



# REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

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**RFP TITLE: LANGUAGE ACCESS IN THE CALIFORNIA COURTS**

**RFP NUMBER: COS-ODP-201604-PSK**

**PROPOSALS DUE: MAY 13, 2016 - NO LATER THAN 3:00 P.M. PACIFIC TIME**



JUDICIAL COUNCIL OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
COURT OPERATIONS SERVICES

## 1 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California Tani G. Cantil-Sakauye (Chief Justice), is the policymaking body of the California courts. The California Constitution directs the Judicial Council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The Judicial Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by California law.
- 1.2 The Judicial Council’s main office is located in San Francisco, CA. The Court Operations Services, Operations and Programs Division, houses the Court Interpreters Program (CIP) and Language Access Plan (LAP) Strategy and Implementation units. The CIP oversees the testing, certification and registration process for statewide qualification of court interpreters, as well as other administrative functions such as statewide recruitment to expand the pool of interpreters available to provide services for the courts.
- 1.3 On January 22, 2015, the Judicial Council adopted the Strategic Plan for Language Access in the California Courts and formed the Language Access Plan Implementation Task Force (ITF), chaired by Supreme Court Justice Mariano-Florentino Cuéllar. Among other responsibilities, the ITF has been charged with assisting California’s Superior Courts with the implementation of the LAP’s recommendations. The LAP Strategy and Implementation staff supports the efforts and work of the Implementation Task Force.

## 2 DESCRIPTION OF SERVICES

- 2.1 The Judicial Council seeks the services of a contractor with experience to assist the Judicial Council with the implementation of the LAP’s recommendations.

The proposed contract is estimated to be effective from **June 30, 2016 through June 30, 2017.**

The estimated funds available for this project ranges from **\$138,000.00 to \$246,000.00.**

- 2.2 The Proposed Bidder must have expertise in the following areas:
  - 2.2.1 Principles and practices of language access, including but not limited to interpretation and translation;
  - 2.2.2 Laws (including statutory and case law) related to language access in the California Superior Courts, as well as California Rules of Court,

Standards of Judicial Administration, and Judicial Council Forms related to language access;

- 2.2.3 Budgeting and financial forecasting to help estimate the anticipated costs of implementing the various LAP recommendations at both the court and statewide level;
- 2.2.4 Education and training for court staff, judicial officers, justice partners, community organizations, and court interpreters, including familiarity with educational videos and other educational tools designed to assist court staff or LEP court users.
- 2.2.5 Research and writing for court-related audiences;
- 2.2.6 Court interpreting principles and how court interpretation services are organized in the California Superior Courts;
- 2.2.7 Tools for qualitative and quantitative data collection, including surveys;
- 2.2.8 Translation services including protocols for translated materials and signage;
- 2.2.9 Planning and conducting community meetings with stakeholders;
- 2.2.10 Preparation of communication materials and other language access tools to assist the courts;
- 2.2.11 Systems to help statewide monitoring of the implementation of the LAP;
- 2.2.12 Methods to evaluate program effectiveness and the quality of language access services;
- 2.2.13 Interpreter skill assessment and discipline procedures;
- 2.2.14 Strategies for recruitment of qualified bilingual staff and court interpreters, and recommendations regarding strategies to ensure efficient court interpreter assignment; and
- 2.2.15 Ensuring web and courthouse accessibility for LEP court users, including signage and wayfinding strategies.

2.3 Implementation of the Strategic Plan for Language Access in the California Courts is anticipated to occur in three phases over the next three to five years. Between June 2015 and June 2016, work has been taking place to implement many of the LAP Phase 1 recommendations.

- 2.4 Contractor will work with the Judicial Council to establish systems for monitoring compliance with the LAP, at the statewide and individual court level, and develop a review process regarding interpreter skills assessment and appropriate procedures regarding interpreter discipline.
- 2.5 Throughout the contract, contractor will organize up to two community outreach meetings, including planning meeting agendas, preparing materials, and recording meeting outcomes.
- 2.6 Contractor will also assist the Judicial Council in LAP implementation product development, including but not limited to development of educational materials and other language access tools that will assist courts and/or LEP court users; and revision of Judicial Council forms. This also includes drafting reports on the progress of the LAP implementation process, under staff direction.

### 3 DELIVERABLES

- 3.1 The Judicial Council seeks a consultant with expertise in improving access to the courts for LEP court users (See Section 2.2 above for desired areas of expertise).
  - 3.1.1 After consulting with the Judicial Council staff, contractor will develop a comprehensive timeline for completion of remaining LAP Phase One products and efforts to commence work on new Phase Two products, including identifying Task Force product requirements. The timeline should include milestones between July 2016 and June 2017 for completion of procedures to assess an interpreter's skills and recommended interpreter disciplinary procedures, including public comment and any recommended changes to Rule 2.891 (See Deliverables 3.1.9, 3.1.11, and 3.1.17). Shall occur by **August 31, 2016**.
  - 3.1.2 Based on the findings of the trial court language access survey conducted in early 2016, contractor will work with and prepare a report for the Task Force's Language Access and Education Standards Subcommittee to identify additional items for completion, including: identifying the appropriate level of service required at different points of contact at the courts (LAP Recommendation #26<sup>1</sup>); defining language proficiency standards for bilingual staff (#48); identifying and listing orientation or other multilingual videos hosted on California court websites (or available in hardcopy format such as DVDs) that have been designed to assist LEP courts users (#18); developing new training programs for bilingual staff and court interpreters (#46, #48); developing policies to help promote the sharing of bilingual staff and interpreters among courts, using remote assistance, for language assistance outside of court proceedings (#30); and developing a model protocol for

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<sup>1</sup> LAP recommendations with “#” are found in Attachment 8.

procedures to be followed when bilingual staff are not available (#29).  
Shall occur by **October 31, 2016**.

- 3.1.3 Contractor to meet with the Judicial Council's Language Access Plan Implementation Task Force onsite for its in-person meeting to review contractor's timeline and assist Task Force with work on remaining LAP Phase One and new LAP Phase Two products. Prior to meeting, contractor must prepare and submit presentation agenda, electronic and printed materials, and progress reports for Project Manager's review. Shall occur by **October 31, 2016**. [Note: Meeting will be held either in September or October 2016.]
- 3.1.4 Contractor to consult with Judicial Council staff and prepare report with recommendations regarding (1) recruitment strategies for court interpreters and bilingual staff, and (2) strategies to help increase the passage rate on the bilingual interpreting exam. Shall occur by **November 30, 2016**.
- 3.1.5 Contractor to organize a community outreach meeting with the Judicial Council's Language Access Plan Implementation Task Force and LAP stakeholders. Prior to meeting, contractor to consult with the Task Force Chairs and Project Manager regarding meeting topics, scope and goals. Contractor will be required to invite stakeholders and prepare and submit the agenda and all meeting materials for Project Manager's review. After the meeting, contractor will be required to submit meeting minutes and an assessment of the meeting outcomes for Project Manager's review. Shall occur by **December 30, 2016**. [Note: Meeting will be held either in November or December 2016.]
- 3.1.6 Contractor to consult with Judicial Council staff and interview courts to develop a report for the Judicial Council regarding recommended guidelines and best practices regarding accessible courthouses; research and report on the use of principles of universal design in the language access context; develop recommended guidelines for building and equipping LEP accessible courthouses (signage, navigability and wayfinding strategies); provide model signage translated into the top eight languages for adaptation by local courts, make recommendations on the use of multilingual (static and dynamic) signage; develop best practices for navigability and wayfinding strategies for courts. (See LAP Recommendations #39, #41, and #42.) Shall occur by **December 30, 2016**.
- 3.1.7 Contractor to work closely with Judicial Council staff and courts' language access representatives to help update court websites, including

LEP plan templates to ensure courts' websites support and conform to LAP recommendations. Shall occur by **December 30, 2016**.

- 3.1.8 Contractor to meet with the Judicial Council's Language Access Plan Implementation Task Force onsite for its in-person meeting to review contractor's timeline and assist Task Force with work on remaining LAP Phase One and new LAP Phase Two products. Prior to meeting, contractor must prepare and submit presentation agenda, electronic and printed materials, and progress reports for Project Manager's review. Shall occur by **January 31, 2017**.
- 3.1.9 Contractor to deliver presentation and submit report to Court Interpreters Advisory Panel (CIAP) to advise the advisory body on the relative strengths, weaknesses, and costs of different techniques for conducting skill assessment. (The CIAP subcommittee staff already has a list of technique options with which the consultants can begin their work.) Shall occur by **January 31, 2017**.
- 3.1.10 Contractor to meet onsite and assist Judicial Council staff with a Language Access Plan Implementation Task Force presentation to the Judicial Council to review LAP implementation progress, including contractor's progress and materials produced to date. Prior to meeting, contractor must prepare and submit presentation agenda, electronic and printed materials, and progress reports for Project Manager's review. Shall occur by **February 28, 2017**. [Note: Meeting will be held either in January or February 2017.]
- 3.1.11 Contractor to meet with Judicial Council staff and CIAP to discuss practices, volume and costs in other state courts regarding interpreter discipline. Contractor to work with Judicial Council staff for CIAP to prepare and submit a report that catalogues policies and procedures in place in other state court systems to conduct skill assessments post credentialing as well as to assess for discipline purposes ethical or criminal matters. The cataloging shall include a description of the policies and procedures, including whether there are periodic reviews or they require complaints in order to initiate; the levels of discipline available, the disciplining body, and manner in which discipline may imposed (e.g., only after a the opportunity for a full hearing where due process is afforded). (The Judicial Council has some materials which can be used to begin the research.) Determine the volume of reviews / complaints received by other states in an average year, relative to their interpreter population, and detail the costs (including staff) that other states spend on skill/ethics assessments and imposition of discipline (including hearing costs, if any). Shall occur by **February 28, 2017**.
- 3.1.12 Contractor to conduct interviews and/or a brief follow-up survey regarding courts' LAP implementation progress and submit a gap analysis report. The report will make findings and recommendations

regarding priorities and necessary actions for the Judicial Council and courts to implement to help achieve meaningful language access for LEP court users. In conjunction with the report, contractor to develop and submit tools that will help the Judicial Council to track individual courts' progress regarding LAP implementation. Shall occur by **March 31, 2017**.

- 3.1.13 Contractor to organize a community outreach meeting with the Judicial Council's Language Access Plan Implementation Task Force and LAP stakeholders. Prior to meeting, contractor to consult with the Task Force Chairs and Project Manager regarding meeting topics, scope and goals. Contractor will be required to invite stakeholders and prepare and submit the agenda and all meeting materials for Project Manager's review. After the meeting, contractor will be required to submit meeting minutes and an assessment of the meeting outcomes for Project Manager's review. Shall occur by **April 28, 2017**. [Note: Meeting will be held either in March or April 2017.]
- 3.1.14 Contractor to meet with Judicial Council staff and interview court personnel to develop a report and make recommendations regarding improvements to the regional coordination system for court interpreter cross-assignment procurement. (See LAP Recommendations #20 and #21.) Shall occur by **April 28, 2017**.
- 3.1.15 Contractor to meet with the Judicial Council's Language Access Plan Implementation Task Force onsite for its in-person meeting to review contractor's timeline and assist Task Force with work on remaining LAP Phase One and new LAP Phase Two products. Prior to meeting, contractor must prepare and submit presentation agenda, electronic and printed materials, and progress reports for Project Manager's review. Shall occur by **May 31, 2017**.
- 3.1.16 Contractor to submit all remaining LAP Phase One and Phase Two products to Judicial Council staff, including all educational products identified above in Deliverable 3.1.2. Shall occur by **May 31, 2017**.
- 3.1.17 By no later than June 2017, contractor must assist the Judicial Council to complete development of procedures to assess an interpreter's skills and recommended disciplinary procedures. This will include development of a timeline, a draft Rule of Court, process for interpreter review and discipline, public comment, summary of comments, and submitting revised materials for Project Manager's review. (See LAP Recommendations #63, #64, and #65.) Shall occur by **June 30, 2017**.
- 3.1.18 Contractor to submit final report. Final report must include all ongoing adjustments and improvements that must be made to the LAP implementation workplan, including all necessary and recommended

LAP improvements to assist with the ongoing implementation efforts. contractor to meet onsite and assist Judicial Council staff with a Language Access Plan Implementation Task Force presentation to the Judicial Council to review LAP implementation progress, including contractor’s progress and materials produced to date. Prior to meeting, contractor must prepare and submit presentation agenda, electronic and printed materials, and progress reports for Project Manager’s review. Shall occur by **June 30, 2017**.

3.2 Refer to Attachment 7, Language Access in the California Courts Project Requirements Answer Form, and provide Yes or No answers to indicate proposer’s capabilities of meeting the specifications listed above.

**4 TIMELINE FOR THIS RFP**

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

EVENT	DATE
RFP issued	<b>April 25, 2016</b>
Deadline for questions	<b>May 2, 2016</b> Due no later than 3:00PM, Pacific Standard Time.
Questions and answers posted ( <i>estimate only</i> )	<b>May 4, 2016</b>
Latest date and time proposal may be submitted	<b>May 13, 2016</b> Due no later than 3:00PM, Pacific Standard Time.
Anticipated interview dates ( <i>estimate only</i> )	<b>May 18 - 20, 2016</b>
Evaluation of proposals ( <i>estimate only</i> )	<b>May 23 - 27, 2016</b>
Notice of Intent to Award ( <i>estimate only</i> )	<b>June 3, 2016</b>
Negotiations and execution of contract ( <i>estimate only</i> )	<b>June 10, 2016</b>
Contract start date ( <i>estimate only</i> )	<b>June 30, 2016</b>
Contract end date ( <i>estimate only</i> )	<b>June 30, 2017</b>



## 5 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
<b>Attachment 1:</b> Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
<b>Attachment 2:</b> Judicial Council Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this Judicial Council Standard Form Agreement.
<b>Attachment 3:</b> Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
<b>Attachment 4:</b> General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
<b>Attachment 5:</b> Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
<b>Attachment 6:</b> Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
<b>Attachment 7:</b> Language Access In The California Courts Project Requirements Answer Form	The Proposer must complete this form to indicate proposed solution’s capabilities of meeting the Language Access In the California Court’s specifications.
<b>Attachment 8:</b> California Judicial Council Branch, Strategic Plan for Language Access in the California Courts.	This summary contains the Language Access Plan (LAP) recommendations. The Proposer is encouraged to read this summary in detail.
<b>Attachment 9:</b> DVBE Declaration	Complete this form only if Proposer wishes to claim the DVBE incentive associated with this solicitation.
<b>Attachment 10:</b> Bidders Declaration	Complete this form only if Proposer wishes to claim the DVBE incentive associated with this solicitation.
<b>Attachment 11:</b> <b>Cost Breakdown</b>	On this form the Proposer responds to the Cost Portion of the proposal.

## 6 SUBMISSIONS OF PROPOSALS

6.1 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.

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

The Proposer must submit one (1) original, four (4) copies, and one (1) electronic version on CD-ROM or USB memory stick/flash drive of both the technical and cost proposals. The original must be signed by an authorized representative of the Proposer. The original technical and cost proposals (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope. The Proposer must write the RFP title and number on the outside of the sealed envelope.

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

Judicial Council of California  
Attn: Nadine McFadden, RFP #COS-ODP-201604-PSK  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

6.4 Late proposals will not be accepted.

6.5 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.

## 7 PROPOSAL CONTENTS

**7.1 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.

7.1.1 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.

7.1.2 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.

7.1.3 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.

7.1.4 Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The Judicial Council may check references listed by the Proposer.

7.1.5 Proposed method to complete the work.

7.1.5.1 Describe the proposed method to complete the work, including a detailed work plan with milestones and deliverables.

7.1.5.2 Describe your plan to ensure continued customer satisfaction throughout this engagement. Including items such as guarantees, client surveys, escalation procedures, and periodic meetings with the Judicial Council Project Manager.

7.1.5.3 Describe your proposed invoicing process. Please note that the Judicial Council will make every effort to ensure that invoices are paid promptly, but is unable to pay any late fees or interest payments on invoices past due.

7.1.6 Acceptance of the Terms and Conditions.

7.1.7 On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.

7.1.8. 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.

7.1.9 Refer to Attachment 7, Language Access in the California Courts Project Requirements Answer Form, and provide Yes or No answers to indicate proposer's capabilities of meeting the specifications listed above.

7.1.10. Certifications, Attachments, and other requirements.

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

7.1.10.2 The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.

7.1.10.3 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.

7.1.10.4 Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

7.1.10.5 Proof of financial solvency or stability (e.g., balance sheets and income statements).

7.1.10.6 (Conditional) A signed Attachment 9, DVBE Declaration Form if proposer seeks the Disabled Veteran Business Enterprise preference.

7.1.10.7 (Conditional) A signed Attachment 10, Bidders Declaration Form if proposer seeks the Disabled Veteran Business Enterprise preference.

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

7.2.1 A detailed line item budget showing total cost of the proposed services.

7.2.2 A full explanation of all budget line items in a narrative entitled “Budget Justification.”

7.2.3 A “not to exceed” total for all work and expenses payable under the contract, if awarded.

7.2.4 Completion of Attachment 11 – Cost Breakdown.

**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.

**8 OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

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

If a contract will be awarded, the Judicial Council will post an intent to award notice at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

CRITERION	REFERENCE TO APPLICABLE RFP SECTIONS AND SUBMITTALS	MAXIMUM NUMBER OF POINTS
Ability to meet project and timing requirements	2.1; 2.2.1 through 2.2.16; 2.3 through 2.9; 3.1.1 through 3.1.18; Attachments 7; and Attachment 8.	9
Quality and specificity of work-plan submitted	7.1; 8.1.5; 8.1.5.1 through 8.1.5.3.	29
Specialized expertise, technical competence, experience on similar projects, and reference checks.	8.1.3; 8.1.4; and 11.	19
("DVBE") Incentive. Disabled Veterans Business Enterprise incentive is available to qualified proposers.	12.1 through 12.7; Attachment 9; and Attachment 10.	3
Cost	2.1; 2.2.3; 6.1; 6.1.1 through 6.1.4; 7.2; 7.2.2 through 7.2.3; 8.2; 8.2.1 through 8.2.3; and Attachment 11.	30
Acceptance of Terms and Conditions	8.1.6 through 8.1.9; 8.1.9.1 through 8.1.9.3; Attachment 3; Attachment 4; and Attachment 5.	10

## 10 INTERVIEWS

The Judicial Council 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 Judicial Council's offices. The Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Proposers regarding interview arrangements.

## 11 CONFIDENTIAL OR PROPRIETARY INFORMATION

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE**

**10.500 OF THE CALIFORNIA RULES OF COURT.** The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

12.2 Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 9 above.

12.3 To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

12.4 If Proposer wishes to seek the DVBE incentive:

12.4.1 Proposer must submit with its proposal a DVBE Declaration (Attachment 9) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

12.4.2 Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 10). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

12.5 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional

written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

12.6 If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

12.7 If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

### 13 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 Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California  
Branch Accounting and Procurement | Contracts, Administrative Division  
Attn: Protest Hearing Officer, **RFP #COS-ODP-201604-PSK**  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688