

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

ON-SITE CATERING SAN FRANCISCO

RFP No. LSS-2021-28-DM

PROPOSALS DUE:

September 10, 2021 NO LATER THAN **1:00 P.M.** PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy making agency 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 The Judicial Council seeks the services of persons or entities with expertise in the day-to-day business of catering.
- 1.3 As an internal services organization, the Conference Center & Reception Services Unit (located within the office of Conference & Print Production) is tasked with placing catering orders in conjunction with meetings taking place in the conference rooms that are located within the buildings at 455 Golden Gate Avenue, San Francisco, and orchestrating the logistical needs of meetings, conferences, trainings, etc. taking place on site. Occasionally a catering order will be required for delivery to another location within San Francisco. Historically, the Judicial Council has tried to establish an on-going and mutually beneficial relationship with a professional catering company to service these catering needs throughout the year. This is done in an effort to leverage the volume of business into cost savings that would allow the Judicial Council to administer public funds in a sound and fiscally responsible manner.
- 1.4 The Judicial Council seeks to identify and **retain one or more qualified Contractors** to prepare, deliver, set-up and tear-down catered meals, in a professional manner with the utmost attention to detail. This RFP is the means for Proposers to submit their qualifications and request selection as a Contractor for these services.
- 1.5 This RFP is being issued by the Judicial Council (“Establishing Judicial Branch Entity” or “Establishing JBE”), on behalf of itself and five other Judicial Branch Entities:
 - Supreme Court, County of San Francisco
 - Superior Court, County of San Francisco
 - First District Court of Appeal
 - Commission on Judicial Performance (CJP)
 - Habeas Corpus Resource Center (HCRC)

Any of the above five Judicial Branch Entities shall have the right to place orders under the resulting Master Agreement(s) by entering into a Participating Addendum with the Contractor(s). For the Establishing JBE, no additional Participating Addendum is necessary. Any of the above five Judicial Branch Entities that enters into a Participating Addendum with the Contractor(s) pursuant to the resulting Master

Agreement(s) is a “Participating Entity” (collectively, “Participating Entities”). The Establishing JBE and the Participating Entities are collectively referred to as “JBEs” and individually as “JBE”).

- 1.6 The Judicial Council anticipates awarding one or more master agreements for a **two-year term**. The term of the awarded master agreement(s) is anticipated to commence on or about **October 1, 2021** and run for two years.
- 1.7 The Judicial Council does not guarantee that the Contractor(s) will receive a specific volume of work, a specific total amount, or a specific order value under the awarded master agreement(s) for these services. Additionally, there will be no limit on the number of orders the Judicial Council may issue under the Master Agreement(s), nor will there be any specific limitation on the quantity, and maximum value of individual orders, but the Judicial Council understand that there may be a minimum order requirement for specific deliveries.
- 1.8 Background Information on Historic Catering Needs and Expenditures (not a guarantee of future expenditures):
 - 1.8.1 Fiscal year 2016/2017: \$95,946.35
 - 1.8.2 Fiscal year 2017/2018: \$101,819.57
 - 1.8.3 Fiscal year 2019/2020: \$55,115.15*

* (half-year due to COVID interruption)

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

Meetings are catered in the building at **455 Golden Gate Avenue, San Francisco** and **occasionally to another location within San Francisco**, on an average ranging from 0-4 catering orders per week, which amounts to some weeks having no orders alternated by weeks with multiple orders and with the occasional week of 5 or more catering orders. **One catering order is meals served for one day's meeting**. One catering order may contain just coffee or breakfast and lunch. Peak numbers of meals served is Tuesday through Friday. The meals served most often are either some variation of a continental breakfast and/or a morning coffee service and lunch. The average breakfast per catering order covers **42 people** and the average lunch per catering order covers **33 people**. Receptions and dinners are rarely served and occur 2 - 4 times annually.

2.1 Scope of Services

The Contractor(s) will be asked to provide the JBE with the following work:

- 2.1.1 Order Placement Process
 - 2.1.1.1 Catering orders may be placed Monday through Friday until 3:00pm, at least one day prior to the event.
 - 2.1.1.2 Menu selection changes may be made to a previously placed order up to 24 hours in advance of the event time/date.
 - 2.1.1.3 Changes in the number of meals specified in an order may be made by 3:00 p.m. on the business day preceding the scheduled delivery

- without penalty (increase or decrease).
- 2.1.1.4 Full cancellation of orders previously placed may be made up to one (1) business day in advance of event time/date, without charge.
 - 2.1.1.5 Orders should be placed by the JBEs to Contractor(s) using the **JCC Catering Menu Order Form** which can be customized by each Participating JBEs based on their service needs. Each JBE and in the case of the Judicial Council, is responsible for submission of their own Catering Menu Order form to place order. The Authorized JBEs personnel will work with the contractor(s) on each order.
 - 2.1.1.6 Upon receipt of a **Catering Menu Order Form**, the Contractor(s) shall email a sales order to be confirmed by the JBEs' authorized user before the order is considered authorized.
 - 2.1.1.7 A set list of authorized Judicial Council personnel that may place catering orders will be provided after the award of the contract(s). The Participating JBEs may provide their own list of authorized personnel to the Contractor(s) after the Participating Addendum is signed. The Contractor(s) shall not work with any non-authorized personnel, and the JBE will not be financially responsible for orders the contractor accepts by non-authorized personnel.

2.2 Delivery, Set-up and Pick-up

- 2.2.1 All orders are to be delivered and set-up by the specified "Delivery Time" on the **Catering Menu Order Form** provided by the authorized user. The delivery schedule is:
 - Breakfast is before 8:00 am
 - Coffee only before 10:00 am
 - Lunches around 11:30 am
 - Dinner is very rare, and around 5:00 pm
- 2.2.2 **Any orders delivered late by 30 minutes or more will be at no charge to the JBE.**
- 2.2.3 If the Contractor(s) anticipates a late delivery, they will immediately call the JBE's representative with an estimated time of arrival.
- 2.2.4 The contractor(s) shall enter the **455 Golden Gate Avenue** building via the loading dock and utilize the freight elevator for all deliveries.
- 2.2.5 Prior to room set-up, the Contractor(s) will always check in at the Reception desk upon arrival to the Judicial Council, to receive any last-minute information or instructions (i.e., room changes).
- 2.2.6 All catering equipment (serving utensils etc.) must be cleared from the building **no earlier than 3:30 pm**, and **no later than 6:00 pm** on day of delivery (with the exception of days when late afternoon or early evening receptions are scheduled to take place).
- 2.2.7 All meals must be delivered fully prepared and ready to serve (there are no on-site kitchen facilities).

2.3 Presentation

- 2.3.1 The display of catered items will be placed on Judicial Council provided tables and must include at a minimum all of the following items:
 - 2.3.1.1 Carafes are used for orange juice service.
 - 2.3.1.2 Linen table clothes are used on buffet surfaces.
 - 2.3.1.3 Professionally printed food labels are used on buffets for indication of coffee type, and vegetarian and gluten-free selections at a minimum.

2.4 Inventory

- 2.4.1 The Contractor(s) agrees to keep an inventory of a minimum of the following in a supply closet at the Judicial Council:
 - 2.4.1.1 100 paper plates, 100 sets of eating utensils (plastic forks, knives, spoons and paper napkins etc.), and 100 plastic cups, and one (1) air pot at all times.
 - 2.4.1.2 Supply of seasonings, teas, sweeteners.
 - 2.4.1.3 Contractor will be responsible for monitoring and replenishing inventory as necessary.

2.5 Problem Resolution

- 2.5.1 The JBE requires direct access to a management representative with the Contractor(s), in order to gain immediate and accurate information and problem resolution; and
- 2.5.2 The Contractor(s) will ensure prompt problem resolution, with appropriate and concise follow-up to the JBE’s Project Manager within **7 business days** of receiving the JBE’s request for problem resolution.

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	August 27, 2021
Deadline for questions Solicitations@jud.ca.gov	September 3, 2021 by 1:00 p.m. Pacific Time
Questions and answers posted (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	September 7, 2021
Latest date and time proposal may be submitted to Solicitations@jud.ca.gov	September 10, 2021 by 1:00 p.m. Pacific Time
Evaluation of proposals (<i>estimate only</i>)	September 13 – September 15, 2021
Anticipated Interviews & Menu Tasting Dates	September 20 – September 21, 2021

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Notice of Intent to Award (<i>estimate only</i>) www.courts.ca.gov/rfps.htm Deadline to Submit Award Protest (JCC must receive award protest within 5 days of Notice of Intent to Award)	September 23, 2021
Negotiations and execution of contract (estimate only)	September 24 – September 30, 2021
Contract start date (estimate only)	October 1, 2021
Contract end date (estimate only)	September 30, 2023

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: Judicial Council Master Agreement Terms and Conditions-Non-IT	If selected, the person or entity submitting a proposal (the “Proposer”) must sign: this JBE Master agreement (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 7: Pricing Form and Menu Options	Complete this form to propose pricing and descriptions each of Packaged Menu Items for Breakfast, Lunch, Dinner and or evening reception hors d'oeuvres, Coffee Service and Appetizer / Hors D' Oeuvre.
Attachment 8 Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.
Attachment 9: DVBE Declaration	Complete and return this form and a copy of its DVBE certification approval letter or DVBE certification issued by DGS with the proposal only if Proposer wishes to declare DVBE status.
Attachment 10: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 11: Iran Contracting Act Certification	Proposer must complete and submit the Iran Contracting Act Certification.

5.0 BILLING AND PAYMENT INFORMATION

- 5.1 On weeks in which there's an order, all invoices must be emailed to the JBE's Project Manager on no less than a weekly basis in arrears.
- 5.2 Each invoice must have its own specific invoice number for tracking purposes.
- 5.3 Each invoice must include the following information:
 - Cost per meal, inclusive of preparation, set-up, tear-down of catered meals, and use of linen tablecloth and service charge
 - Ancillary cost such as flatware and paper products
 - Delivery charge
 - Number of meals served
 - Date of Service
 - Name of meeting
 - Room name
 - Sales tax
- 5.4 For multiple day events within the same week, a single Master Invoice with a single unique invoice number may be utilized to cover the range of the event's orders.
- 5.5 Any questions or concerns regarding payment of bills should be directed to the JBE's Project Manager.
- 5.6 Contractor(s) must provide the JBE with a monthly statement listing all outstanding (unpaid) invoices.
- 5.7 Any Orders delivered **late by 30 minutes or more** will be **at no charge** to the JBE.
- 5.8 The Service and Deliverables must meet the following acceptance criteria or the JBE may reject the applicable Services or Deliverables:
 - Timeliness: timely delivery of the catering as requested on the Catering Menu Order Form
 - Edibility of the food or drink: the catering is delivered as measured against commonly accepted standards.
- 5.9 The JBE will make every effort to ensure each correct, itemized invoice received from Contractor is paid promptly but is unable to pay any late fees or interest payments on invoices past due.

6.0 SUBMISSIONS OF PROPOSALS

Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents," **Section 7**, below. Color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements, and completeness and clarity of content.

- 6.1 The Proposer must submit its proposal in two parts: 1) the Technical Proposal, (6.1.1); and 2) the Cost Proposal (6.1.2).
 - 6.1.1 Technical Proposal - The Proposer must submit their Technical Proposal as an attachment to an email sent to solicitations@jud.ca.gov
 - a) The Technical Proposal must be signed by an authorized

representative of the Proposer.

- b) The Proposer must indicate on the subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.1.2 Cost Proposal - The Proposer must submit their Cost Proposal to an email sent to solicitations@jud.ca.gov

- a) The Cost Proposal must include **Attachment 7, Pricing Form and Menu Options** and all components required in Section 7.2 Cost Proposal below.
- b) The Proposer must indicate on the subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.2 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received prior to the due date and time or the proposal will not be accepted.

6.3 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 proposal will be retained for official files and becomes a public record.

7.0 PROPOSAL CONTENTS

The following information must be included in the proposal. **A proposal lacking any of the following information may be deemed non-responsive.**

7.1 Technical Proposal.

7.1.1 Company Information

7.1.1.1 **Legal name, business address, phone and fax numbers.** Proposer's name, address, telephone and fax numbers, and federal tax identification number (as shown on tax returns. Note that if Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

7.1.1.2 **Physical location.** Provide the physical address of the location where catering service meals will be prepared for delivery.

7.1.1.3 **History.** Provide a brief history of your company. Include management philosophy, length of years in the catering business, annual volume of catering business, and industry associations to which your company belongs.

- 7.1.1.4 **Staffing.** Indicate staffing level and an organization chart identifying the members of your team, their roles, responsibilities, lines of authority and knowledge necessary to complete this project.
- 7.1.1.5 **Key staff resumes.** For each key staff member of the Proposer's catering team: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- 7.1.1.6 **Designated representative.** Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.
- 7.1.1.7 **References.** Names, addresses, and telephone numbers of a minimum of **four (4) clients** for whom the Proposer has conducted similar catering services. The Judicial Council may check references listed by Proposer.

7.1.2 Methods and Plans

- 7.1.2.1 **Method.** Describe your proposed method to complete the work including catering order placement & order confirmation methods, as well as your proposed delivery and pick-up procedures. For example:

The Proposer receives an order for catering services from the Judicial Council for an all day, on-site event with 40 attendees. Describe the method you would use to complete the work.
- 7.1.2.2 **Customer Satisfaction Plan.** Describe the plan you will implement to ensure continued customer satisfaction throughout this engagement. Include items such as guarantees, client surveys, problem escalation procedures, and periodic meetings with the Judicial Council Project Manager.
- 7.1.2.3 **Invoicing process.** Describe your proposed invoicing process.
- 7.1.2.4 **Menu options.** Submit an assortment of several cold lunch menu options, as well as any hot lunch menu options (desired but not a requirement), several cold and hot breakfast menu options, coffee service option(s), Appetizer / Hors D' Oeuvre and dinner and/or evening reception hors d'oeuvres menu options. Menus should be creative and flexible.

They should have the potential to rotate **every 6 to 12 months** if the JBE opts for a menu refresh.

- 7.1.2.5 **Minimum Order.** The contractor will clearly state in their proposal any and all minimum ordering and delivery requirements (e.g. The minimum order for delivery is \$60.)
- 7.1.2.6 **Dietary restrictions.** Packaged menu options must include selections that can accommodate dietary restrictions (e.g., diabetic, vegetarian, gluten-free, vegan, nut allergies, etc.).

7.2 Cost Proposal.

The following information must be included in the cost proposal:

7.2.1 Pricing

7.2.1.1 Current meal prices are listed below:

7.2.1.1.1 \$14.00 per person for continental breakfast options.

7.2.1.1.2 \$17.00 per person for hot breakfast entrees options.

7.2.1.1.3 \$3.00 per person for coffee service.

7.2.1.1.4 \$16.50 per person for lunch sandwich and/or salad options.

7.2.1.1.5 \$20.00 per person for lunch hot entree options.

7.2.1.1.5 \$34.00 per person for dinner options.

7.2.1.2 The above pricing includes preparation, set-up, tear down of catered meals, use of linen tablecloths, service charge and sales tax.

7.2.1.3 Though the above pricing structure represents the current meal pricing utilized by the Judicial Council, lower cost option will be viewed favorably for the purpose of this RFP.

In the event that the above pricing cannot be met, all interested proposers are encouraged to submit their best available proposed pricing for consideration.

7.2.1.4 Delivery fees will be paid as a separate item. Proposer will clearly state in their proposal any and all delivery fees and their specifics.

7.2.1.5 Ancillary cost such as flatware and paper products will be paid separately.

7.2.1.6 Sales tax will be paid separately from cost per meal per person

7.2.2 **Attachment 7**, Pricing Form and Menu Options. Complete this form to include descriptive examples each of the packaged menu items specified in section **7.1.2.4, Menu Options** above; Package menu item provided in Attachment 7 should include an assortment of beverages. Beverages should not include bottled water. All baked good items served (with the exception of sliced breads for sandwiches) should be fresh, and not consist of pre-packaged or mass marketed/branded items (e.g., Kirkland brand from Costco).

7.2.3 Provide a detailed line item budget showing the total cost per person of the proposed services for each Packaged Menu Item on Attachment 7.

7.3 Acceptance of the Judicial Council Master Agreement Terms and Conditions.

7.3.1 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.

- 7.3.2 If exceptions are identified, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

7.4 Certifications, Attachments, and other requirements. Proposer must include the following completed forms/documents in its proposal:

- 7.4.1 Attachment 4, General Certifications Form:
Bidder certifies that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
- 7.4.2 Attachment 5, Darfur Contracting Act Certification Form.
- 7.4.3 Attachment 6, Payee Data Record Form.
- 7.4.4 Attachment 7, Pricing Form and Menu Options.
- 7.4.5 Attachment 8, Unruh Civil Rights Act and California Fair Employment and Housing Act Certification Form.
- 7.4.6 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. **The Contractor 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 Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, **proof that Contractor is in good standing in its home jurisdiction.**
- 7.4.7 Copies of current business licenses, professional certifications, or other credentials, such as Seller's Permit, Business License Tax Certificate, and Permit to Operate, etc.
- 7.4.8 Attachment 11, Iran Contracting Act Certification

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 INTERVIEWS AND NEGOTIATIONS

9.1 The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals to finalize the contract terms and conditions, including cost, or to assist in finalizing the ranking of top-ranked proposals. Interviews may be conducted in person or by phone. If conducted in person, interviews will be held at the Judicial Council's office in San Francisco. 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 if an interview is requested.

9.2 **MENU TASTING:** The Judicial Council may conduct Menu Tasting. If the Menu Tasting is necessary, it will be for the **top 3 ranked proposers only**, to present in person at the Judicial Council, a tasting of several items from the proposed breakfast and lunch menus. Delivery, presentation, and food quality and portion size will be assessed by the project management staff at this time.¹ All expenses associated with this tasting shall be borne by the proposer. The Judicial Council will notify the top-ranked Proposers regarding the tasting arrangements according to the scheduled date specified in Section 3.0, Timeline for this RFP.

¹ Note: Evaluators may request to taste samples of the menu examples described in Attachment 7, *Pricing Form and Menu Options (7.2.2)*

10.0 EVALUATION OF PROPOSALS

10.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents specified in **Section 7.0, Proposal Contents** above.

10.2 The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. **As one or more Contractors may be selected, Awards, if made, will be to the highest scored proposals.** Although some categories are weighted more than others, all are considered necessary and a proposal must be technically acceptable in each area to be eligible for award.

10.3 If a contract or contracts will be awarded, the Judicial Council will post an intent to award notice at: <http://www.courts.ca.gov/rfps.htm>

10.4 Evaluation Criteria

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EVALUATION CRITERIA	MAXIMUM NUMBER OFPOINTS
Cost	30
Ability to meet timing and delivery requirements to complete the project, i.e., fulfill catering orders, minimum order requirements, and flexibility	20
Appealing menu selections	15
Experience on similar assignments and positive feedback from references	10
Compliance with requirements of the RFP and acceptance of Judicial Council Master Agreement Terms and Conditions.	7
Proximity of catering operation relative to the Judicial Council's building	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3
Total Evaluation Points before Menu Tasting	<p>Total evaluation points are 90 points with 10 points reserved for the interview/tasting.</p> <p>90</p>
Top-ranked candidates only if interview/Menu Tasking is conducted:	
Presentation and Quality of Menu Tasting (to be scheduled)	10

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. The 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 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 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

- 12.1 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- 12.2 Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in **Section 10** above.
- 12.3 To receive the DVBE incentive, at least **3%** of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

12.4 If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 10**). 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 9**) 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.

12.5 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.

12.6 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.

12.7 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.

FRAUDULENT MISREPRESENTATION 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

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the Judicial Council to receive a solicitation specifications protest is September 7, 2021, Timeline for this RFP (Indicate Solicitation Number and Name of Your Firm in the email). Protests must be sent to Solicitations@jud.ca.gov or the address below:

Judicial Council of California
Branch Accounting and Procurement, Administrative Division
Attn: Protest Hearing Officer
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688

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