



REQUEST FOR PROPOSALS

Continuity of Operations (COOP)

Planning System

Continuity of Operations (COOP) Planning System

RFP-FS-2021-20-JP

The Judicial Council of California seeks a planning system available for use by all Judicial Branch Entities (JBEs), including the Supreme Court, 6 Courts of Appeal, 58 trial courts, and the Judicial Council of California for COOP Planning.

PROPOSALS DUE:

**Tuesday, June 6, 2023, NO LATER THAN 3:00 P.M.
PACIFIC TIME (PT)**

JUDICIAL COUNCIL OF CALIFORNIA

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REQUEST FOR PROPOSALS

Date

May 18, 2023

To

Qualified Firms

From

Judicial Council of California, Facilities Services

Project Title

RFP Number: RFP-FS-2021-20-JP
Continuity of Operations (COOP) Planning System

Action Requested

Submit Proposals:

Email Technical Proposal to:

RFPFS2021-20-JP.Tech.proposal@jud.ca.gov

Email Cost Proposal to:

RFPFS2021-20-JP.Cost.proposal@jud.ca.gov

Deadline

Tuesday, June 6, 2023, by 3:00 PM PT

Contact

Solicitations@jud.ca.gov

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1. INTRODUCTION

- 1.1. The Judicial Council of California (“Judicial Council” or “JCC”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. 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. The Judicial Branch Entities (JBEs), including the Supreme Court, 6 Courts of Appeal, 58 trial courts, and the Judicial Council of California, currently use an existing planning system for Continuity of Operations (COOP). The existing planning system allows the Judicial Council Program Manager (Judicial Project Manager) to view and administer systemwide templates and plans, and includes COOP, Continuity of Government (COG), a Command and Control (CC) module, an Emergency Plan (EP) module to help meet requirements of the California Division of Occupational Safety and Health (Cal/OSHA)([Cal. Code Regs., tit. 8, §3220](#)), and a Court Security Plan (CSP) module to help trial courts meet requirements of [Cal. Rules of Court, rule 10.172](#). The existing system includes a Master Data (MD) function to streamline data population for multiple plans. It contains approximately 500 active and inactive plans.
- 1.3. The Judicial Council’s Facilities Services Office is issuing this Request for Proposals (RFP) to identify one (1) qualified Contractor to provide a planning system for Continuity of Operations (COOP), system design services and program management, system maintenance services, and system training and exercises. The initial term of the resulting contract, if any, in support of these services is anticipated to be for three (3) years, from **September, 2023, to September, 2026**, with two (2) subsequent one (1)-year option(s) to extend at the sole discretion of the Judicial Council. Contractor may request, in writing no less than 60 days prior to the start of any option Terms, if any, that rates be adjusted based on the California Bureau of Labor Statistics’ Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective.

2. DESCRIPTION OF SERVICES

- 2.1. The JCC seeks services meeting the following specifications:
 - 2.1.1. A Continuity of Operations (COOP) Planning System
 - 2.1.2. System Design and Program Management
 - 2.1.3. Maintenance Services
 - 2.1.4. Training and Exercises

3. MAINTENANCE SERVICES

- 3.1. An annual maintenance contract will be available to allow for uninterrupted service for all plans and users.

4. SPECIFICATIONS AND GENERAL SYSTEM REQUIREMENTS

4.1. Modules

- 4.1.1. The system must provide modules that allow users to choose whether to create a single plan for all their facilities or one-per-facility and data input templates that comply with:

4.1.1.1. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) guidance and best practices:

4.1.1.1.1. Continuity of Operations (COOP)

4.1.1.1.2. Continuity of Government (COG)

4.1.1.1.3. Command and Control (CC)

4.1.1.2. California Division of Occupational Safety and Health (Cal/OSHA) requirements ([Cal. Code Regs., tit. 8, §3220](#)):

4.1.1.2.1. Emergency Plan (EP)

4.1.1.3. California Rules of Court requirements ([Cal. Rules of Court, rule 10.172](#)):

4.1.1.3.1. Court Security Plan (CSP)

4.2. Roles

4.2.1. The system must include multiple levels of user roles:

4.2.1.1. “Site Administrator” can create and edit all plans, users, passwords, roles, and permissions.

4.2.1.2. “Plan Administrator” can edit all subordinate plans and their users' permissions.

4.2.1.3. “Plan Editor” can edit all plans for which they have permissions.

4.2.1.4. “Plan Viewer” can view all plans for which they have permissions.

4.3. Location, Hosting, Backups, Encryption, and Compatibility

4.3.1. The system must be web-based and not involve software installation or specific hardware requirements.

4.3.2. The system must be accessible twenty-four (24) hours per day, seven (7) days per week from any device (e.g., smart phone, tablet, personal computer) that has internet connectivity, to ensure users can refer to their plans regardless of their physical location.

4.3.3. The system’s data centers must be located in the continental United States.

4.3.4. The system must be hosted on a web address to which the JCC can redirect www.coop.courts.ca.gov.

4.3.5. The system must provide redundancy (for the ability to access data regardless of component or system failure) and must provide backups at least every twenty (24) hours (and restored in the event of a failure).

4.3.6. The system must employ security and encryption of stored data. Any data stored in a database must use industry-standard encryption.

4.3.7. The system must remain compatible with current versions of the following web browsers on Windows, Android, and Apple operating systems:

- Microsoft Edge
- Apple Safari
- Mozilla Firefox
- Google Chrome

4.4. Additional Functions and Components

- 4.4.1. The system must include a Master Data function to streamline data entry in common fields between each court's plans (such as contacts, facilities, and vital records/resources).
- 4.4.2. The system must provide an online file archive repository for documents and files that are shared between each court's plans.
- 4.4.3. The system must have an alert notification component for communicating to each court's specified contacts or teams, which offers multiple alert notification methods (e.g., calls to work phone and extension, home phone, mobile phone, text messaging, Telephone Device for the Deaf, or email) with no restriction on the number of individuals or groups contacted.
- 4.4.4. The system must include a reviewing tool to provide Site Administrators with detailed "audit log" reports of the status of all plans, users, and roles.
- 4.4.5. The system must include a plan grading and approval tool for Site Administrators or service to evaluate the completeness of all plans.

4.5. Interface, Customization, and User Management

- 4.5.1. The system's layout, navigation menus, and data entry templates must be intuitive and easy-to-use.
- 4.5.2. The system must allow Site Administrators to manage requests for user setup and modifications (e.g., login/password creation and user's roles in individual plans).
- 4.5.3. The system must offer optional confirmation emails for 'new user' accounts, role changes, and password changes.
- 4.5.4. The system must offer automated email reminders related to plan development, maintenance, training, and testing activities.
- 4.5.5. The system must support authentication with the use of strong passwords (greater than eight characters, numbers, and letters, upper- and lower-case letters, and special characters).
- 4.5.6. The system must support authentication password aging (e.g., to require change every 90 days).

4.6. Exportable Plans and Reports

- 4.6.1. The system's exportable plans and reports must be compatible with Microsoft Office 2010 or greater.
- 4.6.2. The system must provide detailed, exportable reports of activity, plan, and user levels to include date and time stamps, name of the individual logged in, plans and sections accessed, and whether edits were made.

- 4.6.3. The system must allow exportable plans for each module that include:
 - 4.6.3.1. Date of last approval.
 - 4.6.3.2. Details of last update.
 - 4.6.3.3. Planning team staff contact name, title, phone number, and email address.
 - 4.6.3.4. A list that Contractor updates as needed, of federal and state “authorities” that provide the legal basis for COOP or related plans (e.g., emergency orders, presidential directives, FEMA guidance circulars, Cal/OSHA EP requirements, etc.)
 - 4.6.3.5. Definitions of key words and phrases used in the plans.

4.7. Optional Specifications

- 4.7.1. A dashboard that each JBE can choose to customize to meet its specific needs (e.g., to provide visualization of or quick access to data for audits/metrics, upcoming TT&E or planned maintenance, or support incidents).
- 4.7.2. Free system apps (not shortcuts) that are compatible with current versions of Apple and Android mobile device operating systems.
- 4.7.3. Chat functionality for communication with active users within the system.

5. CONTRACTOR REQUIREMENTS

5.1. Modules and Debugging

- 5.1.1. The Contractor must provide design, configuration, and deployment of functionality or COOP, COG, CC, EP, and CSP modules to integrate data into the COOP planning system individually, as a group, or any variation thereof.
- 5.1.2. The Contractor will create these modules to develop court plans to include testing and debugging of the system. The Contractor will resolve any bugs discovered during testing within five (5) business days from the date the Contractor is notified of the defect or provide justification for a time extension.

5.2. Interface and Customization

- 5.2.1. The Contractor must develop data input templates to conform to the JCC Style Guide and graphics requirements, as advised by the Judicial Council Project Manager (Judicial Project Manager).
- 5.2.2. The Contractor must allow Site Administrators to add or request pre-populated drop-down lists in data input templates.
- 5.2.3. The Contractor must provide an administrative or document management tool that controls the content and appearance of the system’s home page and templates, and its exportable plans and reports, to allow for system-wide editing of text, data fields, and hyperlinks and adjustments to font formatting, paragraph spacing, color schemes, and seals/logos.

5.3. **Exportable Plans and Reports**

- 5.3.1. The Contractor will develop exportable plans and reports to conform to the JCC Style Guide and graphics requirements.
- 5.3.2. The Contractor must preset format, page setup/layout, and/or print area to ensure efficient viewing and printing of plans in the HTML and Word formats—and of reports in Excel and Word formats.

5.4. **Transfer of Data, Project Management, and Security Requirements**

Mandatory: Systems and Organization Controls 2 Type 2 (SOC II) certification has been achieved. Ref: <https://secureframe.com/blog/soc-2-type-ii>

5.4.1. Contractor must:

- 5.4.1.1. Develop a design and timeline for the mapping and importing of data from the old system to the new system (e.g., via mapping of fields from Excel exports). Data exported from the previous system must be mapped to new fields, imported, and checked.
- 5.4.1.2. Develop a timeline and plan for the customization and implementation of modules and reports.
- 5.4.1.3. Provide documentation to the Judicial Project Manager proposing:
 - 5.4.1.3.1. Review of all existing JCC documents related to the plans.
 - 5.4.1.3.2. Coordination and project management with the Judicial Project Manager.
 - 5.4.1.3.3. System design and technical development including appropriate security of the modules including all required functionalities for the system:
 - 5.4.1.3.3.1. Security System Plan (SSP) using NIST or ISO 27001 controls.
 - 5.4.1.3.3.2. Stored data must reside in the continental US.
 - 5.4.1.3.4. Management of the testing and deployment phases.
 - 5.4.1.3.5. Project completion timeframe.
- 5.4.2. The Contractor must provide a monthly activity report to the JCC Project Manager regarding ongoing initiatives, project management, development issues, interactions with court users about JBE-purchased training and exercises, and support incidents (including the status of open, in progress, and closed incidents for all users).
- 5.4.3. The Contractor must conduct an annual system review with the JCC Project Manager to address any issues, identify problem areas, and discuss updates.

5.5. **Guidance, Training, and Exercises**

- 5.5.1. The Contractor must provide a comprehensive tutorial guide for court planners with instructions on use of the system, how to create, update, and report on COOP plans,

best practices for COOP planning, and managing system users. This guide will focus on leading planners through the development of their COOP plan by giving straightforward instructions for each major section. The tutorial guide will be non-technical and user-friendly and will include, but will not be limited to, the following major components:

- 5.5.1.1. Describing their organization.
- 5.5.1.2. Identifying key staff members and other COOP-related contacts.
- 5.5.1.3. Developing Teams.
- 5.5.1.4. Designating orders of succession.
- 5.5.1.5. Researching alternate facilities and required resources.
- 5.5.1.6. Compiling information regarding vital records.
- 5.5.1.7. Developing drive-away kits.
- 5.5.1.8. Establishing procedures for testing, training, and updating the COOP plans.
- 5.5.2. The Contractor must offer monthly continuity planning training webinars.
- 5.5.3. The Contractor must provide the JCC user training seminars with annual COOP planning system user refresher workshops consisting of three (3) full-days broken into six (6) half day sessions that are conducted either onsite or held in a remote format. Each seminar will introduce planners to the web-based planning tool and train the planners on using the system to develop their individual plans. Registration and materials for the workshops must be reviewed by the Judicial Project Manager prior to distribution to users.
- 5.5.4. The Contractor must offer additional Tabletop Exercises (TT&E) to individual JBEs for purchase. TT&E will be designed to test the existing COOP plans with the purpose of learning and improving them. TT&E will be designed with input from the Judicial Council Program Manager and the Courts to address the specific requirements of the participating courts.

5.6. Support

- 5.6.1. The Contractor must provide technical support by telephone and email.
 - 5.6.1.1. Routine support requests must be acknowledged by a support representative within twenty-four (24) hours, 8 a.m. to 5 p.m., Monday through Friday, Pacific Standard Time.
 - 5.6.1.2. Priority support requests such as issues that prevent user activation of COOP plans or prevent alert notifications relating to activation, must be acknowledged by a support representative within one (1) business hour, 8 a.m. to 5 p.m., Monday through Friday, Pacific Standard Time.

6. TIMELINE FOR THIS RFP

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

EVENT	DATE / TIME (PT)
Issuance of RFP	Monday, May 1, 2023
Pre-Proposal Conference Call <i>(optional)</i>	<p>Thursday May 11, 2023, at 10:00 A.M.</p> <p>Microsoft Teams meeting Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 241 880 576 256 Passcode: vvnMPs Download Teams Join on the web Join with a video conferencing device 178332609@teams.bjn.vc Video Conference ID: 113 215 680 0 Alternate VTC instructions Or call in (audio only) +1 415-906-0569,,13491937# United States, San Francisco Phone Conference ID: 134 919 37# Find a local number Reset PIN Learn More Meeting options</p>
<p><i>Questions and Clarifications Due (Submit Attachment 15, Form for Submission of Questions, send email to: Solicitations@jud.ca.gov)</i></p>	<p><i>Tuesday, May 23, 2023, by 5:00 P.M.</i></p>
<p>Answers to Questions Posted to the Courts Solicitations web page https://www.courts.ca.gov/rfps.htm</p>	<p>Tuesday, May 30, 2023</p>
<p>Deadline for Proposals</p> <p>Email Technical Proposal to: RFPFS2021-20-JP.Tech.proposal@jud.ca.gov Email Cost Proposal to: RFPFS2021-20-JP.Cost.proposal@jud.ca.gov</p>	<p>Tuesday June 6, 2023, by 3:00 P.M.</p>
<p>Anticipated interview and demonstrations (optional)</p>	<p>Tuesday June 27, 2023, through Thursday June 29, 2023</p>
<p>Posting Technical Evaluation (Non-Cost) Proposals Scores</p>	<p>Wednesday, July 12, 2023</p>
<p>Public opening of cost portion of proposals</p>	<p>Monday July 24, 2023, at 11:00 A.M.</p> <hr/> <p>Microsoft Teams meeting Join on your computer, mobile app or room device Click here to join the meeting</p>

EVENT	DATE / TIME (PT)
	Meeting ID: 260 393 083 719 Passcode: hH6rza Download Teams Join on the web Join with a video conferencing device 178332609@teams.bjn.vc Video Conference ID: 119 390 456 5 Alternate VTC instructions Or call in (audio only) +1 415-906-0569,,949321454# United States, San Francisco Phone Conference ID: 949 321 454# Find a local number Reset PIN Learn More Meeting options
Notice of Intent to Award Posted to the Courts Solicitations web page https://www.courts.ca.gov/rfps.htm	Tuesday August 15, 2023
Contract Start Date	September 2023

7. RFP ATTACHMENTS

7.1. The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	The Judicial Council’s Administrative Rules Governing Requests for Proposals applicable to this RFP can be found in Attachment 1. By virtue of submission of a Proposal, the Contractor agrees to be bound by said Administrative Rules.
Attachment 2: Standard Agreement (Sample) and Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Standard 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. The Proposer must complete and sign the Acceptance of Terms and Conditions form.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 6: DVBE Declaration	Complete and return this form and a copy of its DVBE certification approval letter or DVBE certification issued by the

	Department of General Services with the proposal only if the Proposer wishes to declare DVBE status.
Attachment 7: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 8: Payee Data Record Form (STD 204)	This form contains information the JCC requires in order to process payments and must be submitted with the proposal.
Attachment 9: Payee Data Record Supplement (STD 205)	This form is optional and is used to provide remittance address information <i>if different</i> than the mailing address on the Payee Data Record (STD 204). Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the Payee Data Record.
Attachment 10: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 11: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 12: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 13: Cost Proposal Submission Template	The Proposer must complete the entire cost proposal.
Attachment 14: Proposal Submissions Template	The Proposer must complete the entire Proposal Submissions Template .
Attachment 15: Form for Submission of Questions	The Proposer must use this form for the submission of questions.

8. PAYMENT INFORMATION

- 8.1. Payment for work performed will be based on the terms and conditions of the contract resulting from this solicitation, including:
 - 8.1.1. Contractor will invoice no more than once per month, in arrears, for deliverables that the Judicial Council has accepted, not to exceed the contracted amount per the deliverable.
 - 8.1.2. Progress invoices may be allowed with prior Judicial Council approval for work performed. The Judicial Council will not make any advance payment for services.

8.1.3. Additional deliverables may be requested by the JCC. A Service Request Form (Ref: Sample Agreement Appendix H) will be provided to the Contractor, detailing the nature of the additional work requested. The Contractor will complete the Service Request Form and provide a proposal detailing the specifics of the work, costs, and timeline to the Judicial Project Manager. A contract amendment will be executed to add the deliverable and encumber funds.

8.1.4. All prices are inclusive of travel and no other travel costs are allowed.

9. PRE-PROPOSAL CONFERENCE (OPTIONAL)

9.1. A pre-proposal conference will be held to answer questions with regards to this RFP. This conference is not mandatory to attend to submit a Proposal. Although questions will be responded to verbally, the official and binding response will be the written response posted to the Judicial Council website (<http://www.courts.ca.gov>). The pre-proposal conference will be held on the date identified in the Timeline for this RFP and can be attended using the video platform meeting link provided.

10. SUBMISSION OF PROPOSALS

10.1. **Method of Submission:** The Proposer must submit its proposal in two (2) parts—the technical (non-cost) proposal and the cost proposal. Only electronically submitted proposals will be accepted. Proposals must be delivered by the date and time listed on the coversheet of this RFP and in Section 6 of this RFP above, but no more than three (3) days in advance of the proposal due date to the following two (2) email addresses:

Email Cost Proposal to: RFPFS2021-20-JP.Cost.proposal@jud.ca.gov

Email Technical Proposal to: RFPFS2021-20-JP.Tech.proposal@jud.ca.gov

Note: Indicate the RFP number and the name of the Proposer's organization in the subject line of the email for each submission (technical and cost). When submitting the cost proposal, the email should include "COST PROPOSAL" as a part of the email subject line.

10.2. The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests.

10.3. **Submission Timelines:** The due date and time for submission of Proposals can be found in the most recent version of the RFP schedule posted to the California Courts' website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted. Please keep abreast of changes to the RFP schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes. Late proposals will not be accepted.

10.4. The Judicial Council reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract, and in no way is the Judicial Council, or the State of California, responsible for the cost of preparing the proposal. Submitted proposals may be retained for official files and may become a public record.

11. PROPOSAL CONTENTS

11.1. Cost Portion: Submit Attachment-13-Cost-Proposal-Submission Template

11.2. **Technical (Non-Cost) Portion:** The following information must be included in the technical portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive. Please submit the proposal in a narrative format. Submit Attachment-14-Proposal-Submissions Template

11.2.1. The Proposer's name, address, telephone number, email address, and federal tax identification number.

11.2.2. The 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.

11.2.3. Describe the organization of the key staff (including the dedicated program manager) that would service the contract. For each key staff member provide a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.

11.2.4. The names, addresses, email addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services within the past 5 years. The JCC may check references listed by the Proposer.

11.2.5. Proposed method to complete the work:

Provide a narrative of the proposed methods, approaches, and techniques to be used to complete the work and provide the services as described in Section 2 Description of Services, Section 4 Specifications and General System Requirements, and Section 5 Contractor Requirements.

11.2.5.1. Specifications and General System Requirements:

11.2.5.1.1. Roles

11.2.5.1.2. Location, Hosting, Backups, Encryption, and Compatibility

11.2.5.1.3. Additional Functions and Components

11.2.5.1.4. Interface, Customization, and User Management

11.2.5.1.5. Exportable Plans and Reports

11.2.5.2. Contractor Requirements:

11.2.5.2.1. Interface and Customization

11.2.5.2.2. Exportable Plans and Reports

11.2.5.2.3. Support

11.2.5.3. **Modules:** Provide details of the time and number of staff required to customize, develop, and deploy each individual module. List the type of reports available, and provide details of the customization, or development required for each.

11.2.5.3.1. Continuity of Operations (COOP)

11.2.5.3.2. Command and Control (CC)

11.2.5.3.3. Continuity of Government (COG)

11.2.5.3.4. Emergency Plan (EP)

11.2.5.3.5. Court Security Plan (CSP)

11.2.5.3.6. Reports

11.2.5.4. **Transition of Data:** Provide a detailed description of the plan to convert/transfer data from the existing system to a new system. Please be sure to include the timeframe required.

11.2.5.5. **Maintenance Services:** Provide details for the annual maintenance agreement, list the services offered, included and excluded items, response times, hours of operation, and procedures for case escalation and resolution. Indicate if the maintenance agreement is included in, or in lieu of, an annual subscription fee (do not include rates).

11.2.5.6. **Training Services:** Indicate the training services and delivery method offered. Provide narrative details for each type of training, including the length of time and number of staff assigned to each.

11.2.5.7. **Optional Specifications:** Provide a detailed description of the approach to provide optional items and include details of any additional optional items, if applicable.

11.2.5.7.1. Dashboard

11.2.5.7.2. System Apps

11.2.5.7.3. Chat Function

11.2.6. Acceptance of the Terms and Conditions:

11.2.6.1. 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.

11.2.6.2. 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.

11.2.7. Certifications, Attachments, and Other Requirements:

If Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), the Proposer must include in the Proposal, 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, the Proposer must include in the Proposal proof that Proposer is qualified to do business and in good standing in California.

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, the Proposer must include in the Proposal proof that Proposer is in good standing in its home jurisdiction.

11.2.7.1. The Proposal must include copies of the Proposer's (and any subcontractors') current business licenses, professional certifications, or other credentials.

11.2.7.2. The Proposal must include proof of financial solvency or stability (e.g., balance sheets and income statements).

11.2.7.3. The Proposer must complete and sign the General Certifications Form (Attachment 4) and submit the completed form with its proposal.

11.2.7.4. The Proposer must complete and sign the Payee Data Record form (Attachment 8) and submit the completed form with its proposal.

11.2.7.5. The Proposer must complete and sign the Iran Contracting Act Certification (Attachment 10) and submit the completed certification with its proposal.

11.2.7.6. The Proposer must complete and sign the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 11) and submit the completed certification with its bid.

11.2.7.7. The Proposer must complete the Darfur Contracting Act Certification (Attachment 12) and submit the completed certification with its proposal.

12. 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.

13. EVALUATION OF PROPOSALS

13.1. 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-combined scored proposal.

Technical (Non-Cost) Proposals (Mandatory): The process to evaluate the Contractor's qualifications will be based on their submittal of Attachment-14-Proposal-Submissions. At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Judicial Council reserves the right to reject any Contractor's submission to the RFP that is non-responsiveness to the selection criteria or fails to demonstrate direct expertise in services of similar size, complexity, and nature. The Judicial Council will evaluate the technical (non-cost) portion of the proposals which will be based on a 50-point scale using the criteria set forth in the table below. The Judicial Council will publish the results of the completed technical (non-cost) evaluation to the Courts Solicitations web page at <https://www.courts.ca.gov/rfps.htm>.

Cost Proposals (Mandatory): Attachment-13-Cost-Proposal-Submission will be filled out completely to fairly evaluate and award these services. The cost portion will be based on a 50-point scale using the criteria set forth in the table below. Cost Proposals will be publicly opened at the date and time noted in Section 6.0 via a collaboration platform Microsoft Teams meeting. The Judicial Council will post meeting details at <http://www.courts.ca.gov>. Each cost proposal will be checked for the meeting mandatory cost requirements. The

Judicial Council reserves the right to reject any Contractor’s submission to the RFP cost portion that is non-responsive to the mandatory requirements for the cost proposal.

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

Criterion	100 Maximum Points
Technical (Non-Cost) Scoring Evaluation	50
<p>Product Availability, Customization, and Lead Time customization required for base COOP system and development required for additional four (4) modules and reports, ability to meet timing requirements to complete the product/modules:</p> <ul style="list-style-type: none"> • Continuity of Operations (COOP) • Continuity of Government (COG) • Command and Control (CC) • Emergency Plan (EP) • Court Security Plan (CSP) • Reports 	7
<p>Technical Attributes specified modules and roles, location, hosting, backup, encryption, compatibility requirements, master-data, file-archive, alert-notification, audit-log, plan-grading components, interface, customization, user-management items, exportable plan, report items.</p>	10
<p>Transfer of Data/Transition details outlining the steps necessary to transition data from the existing system to a new system, including a timeline.</p>	10
<p>Quality of Proposal details demonstrating that the product meets the specifications of the RFP, including project management and pricing formula (excluding rates), including details of experience providing similar services to other government entities, industry certifications, relevant staff training and experience, and certifications.</p>	5
<p>Maintenance Services and Support details of services included and excluded, support availability, response times, hours of operation, procedures for case escalation and resolution.</p>	5
<p>Training Services details of the training available, delivery method and type (e.g., remote/onsite delivery, guidance/training exercises, tutorial guide, monthly webinars, annual refresher workshops, tabletop exercises)</p>	5
<p>Acceptance of the Terms and Conditions.</p>	3
<p>DVBE Incentive. Available to qualified proposers.</p>	2
<p>Interview: Scoring for this category will be based on the Initial Interviews.</p>	3

Criterion	100 Maximum Points
Cost Proposal Scoring Evaluation	50
Implementation cost - One-time Cost / Fixed Firm Price Customize/Deploy: Scoring for this category will be based on the fixed firm cost to customize/deploy each module and their associated reports.	20
Maintenance & Operational Support Services Annual Subscription Fee: Scoring for this category will be based on the lump sum cost of the annual subscription, including additional optional yearly extensions and all system maintenance/support.	10
Project and M&O Support Hourly Rates Customize/Deploy Modules: Scoring for this category will be a weighted average hourly rate for position titles working on the customization/deployment of modules and their associated reports.	5
Transfer of Data/Transition: Scoring for this category will be based on the total estimated cost to complete the transfer of data to a new system and related testing.	10
User Training: Scoring for this category will be based on the hourly rate of the position title of staff delivering training (remote & onsite)	5

14. INTERVIEWS

14.1. Initial Interviews

The JCC may conduct Initial Interviews with Proposers to clarify aspects set forth in their proposals, and to assist in evaluating, scoring, and ranking of 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 held in person or take the form of phone conversations, virtual meetings (e.g., Microsoft Teams), and/or application demonstrations (virtually via the web). If conducted in person, interviews will likely be held at the JCC’s offices. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview arrangements.

15. 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 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 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 JCC’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.

16. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

16.1. Qualification Not Mandatory

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

16.2. DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the JCC's DVBE Rules and Procedures. The Proposer will receive a DVBE incentive if, in the sole determination of JCC staff, the Proposer has met all applicable requirements. If the Proposer receives the DVBE incentive, points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 13, above.

16.3. Qualification

To receive the DVBE incentive, at least three 3% percent 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, the Proposer may have an approved Business Utilization Plan (BUP) on file with the California Department of General Services (DGS).

16.4. Process

If Proposer wishes to seek the DVBE incentive:

16.4.1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 5). Proposer must also submit all materials required in the Bidder Declaration.

16.4.2. Proposer must submit with its proposal a DVBE Declaration (Attachment 6) 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 also 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.

16.5. Failure to Complete Forms

Failure to complete and submit these forms as required will result in the 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 the Proposer not receiving the DVBE incentive.

16.6. Application of DVBE Incentive

If the 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 Procedures for the Procurement of Information Technology Goods and Services.

16.7. Meeting DVBE Commitments

If the 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 JBE 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 JBE. If the Proposer fails to do so, the JBE 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 JBE shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least fifteen (15) calendar days, but no more than thirty (30) calendar days, from the date of the written notice the Proposer refuses to comply with the certification requirements, the JBE 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 PCIVIL PENALTIES. SEE MVC 999.9.

17. 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 7). 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.

18. PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual see: (<https://www.courts.ca.gov/documents/jbcl-manual.pdf>). In light of the COVID-19 pandemic, electronic submissions will be permitted. Failure of a Proposer to comply with the protest procedures set forth in that chapter, with the exception of being permitted to submit a protest or appeal electronically, will render a protest inadequate and nonresponsive and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is two days before the proposal due date. Protests must be sent electronically to: Solicitations@jud.ca.gov.