

RFP Title: CARE Act Benchguide
RFP Number: CFCC-2023-11-LP

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP TITLE: CARE ACT BENCHGUIDE

RFP NUMBER: CFCC-2023-11-LP

PROPOSALS DUE:

January 12, 2024, NO LATER THAN 1:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 BACKGROUND

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 JCC 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 JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC staff assists both the council and its chair in performing their duties.

1.2 CENTER FOR FAMILIES, CHILDREN & THE COURTS

The Judicial Council’s Center for Families, Children and the Courts’ (CFCC) mission is to improve the quality of justice and services to children, youth, parents, families, victims of domestic violence, tribal court, and limited English proficient court users and to provide services for self-represented litigants. The CFCC will coordinate this project.

The Community Assistance, Recovery, and Empowerment (CARE) Act, mandated by [Senate Bill 1338](#) and revised by [Senate Bill 35](#), authorizes specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan that can include treatment, housing support, and other services for persons with untreated schizophrenia or other psychotic disorders. The CARE Act creates a new pathway intended to deliver mental health treatment and support services upstream to the most severely impaired Californians who often experience homelessness or incarceration without treatment. This pathway is accessed when a person, called the “petitioner”, requests court-ordered treatment, services, support, and housing resources under the CARE Act prioritized for another person, called the “respondent”. The petitioner must fall under a specific group of people, such as specific family members, housemates, first responders, and behavioral health workers. The respondent must have a diagnosis on the schizophrenia spectrum or other psychotic disorders.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Judicial Council seeks the services of a Contractor with expertise in adult civil mental health issues, California law including court practices, as well as expertise in legal writing accurately describing legal and court operation procedures for a judicial officer audience and writing for legal journals and other legal professional publications. The project is to develop a CARE Act Benchguide using the outline provided in Section 2.1, Scope of Services, in this RFP to provide context for what the Benchguide will include. The Benchguide will be made available to the entire California judiciary. Additionally,

the Contractor must provide a one (1) to two (2) hour educational program for judicial officers on how to use the Benchguide once complete. The curriculum for the educational program must be developed by the Contractor.

TERM: The services are expected to be performed for a period of approximately **14 months** with an *estimated* starting date of **February 1, 2024, through March 31, 2025.**

2.1 SCOPE OF SERVCIES

The Proposer is expected to develop a comprehensive Benchguide for judicial officers on the CARE Act. The Benchguide must include:

- 2.1.1 CARE Act Overview
- 2.1.2 California Rules of Court 7.2201 - 7.2303
- 2.1.3 Judicial Council Forms
- 2.1.4 Jurisdiction
- 2.1.5 Standing
- 2.1.6 Eligibility Criteria
- 2.1.7 Respondent's Rights
- 2.1.8 Petitioner's Rights
- 2.1.9 Hearings and Filings
- 2.1.10 CARE Petition
- 2.1.11 Initial Appearance
- 2.1.12 Hearing on the Merits of the Petition
- 2.1.13 Case Management Hearing
- 2.1.14 Progress Hearing
- 2.1.15 Clinical Evaluation Hearing
- 2.1.16 CARE Plan Review Hearing
- 2.1.17 Next Steps and Orders
- 2.1.18 Status Review Hearings
- 2.1.19 One-Year Status Hearing
- 2.1.20 Presentation of Graduation Plan Hearing
- 2.1.21 Enforcement of CARE Court Orders
- 2.1.22 Supporter
- 2.1.23 Procedural Checklists
- 2.1.24 Applicable Law
- 2.1.25 Other Considerations

- 2.2 This Benchguide will provide an overview of the law and court procedures in CARE Act court proceedings. This is a new area of law. As such, this project will include a draft Benchguide to be shared with the eight (8) courts in the first implementation Cohort. Contractor is responsible for serving as faculty for a one (1) to two (2) hour round table session to collect feedback on the draft Benchguide from the judiciary in the eight (8) courts in the first implementation Cohort. Feedback collected from this round table session with pilot courts sharing the draft Benchguide facilitated by the Contractor will be incorporated into the final

Benchguide.

- 2.3 Approximately on a monthly basis, the Contractor shall participate in videoconference or teleconference with the JCC CARE Act Program Manager and other JCC staff to provide a status update on the development of the Benchguide.
- 2.4 JCC CARE Act Program Manager will review final work projects and provide all comments and revisions to the Contractor for information to be incorporated into the revised Benchguide. The Contractor shall work closely with the editor and other legal staff to ensure revisions comply with the structure and format of the JCC Benchguide. A final version will then be submitted to JCC CARE Act Program Manager for acceptance, along with a completed invoice.
- 2.5 The Contractor may work off-site at whatever location is most convenient. However, the Contractor will have access to JCC resources as appropriate and as needed to accomplish the work.
- 2.6 DELIVERABLES, *ESTIMATED DUE DATES*, and *ESTIMATED AVAILABLE BUDGETS*: The Contractor will be asked to do the following, by the dates listed to the right of each deliverable:

Deliverable	Estimated Due Date	Estimated Maximum Available Budget
Deliverable 1: Meeting with JCC CARE Act Program Manager and staff Review the CARE Act statute and outline of Benchguide. First videoconference or teleconference meeting with JCC staff.	February 8, 2024	\$2,000
Deliverable 2: Monthly Check in Meetings with CARE Act Program Manager (Months 1-6) On a monthly basis meet and collaborate with the JCC CARE Act Program Manager and other JCC staff to provide an update on progressive development of the CARE Act Benchguide including summary, status update and drafts of completed sections: 1) First check in to provide a summary and status update, drafts of completed sections of Benchguide, and to receive feedback from JCC staff. (Week of February 12, 2024) 2) Second check in to provide a summary, status update, and drafts of approximately 25% of Benchguide incorporating feedback received from prior check in, and to receive additional feedback from JCC staff. (Week of March 11, 2024) 3) Third check in to provide a summary, status update, and drafts of completed sections of Benchguide incorporating feedback	July 31, 2024	\$12,000

<p>received from prior check-ins, and to receive additional feedback from JCC staff. (Week of April 15, 2024)</p> <p>4) Fourth check in to provide a summary, status update, and draft of at least 50% of the Benchguide incorporating feedback received from prior check-ins, and to receive additional feedback from JCC staff. (Week of May 13, 2024)</p> <p>5) Fifth check in to provide a summary, status update, and drafts of completed sections of Benchguide incorporating feedback received from prior check-ins, and to receive additional feedback from JCC staff. (Week of June 10, 2024)</p> <p>6) Sixth check in to provide a summary, status update, and drafts of at least 75% of the Benchguide incorporating feedback received from prior check-ins, and to receive additional feedback from JCC staff. (Week of July 8, 2024)</p>		
<p>Deliverable 3: Draft CARE Act Benchguide for Judicial Officers</p>		
<p>Deliver draft of completed CARE Act Benchguide including, but not limited to, the following sections:</p> <ol style="list-style-type: none"> 1. CARE Act Overview 2. California Rules of Court 7.2201 - 7.2303 3. Judicial Council Forms 4. Jurisdiction 5. Standing 6. Eligibility Criteria 7. Respondent’s Rights 8. Petitioner’s Rights 9. Hearings and Filings 10. CARE Petition 11. Initial Appearance 12. Hearing on the Merits of the Petition 13. Case Management Hearing 14. Progress Hearing 15. Clinical Evaluation Hearing 16. CARE Plan Review Hearing 17. Next Steps and Orders 18. Status Review Hearings 19. One-Year Status Hearing 20. Presentation of Graduation Plan Hearing 21. Enforcement of CARE Court Orders 22. Supporter 23. Procedural Checklists 24. Applicable Law 25. Other Considerations 	<p>July 31, 2024</p>	<p>\$10,000</p>

<p>Deliverable 4: Focus Group</p> <p>Organize and conduct a focus discussion group involving court staff from the eight (8) counties that implemented first, including Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, Tuolumne, and Los Angeles. Focus groups may be conducted via videoconference or in person if permitted by the court.</p> <p>The focused discussion group will elicit feedback on the draft CARE Act Benchguide to identified ways to modify the guide to incorporate information learned by those eight (8) courts.</p>	August 30, 2024	\$5,000
<p>Deliverable 5: Monthly Check in Meetings with CARE Act Program Manager (Months 7-9)</p> <p>On a monthly basis meet and collaborate with the JCC CARE Act Program Manager and other JCC staff to provide an update on revisions to the CARE Act Benchguide based on focus groups:</p> <ol style="list-style-type: none"> 1) Seventh check in to provide a summary and status update on Benchguide development status, focus group planning, and to receive feedback from JCC staff. (Week of August 12, 2024) 2) Eighth check in to provide a summary and status update on focus group feedback received, recommended changes to the Benchguide, and receive feedback from JCC staff. (Week of September 9, 2024) 3) Ninth check in to provide a summary, status update, full revised draft of the Benchguide, and receive feedback from JCC staff. (Week of October 14, 2024) 	October 31, 2024	\$6,000
<p>Deliverable 6: Draft CARE Act Benchguide</p> <p>The Draft CARE Act Benchguide will include all the items outlined in Section 2.1 of this RFP, feedback received from the initial courts during the focus group session, new or revised statutory changes since June 30, 2024, and incorporate any feedback and recommended changes from the JCC CARE Act Program Manager.</p>	November 29, 2024	\$8,000
<p>Deliverable 7: Monthly Check in Meetings with CARE Act Program Manager (Months 10-12)</p> <p>On a monthly basis meet and collaborate with the JCC CARE Act Program Manager and other JCC staff to provide an update on revisions to the CARE Act Benchguide based on new or revised statutory changes since June 30, 2024, and feedback received from the focus groups:</p> <ol style="list-style-type: none"> 1) Tenth check in to provide and discuss JCC feedback. (Week of November 11, 2024) 	January 31, 2025	\$6,000

<p>2) Eleventh check in to provide a summary, and status update on Benchguide development based on JCC feedback. (Week of December 9, 2024)</p> <p>3) Twelfth check in to discuss final revisions necessary and plans for dissemination of Benchguide. (Week of January 13, 2025)</p>		
<p>Deliverable 8: Final CARE Act Benchguide</p>		
<p>The final product CARE Act Benchguide will include all the items outlined in Section 2.1 of this RFP, feedback received from the initial courts during the focus group session, new or revised statutory changes since June 30, 2024, and feedback and recommended changes from the JCC CARE Act Program Manager. The final product must also be edited to conform to the JCC style guide which will be provided.</p>	<p>January 31, 2025</p>	<p>\$15,000</p>
<p>Deliverable 9: Develop and Deliver Judicial Officer Training on how to use the CARE Act Benchguide</p>		
<p>Serving as faculty for a one (1) to two (2) hour educational program on how to use the Benchguide. The curriculum for the educational program must be developed by the Contractor. This training shall be provided remotely via webinar. The Contractor shall be responsible for registration and providing an edited recording of the training once complete.</p>	<p>February 28, 2025</p>	<p>\$5,000</p>

2.7. Authority and Approval

The Proposer is not authorized to make final and binding decisions or approvals on behalf of the JCC. As required in the resulting Agreement, the Proposer will obtain the necessary approvals from the CARE Act Program Manager and/or the Contracts Manager as may be required.

2.8. Monthly Project Status

The Proposer shall submit monthly project status reports to the Project Manager, describing work performed, work status, work progress difficulties encountered, remedial actions, and statement of activity anticipated subsequent to reporting period for approval prior to payment of invoices. Invoices shall include, in detail, all costs and charges applicable.

2.9. Proposer Responsibilities

2.9.1. The Proposer’s Project Manager shall have the following responsibilities under this Contract:

- 1) Works closely with JCC CARE Act Program Manager.
- 2) Manages, prepares and refines the Contract’s deliverables.
- 3) Proactively assists with resolution of issues with any aspect of the Work.
- 4) Proactively anticipates Project deviations and is responsible for taking immediate corrective action; and
- 5) Works with JCC CARE Act Program Manager to manage and coordinate work and knowledge transfer.

2.9.2. The Proposer’s Key Personnel shall have the following responsibilities under this Contract:

- 1) Works closely with Proposer’s Project Manager and JCC CARE Act Program Manager, as appropriate, to accomplish Deliverables.
- 2) Proactively assists with preparing and refining the Contract’s deliverables.
- 3) Proactively assists with identification and resolution of issues with any aspect of the Work; and
- 4) Assists with performing work and knowledge transfer.

2.10. JCC Responsibilities

The JCC CARE Act Program Manager will be responsible for managing, scheduling, and coordinating all Project activities, including Project plans, timelines, and resources, and escalating issues for resolution to JCC management. The JCC CARE Act Program Manager will coordinate JCC review of all drafts and provide written feedback to the Proposer.

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	December 13, 2023
Deadline for questions solicitations@jud.ca.gov	December 28, 2023, by 1:00PM (PST)
Questions and answers posted. <i>(estimate only)</i> https://www.courts.ca.gov/rfps.htm	January 5, 2024
Deadline to submit proposals to solicitations@jud.ca.gov	January 12, 2024, no later than 1:00 PM (PST)
Evaluation of proposals <i>(estimate only)</i>	January 15-19, 2024

EVENT	DATE
Notice of Intent to Award (<i>estimate only</i>)	January 22, 2024
Negotiations and execution of contract (<i>estimate only</i>)	January 22-26, 2024
Contract start date (<i>estimate only</i>)	February 1, 2024
Contract end date (<i>estimate only</i>)	March 31, 2025

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-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. Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification Form	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form (STD 204)	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Supplement (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.

Attachment 7: Unruh and FEHA Certification	The Proposer must complete and submit with its proposal the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.
Attachment 9: Bidder Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.

5.0 PAYMENT INFORMATION

- 5.1 Subject to the terms in Attachment 2, Appendix B, Payment Provisions, the selected provider will be paid on a firm-fixed amount per deliverable basis for **Deliverable 1 to 9**, the amount for each deliverable should be fully burden and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, travel and profit.
- 5.2 Contractor shall submit invoices upon satisfactory completion of services. The payment term is Net 60 from date or receipt of acceptance of Deliverable(s).
- 5.3 No other expenses including travel expenses will be reimbursed by the Judicial Council.

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. 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 technical proposal and the cost proposal.
 - a. The Proposer must submit **an electronic copy** of the technical proposal. The technical proposal must be signed by an authorized representative of the Proposer.
 - b. The Proposer must submit **an electronic copy** of the cost proposal. The cost proposal must be signed by an authorized representative of the Proposer. The cost proposal may be submitted in the same email

as the technical proposal above but should be a separate attachment marked “**COST PROPOSAL**” from the technical proposal.

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

Solicitations@jud.ca.gov

The Proposer must include the RFP title and number in the subject line of the email.

- 6.4 Submission acceptance will be based on the date and time the email is received by the Judicial Council. Proposal must be received prior to the due date and time, or the proposal will not be accepted.

7.0 PROPOSAL CONTENTS

7.1 Technical Proposal. The following information must be included in the technical 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. Describe the organization of the key staff (including the dedicated program manager) that would service the contract. Provide a listing of the staff, including name, title, and length of service within the organization along with a resume for each staff member. Other staff should be identified by name and title. Additional qualifications and experience of key staff working on similar projects should be included.
- d. Names, addresses, and telephone numbers of a minimum of two (2) 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:
 - i. Proposed process necessary to address the overall project objectives.
 - ii. Proposed method to conduct and organize focus groups, including participant recruitment strategy and development of discussion questions.

- iii. Proposed project and team organization; and
 - iv. Proposed approach of obtaining JCC Project Manager’s review and approval of all research design elements and deliverables developed for the project.
 - v. Ability to meet timing requirements to complete the project.
- 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 (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
 - iii. **Note:** A material exception (addition, deletion, or other modification) to any of the Terms and Conditions may render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.
- g. Certifications, Attachments, and other requirements.
- i. Proposer must complete and submit with proposal **Attachment 4**, General Certifications Form to certify that no interest exists that would constitute a conflict of interest under California Public Contract Code §§10365.5, 10410 or 10411; Government Code §§1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restricts employees and former employees from contracting with judicial branch entities.
 - ii. Proposer must complete and submit with proposal **Attachment 5**, Darfur Contracting Act Certification Form to certify that Proposer is not a “scrutinized” company as defined in Public Contract Code §10476.
 - iii. Proposer must complete and submit with proposal **Attachment 6A**, Payee Data Record Form.
 - iv. Proposer must complete and submit with proposal, **Attachment 7**, Unruh and FEHA Certification Form.

- v. If Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. **The Proposer shall provide a copy of their Certificate of Status with the Secretary of State of California.** The Judicial Council may verify by checking with California's Office of the Secretary of State. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer is in good standing in its home jurisdiction.

Note: Proposer may be required to register with the California Secretary of State if it meets the definition of transacting intrastate business or “doing business” under the California Corporations Code. As there is no easy definition for what constitutes “doing business”, it is important for Proposer to carefully evaluate their own connections—even indirect—to California. Proposer with concerns regarding the Secretary of State registration requirements are encouraged to consult with their legal counsel.

You can find out information regarding the steps on how to register a business with the California Secretary of State at:

<https://bizfileonline.sos.ca.gov/>

- iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

7.2 Cost Proposal. The following information must be included in the cost proposal.

- i. Proposer to provide a detailed line-item budget showing the **Firm Fixed Amount** for each of the **nine (9) deliverables** specified in Section 2.6. The Firm Fixed Prices for each of the nine (9) deliverables should be fully burden and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, travel and profits.
- ii. The total amount for all deliverables specified in Section 2.6.
- iii. The maximum available funding for the resulting contract is **\$69,000.00**.

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

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

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: <http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of Proposal - Completeness and inclusion of required information in conformance with the RFP submission requirement, and clarity of the proposal content	5
Reasonableness of cost projections	30
Quality of work plan submitted and Proposer's understanding of the problem or need.	20
Acceptance of the Terms and Conditions	10
Credentials of staff to be assigned to the project and experience of key staff working on similar projects.	25
Ability to meet timing requirements to complete the project.	7
Disabled Veteran Business Enterprise (DVBE) Incentive	3
Total Maximum Number of Points	100

10.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or finalize the contract terms and conditions, including cost. The interviews may be conducted in person, by phone, or remotely. 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 TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Except as required by law, 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” 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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 11.0. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

12.0 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 9.0 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 9**). 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 8**) 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 JCC 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 JCC’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 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.

If using DVBE subcontractors, the Proposer must complete and return to the JCC 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 Proposer’s final invoice to the JCC. If the Proposer fails to do so, the JCC will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JCC shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or 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 Proposer refuses to comply with the certification requirements, the

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JCC shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

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 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. In order to be considered valid, all such protests must be submitted by email to: Solicitations@jud.ca.gov

(Indicate Solicitation Number and Name of Your Firm in the Subject line of your email.)