

REQUEST FOR OFFER (RFO)

Court of Appeal, Third Appellate District Regarding:

CALIFORNIA MULTIPLE AWARD SCHEDULES (CMAS)

Information Technology Goods and Services

3DCA RFO 18/19-06 **OFFERS DUE: WEDNESDAY, MAY 22, 2019**

NO LATER THAN **3:30 P.M.**, PACIFIC TIME

You are invited to review and respond to this Request for Offer (RFO). To submit an offer for Information Technology Goods and Services, you must comply with the instructions contained in this document as well as the requirements stated on the Court's Statement of Work (SOW), Attachments A and B. By submitting an offer, your firm agrees to the terms and conditions stated in this RFO and your California Multiple Award Schedule (CMAS).

Read the attached document and attachments carefully. The RFO due date is Wednesday, May 22, 2019, 3:30 PM, Pacific Standard Time. Responses to this RFO and any required copies must be submitted in writing and sent by registered or certified mail, courier service (e.g. FedEx), or hand delivery. Offers may also be transmitted via email to 3DCA-Info@jud.ca.gov. Deliver the offer in a sealed envelope marked with RFO number appearing above and addressed to:

**Andrea K. Wallin-Rohmann
Clerk/Executive Officer
Court of Appeal, Third Appellate District
914 Capitol Mall,
Sacramento, CA 95814**

REQUEST FOR OFFER

General Information

1.0 Background Information and Purpose of the RFO

- 1.1 As signatory to a CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) for Information Technology Goods & Services, your firm is invited to submit an offer to the Court of Appeal, Third Appellate District, Mediation Program (hereinafter referred to as “the Court”), to update the Court’s current Microsoft Office 2007 environment to Office 365, Version 2017.
- 1.2 The Court is located at the historic Stanley Mosk State Library and Courts Building at 914 Capitol Mall, Sacramento, California, 95814, and is not divided into divisions. The Court reviews appealable orders or judgments from superior courts within its jurisdiction which stretches over 23 counties, including: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba. The Court is staffed by 11 justices and 79 employees.
- 1.3 In October 2006, the Court of Appeal, Third Appellate District (Court), launched the Appellate Mediation Program, located at 2890 Gateway Oaks Drive, Suite 210, Sacramento, CA 95833, to facilitate civil case resolution and to reduce costs to the litigants and the court. Modeled after programs in the First and Fourth Appellate Districts, this program also provides facilities for mediation conferences and offers support staff to assist mediators and the parties. In the Appellate Mediation Program, mediation is mandatory for selected civil cases and the mediation process for identifying selected civil cases begins with the filing of the notice of appeal.

2.0 DESCRIPTION OF GOODS AND/OR SERVICES

2.1 Project Objectives:

The Court of Appeal, Third Appellate District, Appellate Mediation Program (“the Court”), is seeking proposal to update and modernize the current Microsoft Access environment from Office 2007 to Office 365, version 2017 and to migrate existing data.

The Court of Appeal, Third Appellate District, Appellate Mediation Program, currently uses Microsoft Access for reference, reporting and analysis of data related to appellate mediation cases. The data includes all information related to cases referred to the Appellate Mediation Program including eligible, selected, excluded, set, and settled cases as well as success rates. The Appellate Mediation Program produces Quarterly Reports for submission to the Appellate Mediation Committee which provide both quarterly and historical trend analysis.

The solution was implemented 12+ years ago to manage mediation related data. It is not on a current Microsoft platform and has not been updated since its original

implementation. The application needs to be updated to the most current version of Microsoft utilized by the Court, aligning it with the court's recent implementation of Office 365. Additionally, the solution needs to be assessed and improvements made where deemed appropriate. This solution currently supports 2 users and 8082 records containing 144,168 data fields in the court's main database.

Solutions proposed by the vendor must support the following objectives:

Modernization:

- a. Update the current environment (Office 2007 to Office 365, version 2017).
- b. Migrate existing data.

Assess:

- a. Assess the current database system and based on input from the subject matter experts, provide overall system improvement recommendations ensuring the latest software improvements are included.

Design/Implement:

- a. Redesign the database to reflect the recommendations adopted and to reflect the latest software improvements.
- b. Customize the database to ensure the data input is efficient and correct for analyzation and compiling purposes.
- c. Customize queries to better extrapolate information for the reports.
- d. Implement database system improvements to support the reporting and analysis of the Appellate Mediation Program.

Training:

- a. Users – Training of staff for general use of the database to include generating reports.

Technical Requirements/Minimum Requirements

- The product/service will ensure compliance with applicable Judicial Council security policies (ref. National Institute of Standards and Technology (NIST) Special Publication 800-53);
- The product/service/application will also ensure compatibility with existing Judicial Council systems and network architecture;

- The product/service/application shall comply with all applicable data security and data privacy laws.
- Contract terms will be for a minimum of one year, with options to renew for a additional two-year terms.

3.0 TIMELINE FOR THIS RFO

The Court has developed the following list of key dates related to this RFO. All dates are subject to change at the discretion of the Court.

#	EVENT	DATE
1.	RFO Issued	April 22, 2019
2.	Deadline for Questions Regarding the RFO. Email Questions to: 3DCA-Info@jud.ca.gov	April 29, 2019, at 4:30 p.m.
3.	Questions and Answers Posted at http://www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	May 7, 2019, at 3:00 p.m., Pacific Time
4.	Latest Date and Time Offer May be Submitted	May 22, 2019, at 4:30 p.m., Pacific Time
5.	Anticipated Interview Dates (<i>estimate only</i>)	May 29 through June 4, 2019
6.	Evaluation of Proposals (<i>estimate only</i>)	June 7, 2019
7.	Non-Cost Proposal Scores Posted at http://www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	June 11, 2019
8.	Public Opening of Cost Portion of Proposals. Notice of Time and Location Will be Posted at http://www.court.ca.gov/rfps.htm	June 14, 2019
9.	Notice of Intent to Award on the Court Website: http://www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	June 18, 2019
10.	Negotiations and execution of contract (<i>estimate only</i>)	June 19, 2019 through June 26, 2019
11.	Issuance of Purchase Order (<i>estimate only</i>)	June 28, 2019

4.0 RFO Attachments

The following attachments are included as part of this FRO:

Attachment 1: Administrative Rules Governing RFOs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Judicial Council of California Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Offeror” must sign the JC Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
Attachment 3: Offeror’s Acceptance of Terms and Conditions	On this for, the Offeror must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Offeror must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Small Business Declaration	The Offeror must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 6: Payee Data Record Form	This form contains information that the Court requires in order to process payments and must be submitted with the proposal.
Attachment 7: Bidder Declaration	The Offeror must complete this form only if it wishes to claim the disabled business enterprise (DVBE) incentive associated with this solicitation.
Attachment 8: DVBE Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If the Offeror is itself a DVBE, it must also complete and sign the DVBE Declaration.
Attachment 9: Unruh and FEHA Certification	The Offeror must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.

5.0 Payment Information

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

- A one (1) year initial contract term, including implementation, training and ongoing maintenance/support, with options to renew for additional two-year terms.
- Provide and ongoing, consistent monthly or annual (the Court is interested in receiving proposals based on flat fee or non-traditional cost models).

- Provide other costs associated with initial training and implementation, and ongoing IT support for the designated Court users.

6. Response Requirements

- 6.1 This RFO and the Offeror's response to this document will be made part of the Court's contract and procurement contract file.

Responses must contain all requested information and data and conform to the format described in this section. It is the offeror's responsibility to provide all the necessary information for the Court to evaluate the response, verify requested information, and determine the offeror's ability to perform the tasks and activities defined in the Court's Statement of Work. Responses will first be reviewed for responsiveness to all requirements. If a response is missing information, it may be deemed nonresponsive.

- 6.2 Offers should provide straightforward, concise information that satisfies the requirements of the RFO. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFO's instructions and requirements, completeness, and clarity of content.

Non-Cost Portion of the Proposal: The Proposer must submit **two (2) original** hard copies and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in searchable PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted to the Court **in a single sealed envelope, separate from the cost portion.** The Proposer must write the RFP title and number on the outside of the sealed envelope.

Cost Portion of the Proposal: The Proposer must submit **two (2) original** hard copies and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in searchable PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The cost portion of the proposal must be submitted to the Court in a **single sealed envelope, separate from the non-cost portion.** The Proposer must write the RFP title and number on the outside of the sealed envelope.

- 6.3 The Offeror may submit its offer in any form it chooses; however, the offer must include as a minimum the information requested in the Statement of Work. The Offeror must submit **one (1) original and two (2) copies** of their offer. The original must be signed by an authorized representative of the Offeror. The original offer (and the copies) must be submitted to the Court in a single sealed envelope marked "RFO Number: 3DCA 18/19-06" on the outside of the sealed envelope.

- 6.4 Offers must be delivered no later than the date and time listed on the coversheet of this Request for Offers to:

Andrea K. Wallin-Rohmann
Clerk/Executive Officer
Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
or emailed to 3DCA-Info@jud.ca.gov

- 6.5 Only written offers will be accepted. Offers must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Offers may also be transmitted via email to 3DCA-Info@jud.ca.gov Offers may not be transmitted via fax.
- 6.6 Late RFO proposals will **not** be accepted.

Note: It is the sole responsibility of submitting Offeror to contact the Procurement Official listed above to verify receipt of the submitted Offer.

7.0 RFO Response Requirements

- 7.1 The majority of the information required to respond to this RFO is contained in the State of California MULTIPLE AWARD SCHEDULE, the Court's Statement of Work, Attachment A, and the Cost Worksheet, Attachment B. Please note the additional terms and conditions described in Attachments C through E.
- 7.2 Please include any additional information that the offeror deems beneficial to fully explain how the offeror intends to meet the Court's requirements.
- 7.3 The offeror may submit the offer for cost in any format it chooses. Attachment B, Detailed Information for Costing, provides the minimum information requested for the offer. The offeror may include any additional information that the offeror deems necessary to explain how it intends to meet the Court's requirements.
- 7.4 The following information must be included in the offer.
- a) Offeror's name, address, telephone and email address, and Federal tax identification number.
 - b) Name, title, address, telephone number, cell phone number, and email address of the individual who will act as the offeror's designated representative for purposes of the RFO.

8.0 Interviews

The Court may conduct interviews with offerors to clarify an offer. Interviews may be conducted in person or by telephone. The Court will not reimburse offerors for any costs

incurred in traveling to or from the interview location. The Court will notify eligible offerors regarding interview arrangements.

9.0 Review of Offers for Award

Responses to this RFO will first be reviewed for responsiveness to the requirements of Exhibit A and B. If a response is missing information required in either attachment it may be deemed not responsive. Further review is subject to the Court’s discretion.

The Court 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 Court will post an intent to award notice at:

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

CRITERION	MAXIMUM NUMBER OF POINTS
<i>NOTE: THESE ARE SAMPLE CRITERIA. THE ACTUAL CRITERIA USED SHOULD BE TAILORED TO THE SPECIFIC PROCUREMENT</i>	
<i>Quality of work plan submitted</i>	5
<i>Experience on similar assignments</i>	5
<i>Product/service components</i>	27
<i>Cost</i>	50
<i>Acceptance of Terms and Conditions</i>	5
<i>Ability to meet timing requirements to complete the project</i>	5
<i>DVBE Incentive</i>	3

Contract Award

- 9.1 The Court will review all responsive offers and issue an award from this RFO against a CMAS contract based on a “best value criteria” that includes cost as a factor.
- 9.2 The Court will make a reasonable effort to execute any contract based on the RFO within ten (10) days of selecting an offer that best meets its requirements. However, exceptions taken by a Contractor may delay execution of a contract.
- 9.3 Upon offer of a contract, the contract shall be signed by the Contractor in three (3) original contract counterparts and returned, along with any required attachments, to the Court no later than ten (10) business days of receipt of the agreement form. Agreements are not effective until executed by both parties and approved by the appropriate Court officials. Any work performed before receipt of a fully-executed agreement shall be at Contractor’s own risk.

10.0 Offer Period

The Contractor's offer is an irrevocable offer for ninety (90) days following the offer due date. In the event a final contract has not been awarded within this period, the Court reserves the right to negotiate extensions to this period.

11.0 Communications with the Court

- 11.1 Except as specifically addressed elsewhere in the RFO, Contractor must send any communications regarding the RFO to 3DCA-Info@jud.ca.gov (the "Solicitation Mailbox"). Offeror must include "3DCA RFO 18/19-06 "Information Technology Good and Services" in the subject line of any communication.
- 11.2 If a Contractor question relates to a proprietary aspect of its offer and the question would expose proprietary information if disclosed to other contractors, the Contractor may submit the question via email to the Solicitation Mailbox, conspicuously marking it as "CONFIDENTIAL." With the question, the Contractor must submit a statement explaining why the question is sensitive. If the Court concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and the answer will be kept in confidence. If the Court does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the Contractor will be notified.
- 11.3 Contractor may submit questions via email to the Solicitation Mailbox on procedural matters related to the RFO or requests for clarification or modification of the RFO no later than the deadline for questions listed the timeline Section 3. Questions or requests submitted after the deadline for questions will not be answered. Without disclosing the source of the question or request, a copy of the questions and the Court's response will be made available.

12. News Releases

News releases or other publicity pertaining to the award of a contract may not be issued without prior written approval of Andrea K. Wallin-Rohmann, Clerk/Executive Officer, Court of Appeal, Third Appellate District.

13. Disabled Veteran Business Enterprise Incentive

- 13.1. Qualification for the DBVE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- 13.2 The Offeror will receive the DBVE incentive if, in the Court's sole determination, the Offeror has met all applicable requirements. If the Offeror receives the DVBE incentive, a number of points will be added to the score assigned to Offeror's proposal. The number of points that will be added is specified in Section 9.0 above.

- 13.3. 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, Offer may have an approved Business Utilization Plan (“PUB”) on file with the California Department of General Services (“DGS”).
- 13.4 If the Offer wishes to seek the DVBE incentive:
- (a) The Offeror must complete and submit with its proposal the Bidder Declaration (Attachment 7), The Offeror must submit with the Bidder Declaration all materials required in the Bidder Declaration.
 - (b) The Offeror must submit with its proposal a DVBE Declaration (Attachment 8) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If the Offeror is itself a DVBE, it must complete and sign the DVBE Declaration. If the Offeror will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Offeror will qualify for the DVBEW incentive using a PUB on file with DGS.
- 13.5 Failure to complete and submit these forms as required will result in the Offeror not receiving the DVBE incentive. In addition, the Court may request additional written clarifying information. Failure to provide this information as requested will result in the Offeror not receiving the DVBE incentive.
- 13.6 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.
- 13.7 If the Offeror receives the DVBE incentive: (i) the Offeror will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) the Offeror must use any DVBE subcontractor(s) identified in its proposal unless the Court 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 VIOLATIONS ARE LIABLE FOR CIVIL PENALTIES. SEE MCV 999.9.

14. Small Business Preference

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a proposal non-responsive.

The Offeror will receive a small business preference if, in the Court’s sole determination, the Offeror has met all applicable requirements. If the Offeror 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 Offeror 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 Offeror wishes to seek the small business preference, the Offeror must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Offeror 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 Offeror not receiving the small business preference. In addition, the Court may request additional written clarification information. Failure to provide this information as requested will result in the Offeror not receiving the small business preference. If the Offeror receives the small business preference, (i) the Offeror 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

14. 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 an Offeror to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-response and will result in rejection of the protest. The deadline for the Court to receive a solicitation specifications protest is **May 22, 2019**. Protests must be sent to:

Court of Appeal, Third Appellate District
Attn: Protest Officer, RFO 3DCA 18/19-06
914 Capitol Mall
Sacramento, CA 95814