

RFP Title: *[insert RFP title]*  
RFP Number: *[insert RFP number]*

# REQUEST FOR PROPOSALS

*[INSERT JBE NAME]*

## REGARDING:

*[insert RFP title and RFP number]*

## PROPOSALS DUE:

*[insert date]* NO LATER THAN *[insert time]* P.M. PACIFIC TIME

**Commented [A1]:** The notes in these “comment balloons” are information for the JBE employee drafting the RFP. Please ensure that all comment balloons are deleted from the RFP before it is posted.

For reference, applicable Public Contract Code (PCC) or Judicial Branch Contract Manual (JBCM) citations are noted.

**Commented [A2]:**

Please note: this sample document does not contain provisions relating to prevailing wage requirements.

If prevailing wage applies to this procurement, the JBE must: (i) add prevailing wage-related provisions to this document as well as in the contract; and (ii) comply with other prevailing wage-related requirements.

For further information, please see the Prevailing Wage Requirements document in the Supplemental Information/Other Resources section of the website where this sample RFP is posted.

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## 1.0 BACKGROUND INFORMATION

1.1 *[Add background information if desired.]*

## 2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The JBE seeks the services of a person or entity with expertise in *[complete the sentence with what type of expertise is needed]*.

*[Per JBCM chapter 4B, step 6.B this description should include:*

- A clear, precise description of the work to be performed, services to be provided, problem to be solved, questions to be answered, issues to be addressed, or the goals and objectives to be met;*
- An explanation of the desired approach to the problem, if any;*
- Any requirements as to where the work must be performed (e.g., at the JBE's site);*
- A description of any specific functions, tasks, or activities that must be performed, in the order of importance and probable sequence, if applicable;*
- Performance timelines or completion dates;*
- Required quality control standards to be met, if applicable;*
- A description of any required deliverables (such as progress reports or a final report summarizing a consultant's findings);*
- A description of the assistance to be provided by the JBE, if applicable;*
- Acceptance criteria; and*
- Practical and policy information, technological requirements or specifications, and legal limitations, if applicable.]*

*[Also include any specific warranty requirements.]*

## 3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	<i>[insert date]</i>
Deadline for questions	<i>[insert date and time]</i>
Pre-proposal Conference	<i>[insert date and time, or delete if pre-proposal conference]</i>

**Commented [A3]:** This section is optional. The JBE may use this section to provide background information relevant to the procurement. In particular, the JBE may wish to provide a short summary of the project, expected work periods, or expected size/cost of the project.

If the JBE will post a web page with information regarding the solicitation, or electronic copies of the solicitation documents, the JBE may wish to include that information in this section.

If the JBE determines that no background information is necessary, this section should be deleted.

**Commented [A4]:** This is drawn from JBCM chapter 4, section 4.2.B.10.

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EVENT	DATE
	<i>will not be held]</i>
Questions and answers posted	<i>[insert date]</i>
Latest date and time proposal may be submitted	<i>[insert date and time; must be same as the date and time on the coversheet!]</i>
Anticipated interview dates ( <i>estimate only</i> )	<i>[insert date(s), or delete if interviews will not be held]</i>
Evaluation of proposals ( <i>estimate only</i> )	<i>[insert date]</i>
Notice of Intent to Award ( <i>estimate only</i> )	<i>[insert date]</i>
Negotiations and execution of contract ( <i>estimate only</i> )	<i>[insert date]</i>
Contract start date ( <i>estimate only</i> )	<i>[insert date]</i>
Contract end date ( <i>estimate only</i> )	<i>[insert date]</i>

**Commented [A5]:** "Contract start date" and "Contract end date" are included because JBCM chapter 4B, step 6.B states that RFPs must include "Anticipated contract term, including start and end dates."

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

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ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: JBE Standard Terms and Conditions	<p>If selected, the person or entity submitting a proposal (the “Proposer”) must sign <b>[CHOOSE ONE]</b>: this JBE Standard Form agreement <b>OR</b> a JBE Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).</p> <p><i>[optional]</i> The following provisions within the Terms and Conditions are minimum contract terms and conditions (“Minimum Terms”): _____.</p>
Attachment 3: Proposer’s Acceptance of Terms and Conditions	<p>On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.</p> <p><i>[optional]</i> <b>Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The JBE, in its sole discretion, will determine what constitutes a material exception.</b></p>
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 JBE requires in order to process payments and must be submitted with the proposal.
<i>[Only for solicitations of \$1,000,000 or more]</i> Attachment 7: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
<i>[Only for solicitations of \$100,000 or more]</i> Attachment 8: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.

**Commented [A6]:** If the JBE uses other attachments, those attachments should be added to this table.

**Commented [A7]:** The Administrative Rules are placed in a separate document. The JBE may, if it wishes, include the Administrative Rules in the main body of the RFP.

**Commented [A8]:** JBCM chapter 4, section 4.2.B.2 states:

*Each Solicitation Document should include the JBE’s standard terms and conditions for the applicable type of purchase (non-IT goods, non-IT services, or IT goods and services). To the extent practicable, the JBE should include terms and conditions specific to that procurement, or simply attach the entire proposed contract including available appendixes.*

The language in this RFP is drafted to allow Attachment 2 to contain either the full contract or just select terms and conditions.

**Commented [A9]:** Use this option if the entire contract is attached.

**Commented [A10]:** Use this option if only certain terms and conditions are attached.

**Commented [A11]:** There is no requirement to indicate “Minimum Terms.”

This comes from JBCM chapter 4B, step 6.D:

*The RFP should identify any “minimum terms” in the JBE’s terms and conditions. “Minimum terms” are the terms so important that a proposed exception (addition, deletion, or other modification) will render a Bid nonresponsive. The RFP should require that Bidders identify all proposed exceptions (if any) to the JBE’s terms and conditions. The RFP should state that (i) a Bid that takes a material exception (addition, deletion, or other modification) to a minimum term will be deemed nonresponsive, and (ii) the JBE, in its sole discretion, will determine what constitutes a material exception.*

**Commented [A12]:** See comment above regarding Minimum Terms.

**Commented [A13]:** This is required by PCC 10475 et seq.

**Commented [A14]:** The JBE may require each Proposer to submit this form with its proposal, or it can instead wait and require only the winning Proposer to submit this form.

**Commented [A15]:** Required by PCC 2204.

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## 5.0 PAYMENT INFORMATION

[The JBE should consider addressing the following payment-related issues (as applicable):

- Basis for payments;
- Whether any expenses (including travel expenses) will be reimbursed by the JBE;
- Whether and to what extent progress payments will be allowed;
- Whether payments are subject to payment withholding;
- Penalties for late or inadequate performance; and
- Known or estimated budgetary limitations on the contract price.]

**Commented [A16]:** Most of these issues are drawn from JBCM chapter 4B, step 6.B.

**Commented [A17]:** For example, the JBE could pay (i) a “firm fixed price” for all the work, or (ii) an hourly rate for services performed.

This information is very important as it will affect how Proposers price their work.

**Commented [A18]:** The JBE may wish to seek legal advice before including liquidated damages or other penalties for late or inadequate performance.

## 6.0 PRE-PROPOSAL CONFERENCE [delete if not applicable]

The JBE will hold a pre-proposal conference on the date identified in the timeline above. The pre-proposal conference will be held at the JBE’s offices at [insert address].

**Commented [A19]:** The JBE may select another location.

**OPTION 1:** Attendance at the pre-proposal conference is **MANDATORY**. Each Proposer must be certain to check in at the pre-proposal conference, as the attendance list will be used to ascertain compliance with this requirement. The JBE will reject a proposal from any Proposer who did not attend the pre-proposal conference.

**OPTION 2:** Attendance at the pre-proposal conference is optional. Proposers are strongly encouraged to attend.

## 7.0 SUBMISSIONS OF PROPOSALS

7.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, 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.

7.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.

- The Proposer must submit **one (1) original and ( ) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the JBE in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
- The Proposer must submit **one (1) original and ( ) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the

**Commented [A20]:** While it is recommended that the JBE require an authorized representative of the Proposer to sign the proposal, this requirement may be removed if the JBE has a valid business reason for doing so. See JBCM chapter 4, section 4.2.B.5.

**Commented [A21]:** While it is recommended that the JBE require an authorized representative of the Proposer to sign the proposal, this requirement may be removed if the JBE has a valid business reason for doing so. See JBCM chapter 4, section 4.2.B.5.

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copies thereof) must be submitted to the JBE in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

- c. *[optional]* The Proposer must submit an electronic version of the entire proposal on CD-ROM *[optional]* or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

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

*[insert address]*

- 7.4 Late proposals will not be accepted.

- 7.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

**Commented [A22]:** This sentence is intended to prevent a Proposer from submitting a proposal in a file format the JBE cannot use. This language is not legally required, and may be omitted or altered by the JBE.

**Commented [A23]:** If proposals will be accepted by fax, additional language is required. See JBCM chapter 4, section 4.2.B.6.

## 8.0 PROPOSAL CONTENTS

8.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. 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 ( ) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
- e. Proposed method to complete the work.

**Commented [A24]:** The JBE should tailor the contents of the technical proposal for each procurement. The JBE should ensure that proposers are required to submit information necessary to evaluate all non-cost evaluation criteria.

For example, if "experience on similar assignments" is a selection criterion, this section should require proposer's to submit resumes, references, or other information the JBE will need to assess this criterion.

**Commented [A25]:** If the JBE requires all proposers to submit a payee data record, this sentence may be unnecessary.

**Commented [A26]:** This is optional.

**Commented [A27]:** This is optional.

**Commented [A28]:** This is optional.

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- i. *[List specific aspects of the work that the evaluation team will consider when evaluating the Proposer's method, if any. Examples include data collection methods, project/team organization, and time estimates.]*
- ii. *[...]*
- f. Acceptance of the Terms and Conditions.
  - i. On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.
  - ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
  - iii. *[optional]* **Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The JBE, in its sole discretion, will determine what constitutes a material exception.**
- g. Certifications, Attachments, and other requirements.
  - i. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
  - ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
  - iii. 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, proof that Contractor is in good standing in its home jurisdiction.
  - iv. *[optional]* Copies of the Proposer's (and any subcontractors') current business licenses, professional certifications, or other credentials.

**Commented [A29]:** See note above regarding Minimum Terms.

This comes from JBCM chapter 4B, step 6.D:

*The RFP should identify any "minimum terms" in the JBE's terms and conditions. "Minimum terms" are the terms so important that a proposed exception (addition, deletion, or other modification) will render a Bid nonresponsive. The RFP should require that Bidders identify all proposed exceptions (if any) to the JBE's terms and conditions. The RFP should state that (i) a Bid that takes a material exception (addition, deletion, or other modification) to a minimum term will be deemed nonresponsive, and (ii) the JBE, in its sole discretion, will determine what constitutes a material exception.*

**Commented [A30]:** This is required by PCC 10475 et seq.

**Commented [A31]:** The JBE may obtain this proof, but it is not legally required to do so.

Note that certain contracts must contain a certification by the Contractor that the Contractor is in good standing and qualified to do business in California. See JBCM chapter 8, appendix A.

**Commented [A32]:** If a procurement includes tangible personal property, the JBE should include the following:

Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.

See JBCM chapter 4, section 4.4.C.3 for relevant exceptions to this requirement.

**Commented [A33]:** If required, it is advisable to specify which licenses or certifications are required.

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- v. *[optional]* Proof of financial solvency or stability (e.g., balance sheets and income statements).
- vi. *[for solicitations of \$1,000,000 or more]* The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.
- vii. *[for solicitations of \$100,000 or more]* The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its bid.

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

- i. A detailed line item **budget** showing total cost of the proposed services.
- ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
- iii. A “not to exceed” total for all work and expenses payable under the contract, 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.

## 9.0 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 JBE reserves the right to negotiate extensions to this period.

## 10.0 EVALUATION OF PROPOSALS

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

The JBE will evaluate the proposals on a **100 point scale** using the criteria set forth in the table below. Award, if made, will be to the **highest-scored proposal**.

If a contract will be awarded, the JBE will post an intent to award notice at .

**Commented [A34]:** This section must be edited as appropriate for each RFP. In particular, it must be clear whether the winning Proposer will be paid on a cost reimbursement, firm fixed price, or other basis.

The contents of the cost proposal should be tailored to the specific procurement, and may include tools such as Excel spreadsheets.

**Commented [A35]:** The JBE may wish to require specific items in the budget, such as identification of position/classification titles funded; salary rates or ranges; percentage of time devoted to the work; fringe benefits; operating expenses; travel and per diem expenses; overhead or indirect costs; subcontractors with the same type of cost details; and other costs.

**Commented [A36]:** This language is required by PCC 10344(e) for any non-IT services RFP that involves the furnishing of equipment, materials, or supplies. If this RFP does not involve the furnishing of equipment, materials, or supplies, this sentence may be deleted.

**Commented [A37]:** The JBE may wish to use a longer or shorter offer period. In particular, a longer period may be appropriate if the solicitation is complex, negotiations are expected, or key staff may be out of the office because of holidays or vacations.

**Commented [A38]:** The JBE may use a different number of points.

**Commented [A39]:** This requirement is from PCC 10344(c)(3).

**Commented [A40]:** PCC 10345(b) requires that the intent to award be posted in a place accessible by the general public. This may be online or at a physical location. If the posting will occur online, insert the URL here. If the posting will occur at a physical location, provide applicable details here.



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CRITERION	MAXIMUM NUMBER OF POINTS
<b><i>NOTE: THESE ARE SAMPLE CRITERIA. THE ACTUAL CRITERIA USED SHOULD BE TAILORED TO THE SPECIFIC PROCUREMENT.</i></b>	
<i>Quality of work plan submitted</i>	<i>[insert number of points]</i>
<i>Experience on similar assignments</i>	<i>[insert number of points]</i>
<i>Cost</i>	<i>[insert number of points— generally at least 30% of the total points]</i>
<i>Credentials of staff to be assigned to the project</i>	<i>[insert number of points]</i>
<i>Acceptance of the Terms and Conditions</i>	<i>[insert number of points]</i>
<i>Ability to meet timing requirements to complete the project</i>	<i>[insert number of points]</i>

**Commented [A41]:** See JBCM chapter 4B, step 6.D: “JBEs should seek legal counsel before issuing an RFP where cost points are less than 30 percent of the total points.” Also, PCC 10344(c) requires “Any evaluation and scoring method shall ensure that substantial weight in relationship to all other criteria utilized shall be given to the contract price proposed by the bidder.”

**Commented [A42]:** JBCM chapter 4B, step 6.D states that “exceptions (additions, deletions, or other modifications) to the JBE’s terms and conditions may be considered as part of the evaluation process.”

**Based on a 100 point scale, it is recommended that at least 10 to 15 points be allocated to the Acceptance of the Terms and Conditions criterion.**

## 11.0 INTERVIEWS

The JBE 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 interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JBE’s offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.

## 12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

**PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE PROVISIONS LAWS, INCLUDING OF THE CALIFORNIA PUBLIC CONTRACT CODE AND PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** ~~Except as required by law,~~ the JBE 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure ~~will 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 JBE’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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its

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proposal content, pursuant to this Section 12.0. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

### 13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

*[The JBE should include its standard language regarding the DVBE incentive. If applicable, the JBE may instead state "The JBE has waived the DVBE incentive in this solicitation."]*

### 14.0 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](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the JBE to receive a solicitation specifications protest is **[CHOOSE ONE:** the proposal due date **OR** *[insert an earlier date]***]**. Protests must be sent to:

*[insert name and address]*

**Commented [A43]:** For more information on the DVBE incentive, including sample language and sample forms, please see the Sample DVBE Program section of the website where this RFP is posted.

**Commented [A44]:** This information is required by JBCM chapter 7.