

7. The existence of a protest will in no way act to restrict the right of the Judicial Council to proceed with the procurement. The Judicial Council, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

K. Protest Decisions

1. The protest will be forwarded to the appropriate Contracting Officer at the Judicial Council, who will assess the protest submission for compliance with the requirements of these Administrative Rules and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.
2. If the protest submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.
3. The Contracting Officer will endeavor to provide the protestor with a written judgment within ten (10) Judicial Council business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.
4. If awarding a remedy, the Judicial Council shall, at its sole discretion, choose to employ any or a combination of the following remedies:
 - a. Award the contract consistent with the RFP;
 - b. Extend an additional award to the protesting prospective Consultant;
 - c. Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Consultant;
 - d. Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP;
 - e. Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned;
 - f. Other such remedies as the Judicial Council may deem necessary and appropriate.
5. While the Judicial Council will endeavor to investigate the protest and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the protest and is not able to provide a response within said period of time, the Judicial Council will notify the prospective protesting Consultant of the expected time within which it shall provide a response.

L. Appeals Submission

1. The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Consultant thereafter seeks an appeal of the ruling or relief prescribed.
2. All appeals are subject to, and shall follow, the process provided below.
3. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the Judicial Council's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the Judicial Council within five (5) Judicial Council business days following the date of issuance of the Judicial Council Contracting Officer's decision.
4. The justification for an appeal is specifically limited to the following:
 - a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
 - b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
 - c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.
5. Appeals raising other justifications for appeal shall be rejected as non-compliant and the protesting prospective Consultant shall have no further recourse under this procedure, including any further right of appeal.
6. In order to be considered valid, all requests for appeal must be:
 - a. Must be submitted by email to the email address established for the submission of questions in the RFP document and addressed to the Judicial Council's Senior Manager, Business Services. PDF documents may accompany the email as further detailed below.
 - b. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
 - c. Must provide the title of the solicitation document under which the appeal is submitted.
 - d. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the

protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.

- e. Must provide a detailed description of the specific ruling or relief requested.
- f. Must cite **all** appeals that the protesting prospective Consultant intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

M. Appeals Decisions

1. The Judicial Council's Senior Manager, Business Services, will assess the appeal submission for compliance with the requirements of these Administrative Rules and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply with the Administrative Rules.
2. If the appeal submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy.
3. The Judicial Council Senior Manager Business Services will endeavor to provide the appealing prospective Consultant with a written judgment within ten (10) Judicial Council business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.
4. While the Judicial Council will endeavor to investigate the appeal and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the appeal and is not able to provide a response within said period of time, the Judicial Council will notify the appealing prospective Consultant of the expected time within which it shall provide a response.
5. The judgment of the Judicial Council Senior Manager, Business Services, and any relief or remedy specified shall be final and are not subject to further appeal.

N. News Releases

1. News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the Judicial Council Senior Manager, Business Services.

O. Disposition of Proposal Materials Submitted

1. All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the Judicial Council's option and at the expense of the prospective Consultant submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

P. Payment and Withholding

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP; however, prospective Consultants are hereby advised that Judicial Council payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the Judicial Council and the selected Consultant.
2. The Judicial Council may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount withheld may depend upon the length of the project and the payment schedule provided in the agreement between the Judicial Council and the awarded Consultant.