

# REQUEST FOR PROPOSALS

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***SUPREME COURT OF CALIFORNIA AND  
COURTS OF APPEAL***

**REGARDING:**

***MICROSOFT WORD VISUAL BASIC FOR  
APPLICATIONS (VBA) MACRO MODERNIZATION***

**RFP NUMBER: RFP-COA-2023-01-RP**

**PROPOSALS DUE:**

**2/01/2024 NO LATER THAN 4:00 P.M. PACIFIC TIME**

## **1.0 BACKGROUND INFORMATION**

### **1.1 Judicial Branch Entities:**

The Judicial Council of California (“Judicial Council” or “JBE”), chaired by the Chief Justice of the Supreme Court of California, is the policy-making entity of the California judicial branch. The California Constitution directs the Judicial 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 Judicial Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law.

### **1.2 Description of Business Needs:**

In 1998, the Supreme Court of California and the Courts of Appeal (“Courts”), in partnership with the Judicial Council’s IT Department, implemented Visual Basic Applications (“VBA”) based macros via Microsoft Word that served to help court staff create documents. These Microsoft Word VBA based macros (“Macros”) are a collection of functions that users can select to accomplish a set of document-related tasks. The Macros were used to help staff ensure consistent document structure, assist with automating repetitive tasks, and reduce errors in document creation. Since their original deployment, these Macros have undergone many revisions and modifications to suit the changing needs of each court and have been in continuous use for twenty-five (25) years.

The Macros are a critical tool that is used daily by court staff, but the Courts are no longer able to easily and quickly make changes. Modifications are cumbersome, time consuming, and put a strain on court technology resources. Many of the Macro functions refer to staff and justice names, which change often. These changes require combing through many files to make manual edits and are often very difficult to complete without substantial debugging.

While the Macros were likely originally homogenous, each court now maintains independent versions that, in some cases, bear little resemblance to their counterparts at other courts. Independent Macros exist at the following Courts:

- Supreme Court of California, San Francisco
- First District Court of Appeal, San Francisco
- Second District Court of Appeal, Los Angeles
- Third District Court of Appeal, Sacramento
- Fourth District Court of Appeal, Division One, San Diego
- Fourth District Court of Appeal, Division Two, Riverside
- Fourth District Court of Appeal, Division Three, Santa Ana
- Fifth District Court of Appeal, Fresno
- Sixth District Court of Appeal, San Jose

The Macros currently operate locally on each user’s computer, and do not interface with any external database/files. Macros are deployed via logon script or Group Policy to user’s computers.

The purpose of the Macros is to provide consistent document structure, assist with automating repetitive tasks, and reduce errors. This is accomplished through multiple macro functions including, but not limited to, inserting and removing text, creating document headings based on document type, renaming and saving documents, adding signature fields, and inserting footnotes. Document headings generated by the Macros are key to existing workflow processes and assist court staff in identifying and routing work based on the headings applied.

- 1.3 **Request for Proposals (“RFP”)**: On behalf of the Courts, the Judicial Council seeks proposals (“Proposal”) from a qualified person or entity to assist with the modernization of the Courts’ Microsoft Word Macros. The qualified proposer (“Proposer”) will examine the current Microsoft Word Macros and work with court designees to identify desired features to add or remove, and then will rebuild the Microsoft Word Macros using Microsoft Word Visual Basic for Applications:
- a) The goal of this RFP is to establish an agreement (“Agreement”) with the Courts and the selected Proposer for an initial term of **one (1) year** with no option terms to extend the Agreement.
  - b) The estimated cost for services set forth in this RFP may be up to but less than \$200,000.00. The estimated cost of the project is subject to change based on the approved budget and at the sole discretion of the Courts.
  - c) Proposers wishing to participate in this RFP must submit the following:
    - i. A non-negotiable, completed, signed, and dated **One-Way Non-Disclosure Agreement (“NDA”)** by the date set forth in Section 3 of this RFP. In addition, Proposers must include a signed **NDA** by all personnel who will receive Judicial Council’s confidential information while working on the Proposal for the Proposer.
    - ii. The Proposer must submit all completed **NDAs** as an attachment via e-mail sent to the following e-mail address: [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). The Proposer must write in the subject line of the e-mail: **NDA, and the RFP number and title**. In addition, the Proposer must include their contact information and e-mail address in the body of the e-mail to receive a fully executed copy of the **NDA**.
  - d) **Questions**: Proposers may submit a request for clarifications or questions regarding this RFP to the Judicial Council using the format provided in **Attachment 13**. Requests shall be submitted via e-mail to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) no later than the date specified in the RFP Timeline. Please indicate the RFP number and title and the word Questions in the subject line of the e-mail.
  - e) Proposers, their employees and agents **may not** contact any Judicial Council and court personnel during the solicitation process regarding this RFP in any

other manner other than set forth in this RFP. Violation of this restriction **may** result in disqualifying a Proposer from consideration for an award under this RFP at the sole discretion of the Judicial Council.

- f) Administrative Rules Governing this RFP. The Judicial Council's Administrative Rules governing this RFP can be found in **Attachment 1**. By virtue of submission of a Proposal, the Proposer(s) agree to be bound by said Administrative Rules.
- g) The Judicial Council reserves the right to reject any Proposal, to amend or cancel this RFP, to award an Agreement in whole or in part and/or negotiate certain terms and conditions with individual Proposers if it is deemed in the Judicial Council's best interest, and to not award any Agreements based on submitted Proposals.

## **2.0 DESCRIPTION OF SERVICES**

- 2.1 The Judicial Council is seeking a qualified Proposer to assist with the modernization of the Courts' Macros according to the following specifications:
  - a) The Macros will be created using nonproprietary software so that the Courts information technology staff are able to make minor changes and maintain the Macros internally, without requiring a service provider, custom toolsets, or substantial programming knowledge.
  - b) The Macros must not require recurring licensing costs to operate.
  - c) The Macros must reduce or eliminate the need to manually search through and edit multiple files when making minor changes.
  - d) **Examples of current macro sets will be shared and e-mailed to Proposers that have submitted a signed NDA per the requirements set forth in Section 1, Subsection 1.3(c) and by the date and time set forth in Section 3.0 of this RFP.**
- 2.2 In the interest of simplifying long-term maintenance, it is desirable, but not required, that all Courts share a "core" macro. Individualized functions should be easily enabled/disabled to customize the macro for a specific court.
- 2.3 The final product must not reduce or eliminate any functionality that currently exists in the Courts' Macros, unless specified in the agreed upon scope of work.
- 2.4 The services the Proposer will provide includes the following:
  - a) Meeting via tele or video conference with stakeholders at the Courts to discuss the Macros (no in-person travel shall be required).
  - b) Gathering information from each court about their existing Macros, identifying modifications needed, and developing a scope of work.

- c) Presenting a mockup of a new macro via video conference for each court to review and approve.
- d) Building the new Macros.
- e) Delivering new Macros to the Courts for user acceptance testing.
- f) Adjusting the Macros in response to feedback.
- g) Delivering the finished Macros.
- h) Training the Courts information technology staff on administration and maintenance.

2.5 The Proposer will provide the following deliverables (“Deliverables”):

- a) Deliver a proposed project plan that will provide detailed objectives and address the Proposer’s role and the Courts’ role for each of the following areas:
  - 1. Work structure.
  - 2. Project schedule.
  - 3. Quality management.
  - 4. Change management.
  - 5. Issue management and escalation.
  - 6. Communication.
  - 7. Acceptance management.
  - 8. Training for site administrators, and
  - 9. Transition management.
- b) The Proposer will translate the detailed requirements into a design specification including:
  - 1. User interface/wire frames.
  - 2. Technical architecture, and
  - 3. Functional specifications.
- c) The Proposer will provide post-acceptance training for site administrators that details best practices.
- d) The Proposer will provide a plan of post-implementation support over the term of the Agreement, including a warranty period for additional enhancements.

### **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. It shall be the sole responsibility of prospective Proposers to monitor the Court Website at:

[www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) to ascertain whether the Judicial Council has issued an addendum changing any element of the RFP, including events or key dates.

EVENT	DATE
RFP issued	<b>11/29/2023</b>
Deadline for questions and completed, signed, and dated One-Way Non-Disclosure Agreement via e-mail to: <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a> .	<b>1/03/2024</b> <b>No later than 4:00 PM Pacific Time</b>
Questions and answers posted at <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> ( <i>estimate only</i> )	<b>1/12/2024</b>
Latest date and time Proposal may be submitted	<b>2/01/2024</b> <b>No later than 4:00 PM Pacific Time</b>
Start date of evaluating <b>Non-Cost Proposals</b> ( <i>estimate only</i> )	<b>2/06/2024</b>
<p>Public opening of <b>Cost Proposals</b> via Microsoft Teams (<i>estimate only</i>):</p> <p><b>Microsoft Teams meeting</b>  <b>Join on your computer, mobile app or room device</b>  <a href="#">Click here to join the meeting</a>  Meeting ID: 224 932 615 571  Passcode: X65my2  <a href="#">Download Teams</a>   <a href="#">Join on the web</a></p> <p><b>Join with a video conferencing device</b>  178332609@teams.bjn.vc  Video Conference ID: 117 194 898 2  <a href="#">Alternate VTC instructions</a></p> <p><b>Or call in (audio only)</b>  <a href="tel:+14159060569743060668">+1 415-906-0569,,743060668#</a> United States, San Francisco  Phone Conference ID: 743 060 668#  <a href="#">Find a local number</a>   <a href="#">Reset PIN</a>  <a href="#">Learn More</a>   <a href="#">Meeting options</a></p>	<b>2/08/2024</b> <b>11:00 AM Pacific Time</b>
Notice of Intent to Award posted at <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> ( <i>estimate only</i> )	<b>3/05/2024</b>
Negotiations and execution of contract begin ( <i>estimate only</i> )	<b>3/11/2024</b>
Contract start date ( <i>estimate only</i> )	<b>4/01/2024</b>

<b>EVENT</b>	<b>DATE</b>
Contract end date ( <i>estimate only</i> )	<b>3/31/2025</b>

#### **4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

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ATTACHMENT	DESCRIPTION
<b>Attachment 1:</b> Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
<b>Attachment 2:</b> JBE Standard Agreement – Terms and Conditions	If selected, the person or entity submitting a Proposal must sign the JBE Standard Agreement containing these terms and conditions (the “Terms and Conditions”).
<b>Attachment 3:</b> Acceptance of Terms and Conditions	<p>On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify material exceptions to the Terms and Conditions.</p> <p><b>Note: The Judicial Council, in its sole discretion, has the right to reject any material exceptions (addition, deletion, or other modification) made to the Terms and Conditions that are submitted by the Proposer. Mandatory Terms are non-negotiable. Material exceptions to Mandatory Terms will render a Proposal non-responsive.</b></p>
<b>Attachment 4:</b> General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
<b>Attachment 5:</b> Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
<b>Attachment 6:</b> Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
<b>Attachment 7:</b> Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
<b>Attachment 8:</b> One-Way Non-Disclosure Agreement	Proposers wishing to participate in this RFP must submit a completed, signed and dated One-Way NDA by the date set forth in Section 3. In addition, Proposers must include signed One-Way NDA’s by all personnel who will receive Judicial Council’s confidential information while working on the Proposal for the Proposer.
<b>Attachment 9:</b> Payee Data Record Form (STD 204)	The Proposer must complete this form as it is used to process payments.
<b>Attachment 10:</b> Payee Data Record Supplement (STD 205)	The Proposer must complete this form as it 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.
<b>Attachment 11:</b> DVBE Declaration	The Proposer must complete this form if they wish to participate in the DVBE incentive.
<b>Attachment 12:</b> Bidder’s Declaration	The Proposer must submit this form if they are participating in the Disabled Veteran Business Enterprise (DVBE) incentive.
<b>Attachment 13:</b> Question Submittal Form	Complete this form if Proposer wishes to submit questions regarding this RFP.



## **5.0 PAYMENT INFORMATION**

- 5.1 The Proposer's compensation will be based on the Proposer's budget set forth in the **Cost Proposal**. The Proposers will provide a one-time fixed amount in the Cost Proposal for all work, Deliverables, services, fees, and expenses payable over the Term of the Agreement. The estimated cost for services set forth in this RFP may be up to but less than \$200,000.00. Payment is contingent upon the terms and conditions of the Agreement.
- 5.2 Proposers are hereby advised that payments are made by the State of California (State), and the State does not make any advance payment or progress payments for services. Payment by the State is normally made based upon completion of tasks/services as provided for in the Agreement.
- 5.3 Payment will be made after each correct, itemized invoice is received and after acceptance by the JBE's designated project manager, no more frequently than monthly, and in accordance with the terms and conditions of the Agreement. Payment terms with the State are Net 60 days after acceptance of the submitted invoice.
- 5.4 Allowable Expenses:
- i. Travel, lodging and meal expenses are **not** applicable.
  - ii. Expenses of any type are **not** applicable.
  - iii. Reimbursement for costs incurred to assist, promote, or deter union organizing is **not** applicable.

## **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 **Non-Cost Proposal** and the **Cost Proposal**.
- a. The Proposer must submit their **Non-Cost Proposal** as a separate attachment via e-mail sent to the following e-mail address: [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). The Proposer must write in the subject line of the e-mail: **Non-Cost Proposal**, and the RFP number and title.
  - b. The Proposer must submit their **Cost Proposal** as a separate attachment via e-mail sent to the following e-mail address: [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). The Cost Proposal must be submitted in two parts: Excel or Word file format and a signed pdf hard copy by an authorized representative of the Proposer. The Proposer must write in the subject line of the e-mail: **Cost Proposal**, and the RFP number and title.

- 6.3 Submission acceptance will be based on the date and time the e-mails are received by the Judicial Council. Both e-mails must be received prior to the due date and time, or the Proposal will not be accepted. However, as necessary, the Judicial Council may request clarification from Proposers after the submission of Proposals.
- 6.4 Late Proposals **will not** be accepted.
- 6.5 The Judicial Council reserves the right to reject any Proposal, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is not an agreement, obligation, or contract. The Judicial Council or the State of California is not responsible for the cost of preparing the Proposal. Submitted Proposals may be retained as official files and may become a public record.
- 6.6 By submitting a Proposal, the Proposer certifies that: (i) it is in compliance with economic sanctions imposed pursuant to applicable laws by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law (collectively, "Economic Sanctions"); and (ii) it is not a target of Economic Sanctions. If the Judicial Council determines that the Proposer is not in compliance with Economic Sanctions or is a target of Economic Sanctions, the Proposer's Proposal will be considered non-responsive.

## **7.0 PROPOSAL CONTENTS**

- 7.1 **Non-Cost Proposal:** The following information must be included in the Non-Cost Proposal 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 e-mail 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 and Courts may check references listed by the Proposer.
  - e. Proposed method to complete the work:
    - i. Outline the implementation and deployment approach of the

- service requirements referenced in Section 2.0.
- ii. Identify high level Proposer and Court responsibilities in the implementation of the service requirements (assumptions).
  - iii. Outline ongoing maintenance services and support services of the Macros.
- 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 “material exception” includes any addition, deletion, or other modification.
  - ii. The following mandatory terms and conditions (“Mandatory Term(s)”) are non-negotiable provisions. A material exception to a Mandatory Term will render a Proposal non-responsive:
    - a. Appendix C, Section 1, all provisions.
    - b. Appendix C, Section 2, all provisions.
    - c. Appendix C, Section 3, all provisions.
    - d. Appendix C, Section 4, all provisions.
    - e. Appendix C, Section 5, all provisions.
    - f. Appendix C, Section 6, all provisions.
    - g. Appendix C, Section 8, all provisions.
    - h. Appendix C, Section 9, all provisions.
    - i. Appendix C, Section 10, all provisions.
  - iii. If material 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.
  - iv. **The Judicial Council, in its sole discretion, has the right to reject any material exceptions (addition, deletion, or other modification) made to the Terms and Conditions that are submitted by the Proposer. Mandatory Terms are non-negotiable. A material exception to Mandatory Terms will render a Proposal non-responsive.**
- g. Certifications, Attachments, and other requirements.
- i. **Acceptance of Terms and Conditions:** Proposer must complete and provide the Acceptance of Terms and Conditions (**Attachment 3**). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify material exceptions to the Terms and Conditions. A “material exception” includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a Proposal non-responsive.

- ii. **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).
- iii. The Proposer must complete the General Certifications Form (**Attachment 4**) and submit the completed form with its proposal.
- iv. 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, and proof that Contractor is in good standing in its home jurisdiction.
- v. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- vi. 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 Proposal.
- vii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 7**) and submit the completed certification with its proposal.
- viii. Proposers wishing to participate in this RFP must submit a completed, signed and dated One-Way NDA (**Attachment 8**) by the date set forth in Section 3. In addition, Proposers must include signed One-Way NDAs by all personnel who will receive Judicial Council’s confidential information while working on the Proposal for the Proposer.
- ix. **Payee Data Record Forms:** Proposer must complete and provide the Payee Data Record Forms (in lieu of the IRS W-9) (**Attachment 9 and Attachment 10**).
- x. **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (**Attachment 5**) only if Proposer wishes to claim the Small Business preference associated with this solicitation.
- xi. **DVBE Declaration and Bidder Declaration:** Proposer must complete and provide the bidder DVBE Declaration (**Attachment 11**) and Bidder Declaration (**Attachment 12**) only if Proposer wishes to claim the DVBE incentive associated with this solicitation.

- 7.2 **Cost Proposal:** The following information must be included in the cost portion of the proposal.
- a. A detailed line-item budget in Excel or Word format showing the one-time fixed amount of the proposed services, including costs associated with the following:
    - i. Deliverables.
    - ii. Maintenance and Support.
    - iii. Fees and Expenses for the Work/Services.
    - iv. Post-Acceptance Training and Post-Implementation Support.
    - v. Warranty Period for Additional Enhancements.
    - vi. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
  - b. The one-time fixed amount is a “not to exceed” total for all services and expenses payable under the Agreement, 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**

At the time Proposals are opened, each Proposal will be checked for the presence or absence of the required contents set forth in this RFP.

The **Cost Proposals** will be publicly opened at the date and time noted in Section 3.0 via Microsoft Teams.

The evaluation criteria will be based on the “value-effective” criteria factors/categories set forth in the table below. An award, if made, will be to the highest-scored Proposal based on a weighted average of the evaluating team’s scores using the 100-point scale set forth in the table below. If the highest-scored Proposal lacks any of the “value-effective” criteria factors or is deficient in any of the categories referenced below after the scoring phase, the evaluation team may make an award to the next highest-scored Proposal that best meets the “value-effective” criteria factors/categories.

If a contract is awarded, the Judicial Council will post an intent to award notice at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

<b>CRITERION</b>	<b>FACTORS</b>	<b>MAXIMUM NUMBER OF POINTS</b>
Quality of work plan and Deliverables submitted	Degree to which the Proposer’s work plan and services offered meets the work requirements and the Deliverables set forth in Section 2.0.	32
Organization Information and Qualifications/Experience on similar assignments	Proposer’s organization structure and financial stability, and Proposer’s level of qualifications and experience on similar assignments.	12
Cost Structure	Overall cost based on initial setup and ongoing fees for services.	50
Acceptance of the Terms and Conditions	Proposer’s acceptance of the Terms and Conditions <b>without</b> material exceptions.	3
DVBE Incentive	DVBE Incentive Points.	3
<b>Maximum Number of Points</b>		<b>100</b>

## 10.0 INTERVIEWS

The Judicial Council and Courts 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 by video conference or by phone. The Judicial Council and Courts will not reimburse Proposers for any costs and time incurred for the interview. 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 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 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 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. 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. **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 Judicial Council's DVBE Rules and Procedures. The Proposer will receive a DVBE incentive if, in the Judicial Council's sole determination, the Proposer has met all applicable requirements. If the 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.

To receive the DVBE incentive, at least three percent (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 12**). 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 11**) 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 Judicial Council 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 Judicial Council'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 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.

If using DVBE subcontractors, the Proposer must complete and return to the Judicial Council a copy of the post-contract certification form (<https://www.courts.ca.gov/18759.htm>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer's final invoice to the Judicial Council. If the Proposer fails to do so, the Judicial Council 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 Judicial Council 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 Judicial Council 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 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 five percent (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 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 Contract Manual (<https://www.courts.ca.gov/18759.htm>). 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 within **24 hours after the bid due date and time**. In order to be considered a valid protest, all such protests must be submitted by e-mail to the e-mail address established for the submission of questions in this RFP.