



# Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-7960 • Fax 415-865-4325 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California  
Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

CHRISTINE M. HANSEN  
*Director, Finance Division*

**TO:** POTENTIAL BIDDERS

**FROM:** Administrative Office of the Courts  
Executive Office Programs Division

**DATE:** September 17, 2003

**SUBJECT/PURPOSE OF MEMO:** Request For Proposals For The Development of Disaster Preparedness and Continuity of Operations Plans for the Administrative Office of the Courts, Supreme Court, Courts of Appeal and Superior Courts

**ACTION REQUIRED:** You are invited to review and respond to the attached Request for Proposals (“RFP”):  
  
Project Title: COOP Planning for the California Courts  
RFP Number:EOP-01-03

**DEADLINE:** **Proposals must be received by 5 p.m. on September 24, 2003**

**SUBMISSION OF PROPOSAL:** Proposals should be sent to:  
**Judicial Council of California  
Administrative Office of the Courts  
Attn: Nadine McFadden  
455 Golden Gate Avenue  
San Francisco, CA 94102**

**CONTACT FOR FURTHER INFORMATION:** **NAME:** Michael Roddy, Project Manager  
**TEL:** 916-262-1333  
**FAX:** 916-263-1966  
**E-MAIL:** mike.rodny@jud.ca.gov

## **1.0 GENERAL INFORMATION**

### **1.1 Background**

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the 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 Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.

### **1.2 Disaster Preparedness in the Courts**

California's Office of Emergency Services (OES) has notified the AOC that federal funding from a Supplemental Appropriation for the State Domestic Preparedness Program will be made available to the California Courts. As administrator of this funding, the AOC is seeking services of a consultant that can facilitate the development of a Continuity of Operations (COOP) plan for disaster recovery to include procedures that will enable the Supreme Court, Courts of Appeal, the AOC and 58 superior courts facilities (451 total buildings) to respond to a disaster.

## **2.0 PURPOSE OF THIS RFP**

The AOC seeks the services of a consultant with expertise in developing disaster preparedness and COOP plans. Experience specific to the courts system is preferable.

This RFP is the means for prospective service providers to submit their qualifications and method to complete the project to the AOC and request selection as a service provider.

## **3.0 SCOPE OF SERVICES**

3.1. Services are expected to be performed by the consultant between the date of contract finalization and December 8, 2003.

3.2. The consultant will be asked to:

3.2.1 Address the essential elements of the COOP planning to be included in model frameworks for application at administrative and local levels to include at a minimum:

*A. Initial security and safety*

This prescribes the review of the status of security plans already developed by each court and sheriff's department or California Highway Patrol. This step includes emergency evacuation plans for such issues as fire and bomb threats, hostage scenario advice and safeguarding equipment, records, databases and other assets should the facility become inoperable.

*B. Responsibility and authority*

This includes identification of individuals responsible and having the authority to make emergency orders at the state level (the Chief Justice) and local level (the presiding judge or justice and court executive officer or clerk/administrator). This would prescribe a listing of successors for each responsible position.

*C. Appropriate legal response to time-sensitive legal matters*

Identifying the necessary legal methods to extend time for hearings and to hear matters outside of county lines. The AOC has already prepared procedures for superior courts, under specified conditions, to request orders from the Chief Justice for various emergency court procedures, including the extension of certain time periods in criminal and juvenile court cases.

*D. Identification and maintenance of critical, essential, and nonessential functions*

This includes the identification of mandatory (or critical) court functions requiring compliance, such as arraigning defendants and issuing protective orders.

*E. Continuous performance of information systems and emergency communications*

The state has developed standard practices relative to cyber security (addressing networks, web sites, embedded technologies, databases, and cell phones). The California courts would work with appropriate state and local agencies to incorporate these recommendations and practices into court plans. Plans would include phone numbers to call during and after business hours and alternative communication mechanisms.

*F. Identification of alternative locations to conduct critical functions*

This component advises identifying alternative sites to conduct critical functions for each court facility in the event of a closure. The identification of outside support and the process for transporting records, personnel, and defendants would be included.

*G. Recoverability of critical court records.*

A significant component of COOP planning is ensuring the recoverability of critical court records. The individual courts have lacked the appropriate mechanisms or funding to provide critical record backup. Two components are detailed as follows:

- *Guidelines for Record Retention*

The first stage provides for the review of current guidelines for retention of court records (timeframes). This would be provided in the model framework.

- *Off-Site copies of court records*

Disaster mitigation strategies include plans to create copies of critical records and to provide storage off-site. The AOC has initiated a multiyear plan to move all court case management data systems containing vital case records to the Siemens Technology Center in Newark, California.

In preparing their responses, prospective bidders may wish to refer to the attached document from OES: "Continuity of Government (COG) and Continuity of Operations (COOP) Emergency Planning Guidance for a Consolidated Approach."

3.2.2 Deliverables from the consultant will include COOP plan frameworks for:

The Supreme Court,  
Courts of Appeal, and  
the Administrative Office of the Courts

As well as a COOP plan template to be locally adapted by the Superior Courts and their local law enforcement and emergency response agency partners in each of the 58 counties.

#### **4.0 SPECIFICS OF A RESPONSIVE PROPOSAL**

The following information shall be included in the proposal:

- 4.1 Name, address, telephone and fax numbers, and social security number or federal tax identification number.

- 4.2 Five (5) copies of the proposal signed by an authorized representative of the company, including name, title, address, and telephone number of one individual who is the responder's designated representative.
- 4.3 Resumes describing the background and experience of key staff, as well as each individual's ability and experience in conducting the proposed activities.
- 4.4 Describe key staff's knowledge of the requirements necessary to complete this project.
- 4.5 Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the consultant has conducted similar services. The AOC may check references listed by the consultant.
- 4.6 The narrative of the proposal should not exceed seven (7) pages. Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the state's instructions, requirements of this RFP, and completeness and clarity of content.
- 4.7 Overall plan with time estimates for completion of all work required.
- 4.8 Method to complete the Project :
  - 4.8.1 Proposed process necessary to address the project objectives
  - 4.8.2 Proposed information collection methods
  - 4.8.3 Proposed methodology
  - 4.8.4 Proposed project and team organization

## **5.0 COST PROPOSAL**

Submit a detailed line item budget showing total cost of the services. Fully explain and justify all budget line items in a narrative entitled "Budget Justification."

The total cost for consultant services cannot exceed \$200,000 inclusive of personnel, materials, computer support, travel, lodging, per diem, and overhead rates. The method of payment to the consultant will be by cost reimbursement.

## **6.0 RIGHTS**

The AOC reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the proposal. One copy of a submitted proposal will be retained for official files and becomes a public record.

## **7.0 SUBMISSION INSTRUCTIONS**

Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery. Proposals must be physically received by 5 p.m. on September 24, 2003. Postmarks will not be accepted.

Proposals should be sent to:

Judicial Council of California  
Administrative Office of the Courts  
Attn: Nadine McFadden  
455 Golden Gate Avenue  
San Francisco, CA 94102

## **8.0 PROJECT MANAGEMENT**

The Project Manager for this RFP process is:

Michael Roddy  
Regional Director, Northern/Central Regional Office  
Administrative Office of the Courts  
2880 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-3509  
916-263-1333  
FAX 916-263-1966  
[mike.rodny@jud.ca.gov](mailto:mike.rodny@jud.ca.gov)

## **9.0 EVALUATION OF PROPOSALS**

Proposals will be evaluated by the AOC using the following criteria:

- a. Quality of work plan submitted
- b. Experience on similar assignments
- c. Credentials of staff to be assigned to the project
- d. Ability to meet timing requirements to complete the project

- e. Reasonableness of cost projections

## **10.0 ADDITIONAL REQUIREMENTS**

It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews will likely be conducted by telephone conference call. The AOC will notify prospective service providers regarding the interview arrangements.

## **11.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES**

Contracts with successful firms will be signed by the parties on a State of California Standard Agreement form and will include terms appropriate for this project. Generally, the terms of the contract will include, but are not limited to: (1) completion of the project within the timeframe provided; (2) no additional work authorized without prior approval; (3) no payment without prior approval; (4) funding availability subject to California's Office of Emergency Services; (5) termination of contract under certain conditions; (6) indemnification of the State; (7) approval by the State of any subcontractors; (8) National Labor Relations Board, drug-free workplace, nondiscrimination, and ADA requirements; and (9) minimum appropriate insurance requirements.

Incorporated in this RFP, and attached as Attachment A, is a document entitled "Administrative Rules Governing Requests for Proposals." Consultants shall follow these rules in preparation of their proposals.

## **12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

The State requires contract participation goals of three percent (3%) for disabled veteran business enterprises (DVBEs). Therefore, your response should demonstrate DVBE compliance; otherwise, if it is impossible for your firm to comply, please use the DVBE Participation Form attached as Attachment B to explain why, and demonstrate written evidence of a "good faith effort" to achieve participation. Your firm must complete the attached DVBE participation requirement form even if it is only to explain why your firm cannot achieve the participation goal. Completing the attached form to the extent feasible is mandatory to be responsive to this solicitation's requirements. If your firm has any questions regarding the form, you should contact the Contracting Officer, Grant Walker, at 415-865-7978. For further information regarding DVBE resources, please contact the Office of Small Business and DVBE Certification, at 916-375-4940.

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

**ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

**A. General**

1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A vendor's proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. A nondiscrimination clause will be included in any contract that ensues from this solicitation document.
3. In addition to explaining the State's requirements, the solicitation document includes instructions which prescribe the format and content of proposals.

**B. Errors in the solicitation document**

1. If a vendor submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the vendor shall immediately provide the State with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the State may modify the solicitation document prior to the date fixed for submission of proposals by issuing an addendum to all vendors to whom the solicitation document was sent.
2. If prior to the date fixed for submission of proposals a vendor submitting a proposal knows of or should have known of an error in the solicitation document but fails to notify the State of the error, the vendor shall bid at its own risk, and if the vendor is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

**C. Questions regarding the solicitation document**

1. If a vendor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the vendor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the vendor must submit a statement explaining why the question is sensitive. If the State concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence.



If the State does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the vendor will be notified.

2. If a vendor submitting a proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the vendor may submit a written request that the solicitation document be changed. The request must set forth the recommended change and vendor's reasons for proposing the change. Any such request must be submitted to Mike Roddy at the Administrative Office of the Courts by September 23, 5:00 pm.

**D. Addenda**

1. The State may modify the solicitation document prior to the date fixed for submission of proposals by faxing an addendum to the vendors to whom the solicitation document was sent. If any vendor determines that an addendum unnecessarily restricts its ability to bid, it must notify Mike Roddy at the Administrative Office of the Courts no later than one day following the receipt of the addendum.

**E. Withdrawal and resubmission/modification of proposals**

1. A vendor may withdraw its proposal at any time prior to the deadline for submitting proposals by notifying the State in writing of its withdrawal. The notice must be signed by the vendor. The vendor may thereafter submit a new or modified proposal, provided that it is received at the Administrative Office of the Courts no later than September 23, 2003 at 5:00pm. Modification offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after September 23, 2003 at 5:00pm .

**F. Evaluation process**

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
2. If a proposal fails to meet a material solicitation document requirement, the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. Immaterial deviations may cause a bid to be rejected.

3. Proposals that contain false or misleading statements may be rejected if in the State's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.
4. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.
5. During the evaluation process, the State may require a vendor's representative to answer questions with regard to the vendor's proposal. Failure of a vendor to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal nonresponsive.

**G. Rejection of bids**

1. The State may reject any or all proposals and may or may not waive an immaterial deviation or defect in a bid. The State's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a vendor from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part and/or negotiate any or all items with individual vendors if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if proposals are deemed to be outside the fiscal constraint or against the best interest of the government.

**H. Award of contract**

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible vendor submitting a proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the State.
2. The State reserves the right to determine the suitability of proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

**I. Decision**

1. Questions regarding the State's award of any business on the basis of proposals submitted in response to this solicitation document, or on any related matter, should be addressed to Mike Roddy, Administrative Office of the Courts.

**J. Execution of contracts**

1. The State will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a proposal that best meets its requirements.
2. A vendor submitting a proposal must be prepared to use a standard state contract form rather than its own contract form.

**K. Protest procedure**

1. The Administrative Office of the Courts intends to be completely open and fair to all vendors in selecting the best possible system within budgetary and other constraints described in the solicitation document. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.
2. A vendor submitting a proposal may protest the award if it meets all the following conditions:
  - a. the vendor has submitted a proposal which it believes to be responsive to the solicitation document;
  - b. the vendor believes that its proposal meets the state's administrative requirements and technical requirements, proposes items of proven quality and performance, and offers a competitive cost to the State; and
  - c. the vendor believes that the State has incorrectly selected another vendor submitting a proposal for an award.
3. A vendor submitting a proposal who is qualified to protest should contact Nadine McFadden at the Administrative Office of the Courts at the address given below or call him at 415-865-4253

Nadine McFadden  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3660

4. If the protest isn't resolved to the vendor's satisfaction, the vendor should file a written protest within five working days of the contract award notification. The written protest must state the facts surrounding the issue and the reasons the vendor believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Grant Walker  
Business Services Manager  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3660

A receipt should be requested for hand-delivered material.

**L. News releases**

1. News releases pertaining to the award of a contract may not be made without prior written approval of the Business Services Manager of the Administrative Office of the Courts.

**M. Disposition of materials**

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the State's option and at the expense of the vendor submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record. However, any confidential material submitted by a vendor that was clearly marked as such will be returned upon request.

**N. Payment**

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks as provide in the agreement between the State and the selected vendor. The State may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withhold may depend upon the length of the project and the payment schedule provide in the agreement between the State and the selected vendor.

## DVBE PARTICIPATION FORM

Propser Name: \_\_\_\_\_

RFP Project Title: \_\_\_\_\_

RFP Number: \_\_\_\_\_

The State's goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprise (DVBE) has been achieved for this Project. *Check one:*

**Yes** \_\_\_\_\_ *(Complete Parts A & C only)*

**No** \_\_\_\_\_ *(Complete Parts B & C only)*

*"Contractor's Tier" is referred to several times below; use the following definitions for tier:*

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

### PART A – COMPLIANCE WITH DVBE GOALS

*Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.*

**INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS CONTRACT**

### PRIME CONTRACTOR

Company Name: \_\_\_\_\_

Nature of Work \_\_\_\_\_ Tier: \_\_\_\_\_

Claimed Value: DVBE \$ \_\_\_\_\_

Percentage of Total Contract Cost: DVBE \_\_\_\_\_%

**SUBCONTRACTORS/SUBCONTRACTOR/PROPOSERS/SUPPLIERS**

1. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_

Percentage of Total Contract Cost: DVBE \_\_\_\_\_%

2. Company Name: \_\_\_\_\_  
 Nature of Work \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_

Percentage of Total Contract Cost DVBE \_\_\_\_\_%

3. Company Name: \_\_\_\_\_  
 Nature of Work \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_

Percentage of Total Contract Cost DVBE \_\_\_\_\_%

GRAND TOTAL: DVBE \_\_\_\_\_%

**PART B – ESTABLISHMENT OF GOOD FAITH EFFORT**

*Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.*

**INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS CONTRACT**

- List contacts made with personnel from state or federal agencies, and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

Attachment B

- List the names of DVBE's identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

- If an advertisement was published in trade papers and/or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

- Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

Attachment B

5. List the available DVBEs that were considered as subcontractors or suppliers or both. (*Complete each subject line.*)

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	



**CERTIFICATION** *(to be completed by Proposer)*

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations. In making this certification, I am aware of section 10115 *et seq.* of the Government Code that establishes the following penalties for State Contracts:

Penalties for a person guilty of a first offense are a misdemeanor, civil penalty of \$5,000, and suspension from contracting with the State for a period of not less than thirty (30) days nor more than one (1) year. Penalties for second and subsequent offenses are a misdemeanor, a civil penalty of \$20,000 and suspension from contracting with the State for up to three (3) years.

**IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY; FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.**

<b><i>Firm Name of Proposer:</i></b>	
<b><i>Signature of Person Signing for Proposer</i></b>	
<b><i>Name (printed) of Person Signing for Proposer</i></b>	
<b><i>Title of Above-Named Person</i></b>	
<b><i>Date</i></b>	

**PART C – CONTRACT AMOUNT CERTIFICATION**

*To be filled out by ALL proposers.*

I hereby certify that the “Contract Amount,” as defined herein, is the amount of \$\_\_\_\_\_. I understand that the “Contract Amount” is the total dollar figure against which the DVBE participation requirements will be evaluated.

<b><i>Firm Name of Proposer</i></b>	
<b><i>Signature of Person Signing for Proposer</i></b>	
<b><i>Name (printed) of Person Signing for Proposer</i></b>	
<b><i>Title of Above-Named Person</i></b>	
<b><i>Date</i></b>	