|  |  |
| --- | --- |
|  | REQUEST FOR PROPOSALS   |
| ***JUDICIAL COUNCIL OF CALIFORNIA*****REVISION NO. 2****REVISED June 21, 2017****Regarding:***RFP Number – BAP-2017-01-PC**Title – E-Filing Services for the Superior Courts of California***PROPOSALS DUE DATE AND TIME:** *May 15, 2017,* no later than *3:00* p.m. Pacific time  |

|  |  |
| --- | --- |
| **TO:** | Potential PROPOSERs |
| **FROM:** | The Judicial Council of California (JCC), on behalf of the Superior Courts of California |
| **DATE:** | March 17, 2017 |
| **SUBJECT/PURPOSE OF MEMO:** | Request for Proposals (RFP)The JCC on behalf of the Superior Courts of California seeks to enter into Master Agreements with suitable vendors that can provide both an electronic filing manager (EFM) and an indigent/government agency (I/GA) electronic filing service provider (EFSP) solution that can be employed by the courts to expand the adoption of e-filing across the state while supporting innovation and minimizing costs. Specifically, each EFM and I/GA EFSP solution hosted application suite should accomplish the following:* Support e-filing statewide for all litigation types.
* Integrate with “core” case management systems (CMSs) employed by California courts, i.e., CMS applications provided by:
	+ Journal Technology, Inc.
	+ Justice Systems, Inc.
	+ LT Court Tech, a Thomson Reuters business.
	+ Tyler Technologies, Inc.

These CMSs are integrated with a document management system (DMS).* Integrate with the SunGard ONESolution CMS employed by a California Superior Court that achieved certification of compliance with California Electronic Court Filing (ECF) standards.
* Provide accounting support to allow courts to reconcile for-fee EFSP filing.
* Provide a zero-cost e-filing option for indigent and government filers.

Proposers entering into a Master Agreement commit to implementing and operating these application services in any California Superior Court requesting to engage under a Participation Agreement as set forth in this RFP. The proposed solution will be at no cost to the JCC or Superior Courts (i.e., the selected vendor will not be paid by those Judicial Branch Entities [JBEs] for development, implementation, deployment, hosting, training, maintenance, support, etc. for the vendor portion of the solution for the duration of any resulting contract or renewal). This RFP includes a request that the vendor responding with a proposal (“Proposer”) submit the cost recovery model the Proposer will employ with details on how the Proposer will benefit from the solution described in its proposal. |
| **ACTION REQUIRED:** | You are invited to review and respond to this RFP as posted on the Judicial Council bid Web site at <http://www.courts.ca.gov/rfps.htm>. Project Title: E-Filing Services for the Superior Courts of CaliforniaRFP Number: BAP-2017-01-PC |
| **SOLICITATIONS MAILBOX:** | TCSolicitation@jud.ca.gov |
| **DUE DATE & TIME FOR SUBMITTAL OF QUESTIONS:** | The deadline for submittal of questions pertaining to the solicitation document is:**3:00 p.m. (PDT) on March 28, 2017** |
| **MANDATORY PROPOSERS’ CONFERENCE:**  | A mandatory proposers’ conference will be held via video conference:**11:00 a.m. (PDT) on March 24, 2017** |
| **PROPOSAL DUE DATE AND TIME:** | Proposals must be received by:**3:00 p.m. (PDT) on May 15, 2017**  |
| **SUBMISSION OF PROPOSAL:** | Proposals should be sent to:**Judicial Council of California****Attn: Procurement** **– Contracts Supervisor****RFP No. BAP-2017-01-PC****2850 Gateway Oaks Drive, Suite 300****Sacramento, CA 95833-4348** |

**Table of Contents**

[1. BACKGROUND INFORMATION 7](#_Toc477167839)

[1.1 Judicial Council of California and Superior Courts of California 7](#_Toc477167840)

[1.2 California Information Technology Managers Forum 7](#_Toc477167841)

[1.3 General Description and Process 8](#_Toc477167842)

[1.4 California Superior Courts Automation 8](#_Toc477167843)

[1.5 Challenges in Delivering E-Services 9](#_Toc477167844)

[1.6 Information Technology Advisory Committee Work Streams 9](#_Toc477167845)

[2. DESCRIPTION OF GOODS AND/OR SERVICES 10](#_Toc477167846)

[2.1 Goals and Contract Term 10](#_Toc477167847)

[2.2 Scope 10](#_Toc477167848)

[2.3 Business and Functional Requirements 12](#_Toc477167849)

[2.4 Non-Functional Requirements 13](#_Toc477167850)

[2.5 Standards Management Service Requirements 13](#_Toc477167851)

[2.6 Implementation and Ongoing Service Requirements 14](#_Toc477167852)

[2.7 Development and Maintenance of Conformant Interfaces 14](#_Toc477167853)

[2.8 Implementation and Deployment Services 15](#_Toc477167854)

[2.9 Application Service Operating Requirements 15](#_Toc477167855)

[2.10 Maintenance and Support 15](#_Toc477167856)

[2.11 Proposer Warranty 16](#_Toc477167857)

[3. TIMELINE FOR THIS RFP 16](#_Toc477167858)

[3.1 Proposed Procurement Schedule 16](#_Toc477167859)

[3.2 Mandatory Proposers’ Conference 17](#_Toc477167860)

[4. RFP ATTACHMENTS 18](#_Toc477167861)

[4.1 Attachments and Forms 18](#_Toc477167862)

[4.2 Requirements and Court Informational Exhibits 19](#_Toc477167863)

[4.3 Background Exhibits 19](#_Toc477167864)

[5. SUBMISSION OF PROPOSALS 19](#_Toc477167865)

[5.1 Proposal Structure 19](#_Toc477167866)

[5.2 Proposal Copies 20](#_Toc477167867)

[5.3 Proposal Delivery Address 20](#_Toc477167868)

[5.4 Late Proposals 20](#_Toc477167869)

[5.5 Original Proposal Delivery Methods 20](#_Toc477167870)

[6. PROPOSAL CONTENTS 20](#_Toc477167871)

[6.1 Organization Information and Qualifications 21](#_Toc477167872)

[6.2 Team Qualifications 21](#_Toc477167873)

[6.3 Proposed Approach and Methods. 22](#_Toc477167874)

[6.4 Responses to Requirements 23](#_Toc477167875)

[6.5 Fee Structure 23](#_Toc477167876)

[6.6 Certifications, Attachments, and Other Requirements 24](#_Toc477167877)

[7. OFFER PERIOD 25](#_Toc477167878)

[8. EVALUATION OF PROPOSALS 25](#_Toc477167879)

[9. FINALISTS’ PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS) 27](#_Toc477167880)

[10. CONFIDENTIAL OR PROPRIETARY INFORMATION 28](#_Toc477167881)

[11. SMALL BUSINESS PREFERENCE 28](#_Toc477167882)

[11.1 Participation Not Mandatory 28](#_Toc477167883)

[11.2 Small Business Enterprise (SBE) Incentive 28](#_Toc477167884)

[11.3 Qualification 29](#_Toc477167885)

[11.4 Process 29](#_Toc477167886)

[11.5 Failure to Complete Forms 29](#_Toc477167887)

[11.6 Meeting SBE Commitments 29](#_Toc477167888)

[12. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE 29](#_Toc477167889)

[12.1 Qualification Not Mandatory 29](#_Toc477167890)

[12.2 DVBE Point Award 30](#_Toc477167891)

[12.3 Qualification 30](#_Toc477167892)

[12.4 Process 30](#_Toc477167893)

[12.5 Failure to Complete Forms 30](#_Toc477167894)

[12.6 Application of DVBE Incentive 30](#_Toc477167895)

[12.7 Meeting DVBE Commitments 31](#_Toc477167896)

[13. PROTESTS 31](#_Toc477167897)

Attachments

Attachment 1: Administrative Rules Governing RFPs

Attachment 2: JCC Standard Terms and Conditions

Attachment 3: Bidder’s Acceptance of Terms and Conditions

Attachment 4: Payee Data Record Form

Attachment 5: General Certifications Form

Attachment 6: Darfur Contracting Act Certification

Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification

Attachment 8: Iran Contracting Act Certification

Attachment 9: Small Business Declaration

Attachment 10: Bidder DVBE Declaration

Attachment 11: Bidder Declaration

Exhibits

Exhibit 1: EFM Functional Requirements – REVISED APRIL 11, 2017

Exhibit 2: EFSP Functional Requirements - REVISED APRIL 11, 2017

Exhibit 3: Non-Functional Requirements

Exhibit 4: Standards Management Requirements

Exhibit 5: Implementation and Deployment Requirements

Exhibit 6: Service Level Requirements

Exhibit 7: Support and Maintenance Requirements

Exhibit 8: Proposer Response Template - REVISED JUNE 21, 2017

Exhibit 9: Electronic Filing Manager Concept of Operations - REVISED JUNE 21, 2017

Exhibit 10: Electronic Filing Technical Architecture and Standards - REVISED JUNE 21, 2017

# BACKGROUND INFORMATION

## Judicial Council of California and Superior Courts of California

The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy-making agency of the California judicial system. The California Constitution directs the JCC 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 JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC’s staff assists both the JCC and its chair in performing their duties for the purpose of this Request for Proposal (RFP).

The Superior Court system in California comprises 58 trial courts, 1 in each county. Trial courts provide a forum for resolution of criminal and civil cases under state and local laws. As used within this RFP, the term “trial court” is used synonymously with Superior Court.

This RFP is being issued by the JCC’s staff on behalf of the 58 Superior Courts of California (collectively, “Superior Courts,” “trial courts,” or “courts” and individually, a “Superior Court,” “trial court,” or “court”).[[1]](#footnote-1)

## California Information Technology Managers Forum

California Information Technology Managers Forum (CITMF) comprises IT management leaders serving the Superior Courts in various counties in the State of California. Individually they seek information technology products, services, and pricing for electronic filing manager (EFM) and indigent/government agency (I/GA) electronic filing service provider (EFSP) solution application services. They have come together as a group and are working with the JCC to accomplish this through Master Agreements. This RFP and competitive procurement is presented to establish a Master Software License and Services Agreement (“Master Agreement”) with up to four proposers. Master Agreements will be entered into with the JCC for use by Superior Courts of California.

The JCC reserves the right to reject any and all proposals, in whole or in part, and to award or not award any contracts based on submitted proposals. The Superior Courts are free to conduct their own solicitations not connected with this RFP or any resulting contract. The Superior Courts are not obligated to purchase services under any contract that may result from this RFP.

## General Description and Process

* + 1. **Description of Services**. The purpose of this RFP is to provide the Superior Courts with a pool of vendor solutions and pricing through Master Agreements. The resulting Master Agreements will be for EFM and I/GA EFSP solutions that are comprised of a combination of products and services to support implementation and ongoing operation of these hosted services. The ancillary services related to the delivery of the EFM and I/GA EFSP solution application services include professional and administrative services related to implementation and ongoing operations and support of these applications. These products and ancillary services are collectively known as “e-filing services.” The purpose of this RFP is to solicit proposals for e-filing services.
		2. **Process.** Superior Courts may elect, but are not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP. Superior Courts that elect to purchase services under a Master Agreement that has been awarded will enter into a Participation Agreement, substantially in the form of the sample Participation Agreement provided in Attachment 2 (JCC Standard Terms and Conditions), with the vendor that the Superior Court selects.

If multiple Master Agreements have been awarded, the Superior Court may select the vendor that best meets the Superior Court’s individual requirements and provides the best value to the Superior Court. Each Participation Agreement will incorporate the terms and conditions of the Master Agreement that has been awarded as a result of this RFP.

Based on the terms and conditions of the Master Agreement, each Participation Agreement will set forth the specific services, schedule, and fees to be provided to the individual Superior Court. Each Participation Agreement will constitute a separate independent contract between the vendor and the Superior Court signing the Participation Agreement. Any Master Agreement awarded as a result of this RFP is nonexclusive: The JCC may have other agreements for the same or similar services, and each Superior Court reserves the right to provide or have others provide the same or similar services.

## California Superior Courts Automation

More than 40 of the 58 Superior Courts are modernizing their CMSs, employing applications from a set of four vendors. E-filing software licenses are included with some of these CMS applications. Self-Represented Litigant (SRL) Document Assembly software licenses are included by at least one provider. Case Access and Portal capabilities are included (at the trial court level) by all four statewide vendors. This has established the foundation for an array of e-services in the trial courts.

## Challenges in Delivering E-Services

While an estimated 35 California courts have established some degree of e-filing, the Superior Courts and the communities they serve face several challenges in implementing, expanding, or enhancing e-filing services:

* E-filing is currently a trial-court-by-trial-court decision.
* Historically, there has been little coordination among the EFSPs for consistency.
* While the courts employing the most commonly used CMS are much more consistent across counties, some challenges remain:
	+ The vendor of the most commonly used CMS has proved slow to
		- Support non-credit card payment types (adds costs to the EFSPs and ultimately the filer).
		- Support JCC financial gateways (adds costs to the filer).
		- Add EFSPs.
	+ The vendor does not currently enable e-filing services for other courts.
* The courts and the communities they serve would benefit from:
	+ Common work flows for e-filing review business practices.
	+ A common set of filing codes for e-filing transactions.

The JCC and the Superior Courts are addressing these challenges through a series of work stream initiatives.

## Information Technology Advisory Committee Work Streams

Under the guidance of the JCC Information Technology Advisory Committee (ITAC), court work groups have been commissioned to execute loosely coordinated work streams to establish master contracts for critical technology services employed by the courts. These include:

* Next-generation hosting.
* Identity and access management (IAM).
* Financial gateways (for online credit card payments).
* E-filing.

Under the guidance of the JCC ITAC, a group of courts have come together to execute a work stream to establish master contracts with multiple EFM providers that can be employed by the courts to expand the adoption of e-filing across the state while supporting innovation and minimizing costs. Specifically, each solution provider should accomplish the following:

* Support e-filing statewide for all case types.
* Integrate with core CMSs.
* Provide accounting support to allow courts to reconcile for-fee EFSP filing.
* Provide a zero-cost EFSP solution for indigent and government filers.

# DESCRIPTION OF GOODS AND/OR SERVICES

## Goals and Contract Term

JCC intends to award two to four leveraged procurement agreements, also referred to as “Master Agreements,” for an initial 5-year term and five 1-year options to renew to vendors that can supply the Superior Courts with the requested services. These Master Agreements encompass the products, services, and pricing of qualified vendors for use by the Superior Courts to:

* Obtain EFM services to manage the process by which all certified EFSPs can submit filings into the court’s CMS application.
* Provide a no-fee I/GA EFSP solution used by indigent filers and government agencies filing into the court.

These hosted services and certification process are described in context in Exhibit 9, Electronic Filing Manager Concept of Operations.

## Scope

The scope of the RFP is to obtain specific, hosted e-filing services required to support the courts and their constituents in automatically filing into the court. This includes both an EFM and an I/GA EFSP solution.

An EFM is a hosted application service that acts as the intermediary between a court and the various EFSP solutions certified for filing into the California courts. It provides facilities for the court to maintain and enforce its e-filing court policies. The EFM application service provides an application for e-filing review by court staff and provides an automated conduit for the submission of e-filings to the court’s CMS and document management system (DMS). The EFM also provides the court an automated transaction and audit log of all filing and fee collection events and an accounting dashboard to aid in the reconciliation process completed daily by court accounting staff.

While an EFSP provides applications to collect and forward e-filings to the court, the EFM will engage with and accept filings from all California-certified EFSP solutions. In the process, the EFM applies court e-filing policy and collects transaction details of the events in the processing of filings into the court. It manages the correspondence between an EFSP and the court regarding documents filed, filings accepted and rejected, and fees charged and collected.

In this role, the EFM enables the court to establish and maintain e-filing policy in automated files that are used to validate e-filing transactions. The EFM also provides an application that courts may choose to employ to review and accept or reject filings. This “Clerk Review” application will be provided on an optional basis. Courts may operate the EFM with this feature or without it.

The EFM provides an automated interface to the court’s CMS and DMS. This interface transmits the filing in a manner that can be consumed by the CMS and DMS. When a filing into these systems has successfully completed, the EFM forwards notification of successful completion to the EFSP solution. In the event of an error, the EFM will relay that information.

Payment processing will be handled by entities fulfilling the role of the EFSP. In the California E-Filing model, the EFM role is largely a transaction pass-through that intermediates between the EFSPs and the court CMS. The EFM will collect e-filing transaction and financial data from the EFSPs filing into their application service. The EFM will provide an accounting dashboard to aid in the reconciliation process completed daily by court accounting staff. The accounting dashboard will combine EFSP financial data and court CMS financial data for the contracting court.

The Proposer must also provide an I/GA EFSP solution for qualifying filers into the participating court. This application service will provide basic assembly, filing, and service capabilities. It will not process payments, since this is a no-fee application service.

The Proposer selected to provide these EFM and I/GA EFSP solution application services will not be precluded from separately providing a fee-based EFSP solution. This fee-based EFSP solution will be engaged separately from this Master Agreement.

This scope is further described in the sections that follow:

* + 1. **Hosted EFM Operations.** The EFM provider will operate a hosted application that will serve as the intermediary between EFSP solutions and court case management and document management systems. This hosted application will provide the following general functions:
* Employ the IAM service provided by the court to confirm EFSP solution and court employee identity and authority and provide the appropriate access to e-filing management services.
* Accept filings from all certified EFSP solutions.
* Accept transaction, audit, statistical, and accounting data from EFSP solutions for submission to the court and JCC.
* Provide automated notification of e-filing results to the EFSP submitting a filing.
* Provide an application for a court to establish and maintain court e-filing policy.
* Provide an application (which may be employed at a court’s discretion[[2]](#footnote-2)) for a court to review, approve, and reject filings.
* Submit filings to the court CMS and DMS.
* Submit transaction, audit, statistical, and accounting data to the court.
* Provide service-level performance reports to the JCC and participating courts for each service level specified in this RFP.
	+ 1. **Hosted I/GA EFSP Solution Operations.** Under the agreement resulting from this RFP, the Proposer will also provide a no-fee hosted I/GA EFSP solution application service to indigent and government agency filers. This I/GA EFSP solution provides applications to compile filings, file these with the courts, prepare documents for service, effect service, maintain records of these services, and report these records to the courts and JCC. It will provide these services at no fee exclusively to indigent and government filers. This hosted application will provide the following general functions:
* Register filers with the IAM Authority.
* Identify and authorize filers using the IAM Authority.
* Assemble e-filings.
* Submit e-filings to the EFM.
* Provide electronic service of documents.[[3]](#footnote-3)
* Submit e-filing transaction and audit logs to the EFM.

## Business and Functional Requirements

The selected and contracted Proposers must provide e-filing services that meet or exceed a set of minimum functional requirements in ongoing daily operations. These requirements are contained in Exhibit 1, EFM Functional Requirements, and Exhibit 2, EFSP Functional Requirements*.*

The Proposer shall refer to Exhibit 1, EFM Functional Requirements, and Exhibit 2, EFSP Functional Requirements, for the scope of features and capabilities the hosted services must reliably deliver. The Proposer shall respond to Exhibits 1 and 2 using Exhibit 8, Proposer Response Template.

## Non-Functional Requirements

The hosted e-filing services provided by the selected and contracted Proposers must also meet a set of non-functional requirements. These requirements are contained in Exhibit 3, Non-Functional Requirements.

The Proposer shall respond to Exhibit 3 using Exhibit 8, Proposer Response Template.

## Standards Management Service Requirements

The selected and contracted Proposers will collaborate with the JCC in the design, construction, and implementation of the California e-filing standards and operating architecture. This will involve collaboration with the JCC, participating courts, the certification authority, IAM authority, and payment gateways to define an architecture and supporting standards for e-filing. This will include the following activities:

* Participating in JCC-facilitated workshops to develop:
	+ California-specific extensions to the Organization for the Advancement of Structured Information Standards (OASIS) ECF standards.
	+ Standards for IAM and financial gateway services.
	+ Standards compliance testing protocols.
	+ The architecture that supports this e-filing environment.
	+ A protocol for standards and architecture change management.
* Providing input on the development of standards, architecture, and protocols.
* Reviewing and providing feedback on these standards, architecture, and protocols as they are being drafted and approved.

The Proposer shall refer to Exhibit 4, Standards Management Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 4 using Exhibit 8, Proposer Response Template.

## Implementation and Ongoing Service Requirements

The selected and contracted Proposer will implement and provide ongoing California standards-conformant EFM and I/GA EFSP solution application services under the Master Agreement. This will involve services to construct, test, and implement California standards-conformant interfaces between the EFM application and the following applications:

* The four core CMS applications, as implemented in the Superior Court with which the selected and contracted Proposer has established a Participation Agreement.
* The SunGard ONESolution CMS employed by a California Superior Court that achieved certification of compliance with California ECF standards.
* All California-certified EFSP solutions.
* California JCC IT Group-provided IAM application service.

This will also involve providing EFM and I/GA EFSP solution application services, maintenance, and support that meet or exceed certain requirements and service levels.

## Development and Maintenance of Conformant Interfaces

In the context of implementation and deployment, the selected and contracted Proposers providing the EFM will create and maintain California standards-conformant interfaces for exchanging information with EFSP solutions and with CMS applications. This will include the following activities:

* Development of an interface to all California-certified EFSP solution applications that conform to California standards (developed as set forth in Section 2.5, above).
* Establishment, maintenance, and use of a standards-conformant automated interface with the IAM Authority.
* Testing and certification of the EFSP solution interface using a California-specified Certification Authority.[[4]](#footnote-4)
* Development of an e-filing interface with all four of the core CMSs that are conformant to California ECF standards.
* Development of an e-filing interface with the SunGard ONESolution CMS that is conformant to California ECF standards.
* Testing and certification of each CMS interface that is developed using a California-specified Certification Authority.
* Maintenance and recertification of these standards-conformant interfaces before updated interfaces are implemented.
* Publication of all certification test results.

The Proposer shall refer to Exhibit 5, Implementation and Deployment Requirements*,* for scope of services and deliverables. The Proposer shall respond to Exhibit 5 using Exhibit 8, Proposer Response Template.

## Implementation and Deployment Services

Once a Participation Agreement has been established with a Superior Court, the selected and contracted Proposer will implement EFM and I/GA EFSP solution application services within the timeframes specified in the Participation Agreement. This will involve construction, configuration, implementation, operation, support, and maintenance of an e-filing interface with the CMS installed for the Superior Court. These implementation and deployment services are described in Exhibit 5, Implementation and Deployment Requirements, which provides the scope of services and deliverables.

The JCC and CITMF aim to select and contract with experienced proposers capable of executing an efficient project within the agreed-upon schedule. The Proposer shall refer to Exhibit 5, Implementation and Deployment Service Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 5 using Exhibit 8, Proposer Response Template*.*

## Application Service Operating Requirements

Both the I/GA EFSP solution and the EFM are mission-critical applications for the Superior Courts participating under the Master Agreement. The I/GA EFSP solution and the EFM hosted applications must meet certain minimum levels of service. These are described in Exhibit 6, Service Level Requirements*,* for scope of services and deliverables. The Proposer shall refer to Exhibit 6 for these requirements. The Proposer shall respond to Exhibit 6 using Exhibit 8, Proposer Response Template.

## Maintenance and Support

Maintenance and support under any awarded Master Agreement must comply with the JCC’s Standard Terms and Conditions (Attachment 2), which shall include, but not be limited to:

* Hosted application licensing.
* Application support and technical support for local configuration and installation of the hosted solution.
* End-user and technical support.
* Provision of periodic maintenance, legislative updates, and security upgrades per service-level standards and support agreements.
* Global configuration changes necessary to support business changes.
* Emergency support for break-fix situations.

The Proposer shall refer to Exhibit 7, Support and Maintenance Service Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 7 using Exhibit 8, Proposer Response Template*.*

## Proposer Warranty

The Services Warranty under any awarded Master Agreement must comply with the JCC’s Standard Terms and Conditions (Section 22.B.i of Attachment 2). The Licensed Software Warranty must comply with the JCC’s Standard Terms and Conditions (Section 22.B.ii of Attachment 2).

# TIMELINE FOR THIS RFP

## Proposed Procurement Schedule

Initial proposals are due by 3:00 p.m. (PDT) on May 15, 2017. Discussions with qualified Proposers are to be held starting 4 weeks after the initial proposal submission deadline. It is the JCC’s intention to have signed Master Agreements within 120 days of the initial proposal submission deadline.

| **No.** | **Milestone** | **Date** |
| --- | --- | --- |
| 1 | JCC, on behalf of the Superior Courts of California, issues RFP | 3/17/17 |
| 2 | Deadline for Proposer to register for Proposers’ Conference; submit requests to the Solicitations Mailbox (3:00 p.m. PDT)  | 3/23/17 |
| 3 | Mandatory Proposers’ Conference (video conference via WebEx) (11:00 a.m. PDT) | 3/24/17 |
| 4 | Deadline for Proposers to submit questions, requests for clarifications, or modifications to the Solicitations Mailbox (3:00 p.m. PDT) | 3/28/17 |
| 5 | Post-Proposer Conference questions and answers posted and addenda issued, if required | 4/11/17 |
| 6 | Proposer solicitation specifications protest deadline | 4/18/17 |
| 7 | **Mandatory initial proposal due date and time (3:00 p.m. PDT)** | 5/15/17 |
| 8 | Request for discussions with Proposers (estimated date) | 6/2/17 |
| 9 | Discussions with Proposers | 6/12/17 – 6/16/17 |
| 10 | **Final proposal due date and time (3:00 p.m. PDT)** | 6/30/17 |
| 11 | Request for finalist presentation / demonstrations (if needed) | 7/14/17 |
| 12 | Finalists’ presentations (solution demonstrations and interviews) | 7/24/17 – 8/4/17 |
| 13 | Notice of Intent to Award (estimated date) | 8/11/17 |
| 14 | Execution of Master Agreements (estimated date) | 9/15/17 |
| 15 | Anticipated Master Agreement term (5 years) | 9/15/17 – 9/14/22 |
| 16 | Anticipated Master Agreement optional term extensions (five 1-year extensions) | 9/15/22 – 9/14/27 |

## Mandatory Proposers’ Conference

The JCC will hold a mandatory pre-proposal Proposers’ Conference on the date identified in the timeline above. The pre-proposal Proposers’ Conference will be held via video conference (WebEx). Proposers must attend this Proposers’ Conference to be eligible to submit a response to this RFP.

NOTE: Proposers’ Conference WebEx information will be sent out to all registered Proposers on the day before the conference.

# RFP ATTACHMENTS

The following attachments and exhibits are included as part of this RFP.

## Attachments and Forms

| **Attachment** | **Description** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs | These rules govern this solicitation. |
| Attachment 2: JCC Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “vendor”) must sign a Judicial Council Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly identifies the benefit to the JCC and the Superior Courts from the proposed changes and provides a written explanation or rationale for each proposed change. The following provisions within the Terms and Conditions are non-negotiable provisions (“Mandatory Terms”): Exhibit 2, Section 1.6 (nonexclusive agreement); Exhibit 8, Section 1 (Fees); and Exhibit 8, Section 3.a (Contractor’s Failure to Execute Participation Agreements). A material exception to a Mandatory Term will render a proposal non-responsive. |
| Attachment 3: Bidder’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. A material exception to a Mandatory Term will render a proposal non-responsive. |
| Attachment 4: Payee Data Record Form | This form contains information the Superior Courts require to process payments and must be submitted with the proposal. |
| Attachment 5: General Certifications Form | Proposer must complete and submit the General Certifications Form. |
| Attachment 6: Darfur Contracting Act Certification | Proposer must complete and submit the signed Darfur Contracting Act Certification. |
| Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification | Proposer must complete and submit the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: Iran Contracting Act Certification | Proposer must complete and submit the Iran Contracting Act Certification. |
| Attachment 9: Small Business Declaration | Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| Attachment 10: Bidder DVBE Declaration | Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation. |
| Attachment 11: Bidder Declaration | Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration. |

## Requirements and Court Informational Exhibits

|  |  |
| --- | --- |
| **Exhibit** | **Description** |
| Exhibit 1 | EFM Functional Requirements |
| Exhibit 2 | EFSP Functional Requirements |
| Exhibit 3 | Non-Functional Requirements |
| Exhibit 4 | Standards Management Requirements |
| Exhibit 5 | Implementation and Deployment Requirements |
| Exhibit 6 | Service Level Requirements |
| Exhibit 7 | Support and Maintenance Requirements |
| Exhibit 8 | Proposer Response Template  |

## Background Exhibits

|  |  |
| --- | --- |
| **Exhibit** | **Description** |
| Exhibit 9 | Electronic Filing Manager Concept of Operations |
| Exhibit 10 | Electronic Filing Technical Architecture and Standards |

# SUBMISSION OF PROPOSALS

## Proposal Structure

Proposers should respond to every section of this RFP, all attachments, and all exhibits. Vendors may download the original RFP documents from our Web site, [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm). These documents will be available in whole as the RFP and individually for your review and use.

A Proposer Response Template has been included (Exhibit 8) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 6, Proposal Contents, 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.

## Proposal Copies

Successful Proposers must submit an initial proposal and a final proposal. Both submissions must be completed by the respective deadlines. The Proposer must submit one original hard copy and an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The electronic files must be in PDF, Word, or Excel formats. The source Excel files used to prepare responses to Exhibits 1–7 must also be submitted. The originals must be signed by an authorized representative of the Proposer. The Proposer must write the RFP title and number on the outside of the sealed envelope.

## Proposal Delivery Address

Proposals must be delivered by the date and time listed on the cover sheet of this RFP to:

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. BAP-2017-01-PC

2850 Gateway Oaks Drive, Suite 300

Sacramento, CA 95833-4348

## Late Proposals

Late proposals will not be accepted. Postmarks by the due date will not substitute for actual receipt of proposal by the JCC.

## Original Proposal Delivery Methods

Only original written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g., FedEx), or hand delivery. Original proposals may not be transmitted by FAX or e-mail.

# PROPOSAL CONTENTS

The following information must be included in the proposal using the Proposer Response Template (Exhibit 8). A proposal lacking any of the following information may be deemed non-responsive.

## Organization Information and Qualifications

The Proposer must provide the following information about the organization and its qualifications.

### **Proposer Information:** Proposer’s name, address, telephone and FAX numbers, and federal tax identification number. 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.

* + 1. **Designated Representative:** Name, title, address, telephone number, and e-mail address of the individual who will act as Proposer’s designated representative for purposes of this RFP.
		2. **Reference Client Projects:** Names, addresses, and telephone numbers of a minimum of three clients for whom the Proposer has provided similar services. The JCC may check references listed by Proposer. Proposer must include a summary description of the engagement for each reference.

## Team Qualifications

The Proposer must provide a description of the team or teams that will deliver services under the Master Agreement. This must identify individuals and Proposer organizations responsible for:

### **Standards Management:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

### **Implementation and Deployment:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

### **Support and Maintenance:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

## Proposed Approach and Methods.

The Proposer must provide a description of the proposed approach for completing work under this Master Agreement.

### **Standards Management:** The Proposer must describe its approach to collaborating with the JCC in the design, construction, and implementation of the California e-filing standards and operating architecture.

### **Development and Maintenance of Conformant Interfaces:**The Proposer must describe its approach to the development and certification of the EFM and I/GA EFSP solution. This approach must describe the tasks and schedule for:

* The construction of the EFM and I/GA EFSP solutions.
* Development of California ECF conformation interfaces between these application services and the core CMSs, California ECF-conformant installations of the SunGard ONESolution CMS, California ECF-conformant EFSPs, and the IAM.
* Certification of the operation of these application services and interfaces.

### **Implementation and Deployment:** The Proposer must describe its approach to the implementation of EFM and I/GA EFSP solutions for a Superior Court once a Participation Agreement has been completed. The guideline for implementation of a participating court is 6-9 months unless otherwise mutually agreed upon by the court and the Proposer. This approach must describe the tasks and schedule for implementation for a single court. The Proposer must also describe:

* What factors will impact the schedule for implementation construction of the EFM and I/GA EFSP solutions.
* The tasks, resources, and work products required from the participating court to ensure on-time implementation. This must describe the timeframe in which the court must perform these tasks and provide resources and work products.
* The factors that would cause variation in the schedule for implementation.
* The type, quantity, and time commitment of Proposer staff involved in each court implementation.
* The approach and capacity of the Proposer to successfully execute multiple concurrent implementations of EFM and I/GA EFSP solution application services.

### **Integration with Non-Standard CMSs:** The Proposer must describe its approach to developing, testing, implementing, and deploying integration between a CMS that does not comply with the California ECF standards and the EFM and I/GA EFSP. This approach may include the use of an e‑delivery product. The description must include a description of the operating capabilities of the proposed solution.

### **Application Service Operations:** The Proposer must describe its approach to operating both the I/GA EFSP solution and the EFM in a manner that ensures that it meets the Service Level Requirements set forth in Exhibit 6.

### **Support and Maintenance:** The Proposer must describe its approach to providing maintenance and support for the application services.

## Responses to Requirements

Responses to the requirements listed in Exhibits 1 through 7 of this RFP must be provided in this section of the proposal. Proposers must use the Microsoft Excel template provided and complete all seven requirements worksheets (tabs). For each requirement, Proposers must fill in the response column with one of the choices below. If the Proposer wishes to provide any explanatory details, those should be included in the “Explanation” column next to the requirements. The following answer key should be used when responding to the requirements:

* 3 – The requirement is currently supported in the Proposer’s product and service offerings.
* 2 – The requirement is not supported in the current version of the proposed solution and service offerings, but the required feature is currently in development or testing and is planned for the next release of the proposed solution within 9 months.
* 1 – The requirement is not supported in the Proposer’s product and service offerings, but the Proposer plans to support the requirement in the proposed solution or as part of this procurement within 2 years.
* 0 – The requirement is not supported, and the Proposer has no plan to support it within 2 years.

**Note:** *Proposers must answer requirements with* ***only******one of the above keys****.* *Any requirement that is answered in any other way will be treated as a negative/non-response.*

## Fee Structure – REVISED JUNE 21, 2017

Under the Master Agreement, the selected and contracted Proposers will receive revenue for successfully processing filings received from a fee-based EFSP and successfully submitted to the CMS of a Superior Court during the term of a Participation Agreement. This fee shall be charged to fee-based EFSPs. The Proposer shall not collect revenue from the JCC or a participating court for any of the e-filing services provided under the Master Agreement. No fees shall be collected from the JCC or a participating court for:

* Meeting functional requirements.
* Meeting standards management requirements.
* Implementation and ongoing service requirements.
* Development and maintenance of conformant interfaces.
* Implementation and deployment services.
* Meeting application service operating requirements.
* Providing maintenance and support.
* Providing a Proposer warranty.

The fee or fees to be charged to fee-based EFSPs will be specified in the Master Agreement. Proposer must specify that fee in the Fee Structure portion of the proposal (Exhibit 8). In addition, the Proposer must specify fee payment clearing and settlement timeframes.[[5]](#footnote-5) Initial proposal submission should be the best offer from a Proposer. Submissions must follow the RFP guidelines stated in Section 5.

## Certifications, Attachments, and Other Requirements

### **Proof of Good Standing:**If Proposer is a corporation, the Proposer must present proof that it is in good standing and qualified to conduct business in California.

### **Business License:** Proposer must provide copies of current business licenses.

### **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).

### **Acceptance of Terms and Conditions:** Proposer must complete and provide the Bidder’s Acceptance of Terms and Conditions (Attachment 3). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a proposal non-responsive.

If exceptions are identified or additional provisions proposed, 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 of the benefit to the JCC and the Superior Courts resulting from the proposed exception.

### **Payee Data Record:** Proposer must complete and provide the Payee Data Record Form (Attachment 4).

### **General Certifications:** Proposer must complete and provide the General Certifications Form (Attachment 5).

### **Darfur Contracting Act Certification:** Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 6).

### **Unruh Civil Rights Act and California Fair Employment and Housing Act Certification:** Proposer must complete and provide the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7).

### **Iran Contracting Act:** Proposer must complete and provide the Iran Contracting Act Certification (Attachment 8).

### **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (Attachment 9) only if it wishes to claim the small business preference associated with this solicitation.

### **Bidder DVBE Declaration:** Proposer must complete and provide the Bidder DVBE Declaration (Attachment 10) only if it wishes to claim the DVBE incentive associated with this solicitation.

### **Bidder Declaration:** Proposer must submit a Bidder Declaration (Attachment 11) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

# OFFER PERIOD

A Proposer's proposal is an irrevocable offer for 180 days following the proposal due date. In the event a final contract has not been awarded within this period, the JCC reserves the right to negotiate extensions to this period.

# EVALUATION OF PROPOSALS

 As described in Attachment 1, Administrative Rules Governing RFPs, this solicitation process will follow a phased approach designed to increase the likelihood that proposals will be received without disqualifying defects. The additional steps will (1) ensure that Proposers clearly understand the requirements of the RFP before submitting a final proposal; (2) ensure that the evaluation team clearly understands what each Proposer intends to offer before proposals are finalized; and (3) provide the evaluation team and Proposer the opportunity to discuss weaknesses or potentially unacceptable elements of a proposal and provide the Proposer the opportunity to modify its proposal to correct such problems.

At the time proposals are opened, each proposal will be evaluated for the presence or absence of the required proposal contents. The initial proposals will be reviewed to determine which are responsive to all the requirements. The evaluation team will receive and review the initial proposal to determine whether the proposal (or a portion thereof):

* Is non-responsive to a requirement;
* Is otherwise defective; or
* Requires clarification so that the JCC may fully understand the proposed solution.

The JCC makes no warranty that all errors, defects, or other problems will be identified. The Proposer is solely responsible for submitting a proposal that is free of errors and defects and complies with all requirements.

Based on its review of the proposal(s), the evaluation team will prepare an agenda of items to be discussed separately with each Proposer and transmit the agenda to the Proposer. The agenda will include the identification of discovered defects, but may also include, but is not limited to, a discussion of the Proposer’s solution, methodology, proposed support, implementation plans, validation plans, and proposed contracts, as appropriate. The evaluation team will arrange with each Proposer to discuss the items on the agenda. These discussions are confidential.

The primary purpose of the discussion is to ensure that the Proposer’s final proposal will be responsive. The evaluation team may identify concerns, ask for clarification, and express its reservations if, in the opinion of the evaluation team, a particular requirement of the RFP is not appropriately satisfied.

At the conclusion of the discussions, the evaluation team will document the clarified items and how the Proposer will correct the noted items. The evaluation team may schedule additional discussions with a Proposer at its discretion. If additional discussions are scheduled, the process set forth above (“Confidential Discussions with Proposer”) will be repeated. The evaluation team may require the resubmission of selected materials as part of this process.

The JCC may amend the RFP if, as a result of the Confidential Discussions with Proposer, it believes that the program would be more successful if changes are made to the requirements or RFP. If so, the JCC will restructure/amend the solicitation at that time. If this is the case, the JCC may request another round of initial proposals.

If, after discussion with a Proposer, the evaluation team is of the opinion that the proposal cannot be revised and resubmitted in a reasonable time to satisfy the requirements of the RFP, and that further discussion would not likely result in an acceptable proposal in a reasonable time, the evaluation team will give the Proposer written notice that the proposal has been rejected and that a final proposal submitted along such lines would be non-responsive.

In the next phase of the evaluation, the Proposers will submit final proposals. After final proposals are submitted, the evaluation team will review, evaluate, and score the final proposals using the evaluation criteria set forth in this RFP and the process described in Attachment 1. In this process, the JCC may, at its discretion, request presentations and demonstrations.

Based on the evaluation criteria and weighting set forth below, Master Agreements will be awarded to two to four of the highest scoring Proposers that can provide the requested services.

If a Master Agreement or Master Agreements is awarded, JCC staff will post notice of an intent to award at <http://www.courts.ca.gov/rfps.htm>.

| **Category** | **Factors** | **Total Possible Points** |
| --- | --- | --- |
| Fee Structure | Overall cost based on the fee structure described in the proposal and charged to filers and any other stakeholders.  | 20 |
| Organization Information and Qualifications  | Level of Proposer organization experience, financial stability, and qualifications.  | 15 |
| Team Qualifications | Level of Proposer’s service delivery teams’ experience and qualifications. | 5 |
| Approach and Methods | Extent to which the proposed approach and methods are likely to deliver the services required in a cost-effective manner for the courts and filers. | 20 |
| Requirements Response | Degree to which the Proposer’s proposed solution meets the requirements set forth in Exhibits 1-7 and narrative responses. | 30 |
| Acceptance of Terms and Conditions | Level of Proposer’s acceptance of Terms and Conditions. | 7 |
| DVBE Incentive | DVBE incentive points. | 3 |

# FINALISTS’ PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS)

The JCC may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in evaluation of the top-ranked proposals. The interview process may require a demonstration. The interviews may be conducted in person or by phone. 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.

# CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the JCC for official files and will become a public record. California JBEs are subject to Rule 10.500 of the California Rules of Court, which governs public access to Judicial Administrative Records (see  [*www.courts.ca.gov/documents/title\_10.pdf*).](file:///C%3A%5CUsers%5CJosephDWheeler%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CNG9OHP68%5Cwww.courts.ca.gov%5Cdocuments%5Ctitle_10.pdf%29)

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the JCC’s sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the JCC finds or reasonably believes that the materials marked confidential and/or proprietary are **not** exempt from disclosure, the JCC will disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public opening of certain proposals. If required to do so by the Public Contract Code, the JCC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

# SMALL BUSINESS PREFERENCE

## Participation Not Mandatory

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

## Small Business Enterprise (SBE) Incentive

Eligibility for and application of the small business preference is governed by the JCC’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 JCC’s sole determination, the Proposer has met all applicable requirements. If Proposer receives the SBE preference, the score assigned to its proposal will be increased by an amount equal to 5 percent 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.

## Qualification

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.

## Process

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 9). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

## Failure to Complete Forms

Failure to complete and submit the Small Business Declaration as required will result in the Proposer not receiving the small business preference. In addition, JCC staff may request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.

## Meeting SBE Commitments

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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

# DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

## 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.

## DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the JCC’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the sole determination of JCC staff, Proposer has met all applicable requirements. If 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 8, above.

## Qualification

To receive the DVBE incentive, at least 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, Proposer may have an approved Business Utilization Plan (BUP) on file with the California DGS.

## Process

If Proposer wishes to seek the DVBE incentive:

* Proposer must complete and submit with its proposal the Bidder DVBE Declaration (Attachment 10).  Proposer must also submit all materials required in the Bidder DVBE Declaration.
* Proposer must submit with its proposal a Bidder Declaration (Attachment 11) 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 Bidder Declaration.  If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder Declaration.  **NOTE**: The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

## Failure to Complete Forms

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

## Application of DVBE Incentive

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 JCC’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

## Meeting DVBE Commitments

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 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.

**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.**

# PROTESTS

Any protests will be handled in accordance with the Protest Procedures outlined in the Administrative Rules Governing RFPs (Attachment 1), Section K (Protest Procedures). 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 JCC to receive a solicitation specifications protest is set forth in Section 3.1 (Proposed Procurement Schedule). The post-award protest deadline for submission will be 5 business days after the Notice of Intent to Award has been posted. The protesting party will have 10 calendar days after the JCC receives the protest to submit all required information. Protests should be sent to:

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. BAP-2017-01-PC

2850 Gateway Oaks Drive, Suite 300

Sacramento, CA 95833-4348

1. In this RFP, JCC and the trial courts are Judicial Branch Entities (JBEs). They may be referred to individually as “a JBE.” [↑](#footnote-ref-1)
2. This application will be referred to as Clerk Review. Clerk Review will be a set of optional capabilities, labelled as Clerk Review in Exhibit 1. This optional capability is described in Exhibit 9, Electronic Filing Manager Concept of Operations, and Exhibit 10, Electronic Filing Technical Architecture and Standards. The court’s election to employ the Clerk Review component will be established at the completion of the Participation Agreement. [↑](#footnote-ref-2)
3. “Electronic service” means service of a document on a party or other person by either electronic transmission or electronic notification. Electronic service may be performed directly by a party, by an agent of a party, including the party’s attorney, or through an EFSP. “Electronic transmission” means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service. “Electronic notification” means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document may be viewed and downloaded. [↑](#footnote-ref-3)
4. The role and operation of the Certification Authority is set forth in Exhibit 9, Electronic Filing Manager Concept of Operations. [↑](#footnote-ref-4)
5. While it is not a requirement of this RFP, a Proposer may submit a proposal to collect funds for statutory court filing fees from EFSPs and forward the funds to the court. If this is the case, the timeframes for transferring funds to the court must be specified in the proposal. Such a proposal (and funds settlement timeframe) will not be a factor in the award of a Master Agreement. However, this information will be available and may be a factor for the court to select an EFM(s) with which to establish a Participation Agreement. [↑](#footnote-ref-5)