questions. Recommend appropriate course/learning modalities. The Judicial Council seeks sole and exclusive ownership rights to all developed products and materials. All proposed images, videos, and other online content must not violate any copyright or licensing rules.  An example of an animated video is as follows: <https://selfhelp.occourts.org/> | |
| 3.1.3.1 Instructional Videos/Materials | a) Create an animated video that explains appellate standards of review, the Appellate Court Case Information System (ACCMS); and how to use the new interactive online website, including instructions on how to print out, and download, saved work.  b) Create an animated video or other educational material explaining the purpose and contents of an appellate brief; make the material accessible when the user starts utilizing the template for a brief. See: <https://www.youtube.com/watch?v=rgzgnlXWfOU> as an example.  c) Create animated video or other educational material regarding researching case law to be linked in the argument section in the Brief templates. See: <https://www.youtube.com/watch?v=UXYH1uzTyyg> as an example.    d) Create an online video describing what is appealable and what is not appealable and include a link to: <http://www.courts.ca.gov/selfhelp-appeals.htm>. |
| 3.1.3.2 Interactive Tutorials/Checklists | a) Develop tutorial video about the different types of cases that are heard before the California appellate courts *(civil, criminal, juvenile, dependency)* and some of the types of subject matters heard *(general civil, family law, probate, guardianship, conservatorship, mental health, juvenile delinquency, etc.).* Demonstrate the separate jurisdictions of the California appellate courts in relation to other state and federal courts.  b) Create a tutorial or video that explains the general “life cycle” of a civil appeal from trial court to the California Supreme Court *(similar to* [*http://capitolmuseum.ca.gov/legislation/life-cycle-of-a-bill*](http://capitolmuseum.ca.gov/legislation/life-cycle-of-a-bill)*).* |
| 3.1.3.3 Educational Resources (For Teachers) | 1. Create a video about how the three branches of government in California work together, with emphasis on the Judicial Branch. |
| 3.1.3.6 Additional Requirements | a) The provider of the solution shall ensure that any videos and/or tutorials are produced with both English and Spanish narrations, with synchronized closed captions in those two languages.  b) The provider of the solution shall provide Microsoft Word transcripts of all videos and interactive games in English and Spanish. These transcripts shall also include descriptions of any graphics or visual materials.  c) Video, images, and text within the Appellate Learning Center site must comply with current ADA and [WCAG 2.0 standards](https://www.w3.org/WAI/WCAG20/glance/). |
| 3.1.3.7 Online Glossary | a) Deliver a glossary that explains legal terminology used throughout the site and on legal forms in a format that can be easily edited or updated in the future.  b) Glossary should provide roll-over interactivity to expose definitions without leaving current web page. |

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| **3.1.4 Online Chat-Bot/Intelligent FAQs** | |
| Provide electronic and automated chat as artificial intelligence (AI) to assist in automated self-help that will answer routine/frequently asked questions without human intervention. | |
| 3.1.4.1 Chat (AI) Architecture | The architecture should be based on Microsoft’s Bot Framework & Microsoft QnA Maker. The Bot Framework should be created and function within the Judicial Branch Microsoft Azure/cloud environment. |
| 3.1.4.2 Chat FAQ’s | The questions and answers should be driven based on an existing FAQ repository in addition to content that already exists online for all appellate courts. |
| 3.1.4.3 Chat Learning | The Bot shall “learn” as additional questions and answers are added to the repository. |
| 3.1.4.4 Chat Style/Appearance | Recommend and develop an interaction that encourages visitors to click on automated help. Solution should include a persistent element (tab or pop-up) that alerts users to the availability of chat within in each session. |

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| **3.1.5 Identity Management and Account Personalization** | |
| Provide identity and access management (IAM) for website users, allowing them to establish a consistent profile with any court they are conducting business with, allowing users to save partially/fully completed work. | |
| 3.1.5.1 IAM Architecture | The architecture should be Azure Identity Management and support federated identity through third-party, consumer-grade identity providers such as Google, Facebook, Twitter, etc. |
| 3.1.5.2 IAM Registration Requirements | The IAM solution will enable users to: Register with the website, including “name, email address, Bar number (attorneys only). It should also authenticate users using the central registry or federated identity providers (e.g. Microsoft Azure, Google, Facebook, Twitter, etc.) |
| 3.1.5.3 IAM User Experience | When website users are filling out electronic online forms, they should be provided an opportunity to create and account (register with the system if they choose not to use a 3rd party identity provider), or sign-in if they already have an account in order to save their work, allowing for completion/submission of documents to be e-filed later. |
| 3.1.5.4 IAM Deployment | Employ the IAM service provided by the Judicial Branch. The Judicial Branch will provide a common IAM solution based on open standards, including OAuth 2 and Open ID Connect. The IAM solution will provide a common registry of court online services users. All fillable components of the website will depend on the IAM solution to validate the identity of users/filers. |
| 3.1.5.5 Data Retention | Provide a data retention plan for stored and saved user documents. The Judicial Council prefers a solution that will provide a document retention approach with long durations, since time-to-completion in some case types is unpredictable. If a fixed duration time is recommended and ultimately adopted, an automated notification mechanism must be provided to alert users to pending expiration/purge dates. |
| 3.1.5.6 Data transfer: Optional Requirement | Solution would ideally include an API to seamlessly hand-off Account information originating from IAM solution to the Judicial Council’s Electronic Filing servicer provider (EFSP) TrueFiling, similar to how an e-commerce site would utilize PayPal to conduct the purchase transaction, then send user back to commerce site once transaction was submitted. |

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| **3.1.6 Interactive Timeline** | |
| 3.1.6.1 Develop an interactive timeline. | a) Create an interactive graphical timeline displaying the steps involved in the appellate process, from the day of the order or judgment to the issuance of a remittitur. The Judicial Council anticipates coding 10-15 milestone markers.  b) Users must be able to hover over significant milestones and view a pop-out box defining the milestone and timeframe associated with the respective point along the process |

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| **3.1.7 Electronic Signing** | |
| 3.1.7.1 Electronic Signing of completed documents | When electronic forms/documents are completely filled out and require a signature prior to submission, the program shall interface through API with the Appellate court’s electronic signature solution (SignNow). |
| 3.1.7.2 Seamless integration | The website and forms architecture should seamlessly interface with SignNow to facilitate the “signing” process. |
| 3.1.7.3 Signature fields | The electronic signing process shall include two fields: signature and date signed |

**4.0 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** |
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| RFP issued**:** | *September 14, 2017* |
| Deadline for questions to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) | *September 29, 2017; 4PM PST* |
| Questions and answers posted (estimate only) | *October 6, 2017* |
| Latest date and time proposal may be submitted | *October* ***20****, 2017; 4:00 p.m. PST* |
| Evaluation of proposals and Optional Interviews (*estimate only*) | *October* ***23-November 9****, 2017* |
| Public opening of cost portion of proposals *(estimate only*) | *November* ***15****, 2017* |
| Notice of Intent to Award (*estimate only*) | *November* ***17****, 2017* |
| Contract start date (*estimate only*) | *December 1, 2017* |
| Contract end date (*estimate only)* | *August 30, 2019* |

**5.0 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: JBE Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign this JBE 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: Payee Data Record Form | This form contains information the JBE requires in order to process payments and must be submitted with the 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: DVBE Declaration | This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal. |
| Attachment 9:  Bidder Declaration | This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal. |
| Attachment 10:  Example of Forms and Templates | These documents are examples of appellate forms and templates that will be used on this project. |
| Attachment 11:  Cost Matrix | This document must be used to deliver a cost-breakdown of deliverables, fixed costs, and recurring costs, if any. |

**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 two (2) 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 JBE 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 two (2) 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 JBE 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.

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

**Judicial Council of California**

**Attn.: Lenore Fraga-Roberts**

**(Indicate Solicitation Number)**

**455 Golden Gate Avenue, 6th Floor**

**San Francisco, CA 94102**

6.4 Late proposals will not be accepted.

6.5 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 two (2) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.

e. Proposed method to complete the work.

1. Project/team organization structure, including:
2. whether or not subcontractors will be used;
   * if subcontractors will be used, the Contractor shall adhere to applicable provisions set forth in the Standard Agreement (Attachment 2);

b. how many staff will be utilized;

c. hourly rate ranges for proposed positions;

ii. Ability to meet grant timelines, including time estimates for project phases.

h. 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 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.

iii. **Note: A material exception to a Minimum Term will render a proposal non-responsive.**

i. 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.Any paid content specialists (attorneys, teachers) must be properly licensed and/or credentialed in California.

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. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials pursuant to industry standards.

v. Proof of financial solvency or stability (e.g., balance sheets and income statements).

vii. The Proposer 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.

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 JBE 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 4.0 of this RFP at the JBE’s San Francisco office. The exact location will be announced at a later date.

The JBE 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 JBE will post an intent to award notice at http://www.courts.ca.gov/rfps.htm.

| **CRITERION** | **maximum number of points** |
| --- | --- |
| *Quality of work plan submitted* | ***25*** |
| *Experience on similar assignments* | *10* |
| *Cost* | *50* |
| *Credentials of staff to be assigned to the project* | *5* |
| *Acceptance of the Terms and Conditions* | *5* |
| *Ability to meet timing requirements to complete the project* | ***5*** |

**10.0 INTERVIEWS**

The JBE 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 JBE’s offices in San Francisco. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE 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 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 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 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

1. Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
2. Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’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 9 above.
3. 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”).
4. If Proposer wishes to seek the DVBE incentive:
5. Proposer must submit with its proposal a DVBE Declaration (Attachment 7) 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.
6. Proposer must complete and submit with its proposal the Bidder’s Declaration (Attachment 8). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
7. Failure to complete and submit these forms as required will result in Proposer 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 Proposer not receiving the DVBE incentive.
8. 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 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.

**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 JBE’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 JBE’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 JBE 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 MISREPREPRETATION 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 JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California – Branch Accounting and Procurement  
Attn: Protest Officer  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102

***(Indicate Solicitation Number and Name of Your Firm on lower left corner of envelope.)***