

Habeas Corpus Resource Center

REQUEST FOR PROPOSALS

RFP TITLE: HCRC Scanning Services
RFP NUMBER: HCRC-SS-071216
PROPOSALS DUE: Friday, July 22, 2016 no later than
3:00 p.m. Pacific Standard Time

1. BACKGROUND INFORMATION

- 1.1. The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system, and includes the superior courts, appellate courts and state supreme court. The Judicial Council adopts rules for Judicial Branch administration, practice and procedure, and performs other functions prescribed by law. The Judicial Council is comprised of twenty-eight members representing the judicial system as well as the State Bar and both houses of the State Legislature.
- 1.2. The Habeas Corpus Resource Center (“HCRC”) is an entity of the Judicial Branch that provides counsel to represent indigent men and women under sentence of death in California. The HCRC employs attorneys, investigators, paralegals, and other support staff. The HCRC's mission is to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings before the Supreme Court of California and the federal courts, to recruit and train attorneys to expand the pool of private counsel qualified to accept appointments in death penalty habeas corpus proceedings, and to serve as a resource to appointed counsel, thereby reducing the number of unrepresented inmates on California's death row. The Habeas Corpus Resource Center is located in San Francisco, and certain of its financial and operational functions are administered by the Judicial Council under its procedures.
- 1.3. The HCRC currently has approximately **95** active cases. The direct representation in a habeas corpus proceeding is very paper-intensive. Each new case has an estimated record length of **10,000** pages and generates additional files ranging in size from **10,000** pages to **250,000** pages. In addition, the HCRC staff gathers and organizes several thousands of pages of additional material for current cases.
- 1.4. The HCRC document population includes several categories: trial files, transcripts, previous counsel files, HCRC investigation files and work product, briefs, and general resource files. Document condition, level of handling, and size vary by case and by category. The HCRC occasionally uses Bates labels on several different categories of documents.
- 1.5. The HCRC requires service to be maintained on an ongoing basis under a renewable contract beginning on **August 1, 2016** through **July 31, 2021**.

The optional renewal terms (Option Term) include: **Option Term 1:** August 1, 2017 to July 31, 2018; **Option Term 2:** August 1, 2018 to July 31, 2019; **Option Term 3:** August 1, 2019 to July 31, 2020; **Option Term 4:** August 1, 2020 to July 31, 2021.

The annual budget ranges from **\$35,000** to **\$50,000** annually, *depending on scanning volume*. HCRC's business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

2. DESCRIPTION OF SERVICES

- 2.1. The HCRC seeks the services of a company with expertise in document scanning and imaging services. The HCRC wishes to establish a relationship with a Contractor that can accommodate a fluctuating monthly volume of scanning according to standard specifications. We are looking for the most time- and cost-effective solution. Accuracy, flexibility, experience, timeliness, and cost are key factors.
- 2.2. Services required of the scanning Contractor are as follows:
- 2.2.1. Ensure availability of resources needed to handle a monthly volume of approximately 40,000 pages per month. Monthly scanning volumes will vary (refer to Attachment 6: Past Monthly Scanning Volumes).
 - 2.2.2. Provide continuity of account representation with personnel who are fully conversant with the contract between the Contractor and the HCRC and with the workflow of the HCRC.
 - 2.2.3. Ensure that the imaging operation is staffed with personnel fully conversant with all aspects of the image production system that Contractor proposes to use for this contract. Expenses for any training required by Contractor personnel are the responsibility of the Contractor.
 - 2.2.4. Provide comprehensive project management; ensure that project managers are available by telephone and email during normal business hours and can be available for meetings during business hours with 24 hours notice.
 - 2.2.5. Provide regular pick-up and delivery of documents as necessary to accommodate the requirements of HCRC's scanning workflow.
 - 2.2.6. Perform document preparation, including removal of bindings, staples, and clips; document boundary determination (if necessary); creation of scan-ready copies (if necessary).
 - 2.2.7. Provide the following file formats:

Document type	Image type	% of work
Black and white	Monochrome TIF Group IV, 300 DPI image resolution	99
Color	Full color JPEG, 300 DPI image resolution	1
LFP Load File	iPro LFP load file	(per scanning batch)

- 2.2.8. Create iPro LFP load files that clearly indicate which images begin a new document ("document breaks") and show the Bates number of each page (if Bates numbers are being used).
- 2.2.9. Reassemble documents to original state and in original order upon completion of scanning.
- 2.2.10. Deliver images and load files to the HCRC on re-writeable USB Flash drives ("thumb drives"). HCRC will provide these flash drives to be re-used.
- 2.2.11. Adhere to strict confidentiality in all respects relating to the work to be performed on behalf of the HCRC, including signing any required confidentiality agreements.
- 2.2.12. Provide quality control during all stages of the scanning process, including steps to scan all pages, to ensure that all pages are returned in the order and condition in which they were received, and to ensure that data and images are accurately matched.
- 2.2.13. Ensure availability of personnel who are willing and prepared to work with graphic and disturbing materials, particularly photographs.
- 2.2.14. Ensure strict chain-of-custody and maintain a secure production environment.
- 2.2.15. Provide bar-coded optical mark detection (OMD) sheets for use by HCRC to delimit document breaks in preparing documents for scanning.

2.3. Roles and Responsibilities

2.3.1. Basic roles and responsibilities of HCRC

- 2.3.1.1. For batches containing documents with physical Bates numbers, ensure that all pages within the batch have Bates labels, individual documents are organized in Bates number order, there are no duplicate Bates numbers, and there are no gaps in Bates sequences within a document.
- 2.3.1.2. Delimit each document using agreed-upon conventions (such as OMD sheets, logical document breaks, etc.).
- 2.3.1.3. Flag any batches that contain disturbing material, especially photographs.
- 2.3.1.4. Clearly mark any pages that are not to be scanned.
- 2.3.1.5. Prepare a job request form for each batch that provides general information and details any special instructions for that scanning batch.

2.3.2. Basic roles and responsibilities of Contractor

- 2.3.2.1. Provide document pick up and drop off for all scanning work.
- 2.3.2.2. Contact HCRC if clarification is required for the scanning project.
- 2.3.2.3. Provide HCRC with estimated turnaround times upon request and notify HCRC of any concerns regarding problems or delays in workflow.
- 2.3.2.4. Perform scanning, load file creation, and quality control for all projects.
- 2.3.2.5. Adhere to strict chain-of-custody and confidentiality protocols.
- 2.3.2.6. Provide scanned images and LFP load files on re-usable USB Flash drives ("thumb drives") which will be provided by HCRC.

2.4. Minimum Requirements

- 2.4.1. Handle monthly workflow of up to 40,000 pages.
- 2.4.2. Accommodate fluctuating monthly workflow (some months, or some times of year having lower volume, some higher (see Attachment 6: Past Monthly Scanning Volumes).
- 2.4.3. Provide image files on Flash drive in single-page TIF monochrome format at a resolution of 300 DPI with accompanying Load File Pro (LFP) load file.
- 2.4.4. Provide color image files on Flash drive in compressed JPG format at a resolution of 300 DPI.
- 2.4.5. Provide rush pickup and return upon occasional request.
- 2.4.6. Be responsive to customer phone or email inquiries, requests for information and clarification, and troubleshooting.
- 2.4.7. Invoice promptly and accurately, per each delivery.
- 2.4.8. Ensure safe, reliable and confidential chain of custody in handling client documents.

2.5. 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 HCRC will notify prospective service providers regarding any interview arrangements.

3. TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	July 12, 2016
Deadline for questions	July 15, 2016, due no later than 3:00 p.m. Pacific Standard Time
Questions and answers posted (estimate only)	July 18, 2016
Latest date and time proposal may be submitted	July 22, 2016, due no later than 3:00 p.m. Pacific Standard Time.
Anticipated interview dates (<i>estimate only</i>)	July 25, 2016 - July 26, 2016
Evaluation of non-cost proposals (<i>estimate only</i>)	July 26, 2016

EVENT	DATE
Posting of non-cost proposals scores at www.courts.ca.gov/rfps/htm (estimate only)	July 27, 2016
Public opening of cost portion of proposals. Notice of date, time, and location to be posted at www.courts.ca.gov/rfps/htm . (estimate only)	July 28, 2016
Notice of Intent to Award (<i>estimate only</i>)	July 28, 2016
Negotiations and execution of contract (<i>estimate only</i>)	July 29, 2016
Contract start date (<i>estimate only</i>)	August 1, 2016
Contract end date (<i>estimate only</i>)	July 31, 2021

4. RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: HCRC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a HCRC Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
Attachment 3: 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.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 6: Past Monthly Scanning volume	Past monthly scanning volume
Attachment 7: DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 8: Bidders Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 10: Cost Breakdown	The Proposer must complete this form to indicate it’s proposed costs associated with each service.

5. PAYMENT INFORMATION

- 5.1. The method of payment to the contractor will be monthly in arrears, on presentation of each invoice per project delivered.
- 5.2. The Contractor shall not request nor shall the HCRC consider any reimbursement for non-production work including but not limited to time spent traveling to and from the job, nor will the State pay for any overtime work.
- 5.3. All fees and charges proposed should be inclusive of any and all anticipated travel, lodging, transportation, clerical support, materials, fees, overhead, profits, and other

costs and/or expenses incidental to the performance of the specified requirements of this RFP.

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 non-cost portion and the cost portion.

6.2.1. The Proposer must submit one (1) original and one (3) copies of the non-cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original non-cost portion of the proposal (and the copies thereof) must be submitted to the HCRC in a single sealed envelope, separate from the cost portion. The Proposer must write the RFP title and number on the outside of the sealed envelope and indicate “Non-Cost Proposal.”

6.2.2. The Proposer must submit one (1) original and one (3) copies of the cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original cost portion of the proposal (and the copies thereof) must be submitted to the HCRC in a single sealed envelope, separate from the non-cost portion. The Proposer must write the RFP title and number on the outside of the sealed envelope and indicate “Cost Proposal.”

6.2.3. The Proposer must submit an electronic version of the entire proposal (non-cost and cost portions) on CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats. The electronic version should be sealed and designated in a separate envelope.

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

Attn: Scanning Proposals - RFP NO. HCRC-SS-071216
Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

6.2.5. Late proposals will not be accepted.

6.2.6. Only proposals submitted in compliance with the written (hard copy) and electronic requirements of 6.2 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. Non-Cost Portion. The following information must be included in the non-cost portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive.
- 7.2. 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.
 - 7.2.1. 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.
 - 7.2.2. Explain the management structure within the proposer's organization as it would pertain to the management and supervision of this project.
- 7.3. Description of proposed services
 - 7.3.1. Describe the tools, methods, and procedures you will use to fulfill the requirements of this contract, as set out in Section 2.2-2.53 (Scope of Services). Proposer must describe:
 - 7.3.1.1. Image production system(s) to be used and type of load files to be generated.
 - 7.3.1.2. All stages of your scanning and imaging workflow, including document preparation, scanning, quality control, and reassembly.
 - 7.3.1.3. Security and chain-of-custody procedures (including procedures for avoiding unauthorized access or entry to production center).
- 7.4. 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. If these persons are yet to be hired, please state hiring criteria and training procedures for them. Indicate contractor's program for screening potential hires. Indicate contractor's system for evaluating staff assigned to such positions and standards of performance expected of them.
- 7.5. Names, addresses, and telephone numbers and email addresses of a minimum of three (3) clients for whom the Proposer has conducted similar services. The HCRC may contact and interview references listed by the Proposer.
- 7.6. Acceptance of the Terms and Conditions.

- 7.6.1. 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.
 - 7.6.2. If exceptions are identified, the Proposer must also submit (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.
- 7.7. Certifications, Attachments, and other requirements.
- 7.7.1. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
 - 7.7.2. 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.
 - 7.7.3. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
 - 7.7.4. (Conditional) A signed Attachment (7), DVBE Declaration Form if proposer seeks the Disabled Veteran Business Enterprise preference.
 - 7.7.5. (Conditional) A signed Attachment (8), Proposers Declaration form if proposer seeks the Disabled Veteran Business Enterprise preference.
- 7.8. Cost Portion. The following information must be included in the cost portion of the proposal.
- 7.8.1. A detailed line item budget showing total cost of the proposed services, using the Cost Worksheet - Attachment 10.
 - 7.8.2. A full explanation of all budget line items in a narrative entitled “Budget Justification.” Be sure to describe:
 - 7.8.2.1. Procedures for documenting orders for any work requested that is outside the scope of work defined for this project.

- 7.8.2.2. Any premium services (e.g., quick turnaround) for which higher fees apply.
- 7.8.2.3. Any requirements or restrictions on monthly output and fluctuations in output and how/if they affect pricing.
- 7.8.2.4. Whether Contractor requires monthly minimum volume or other conditions affecting fees.
- 7.8.2.5. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

8. OFFER PERIOD

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

9. EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0 at Notice of date, time, and location to be posted at www.courts.ca.gov/rfps/htm.

The HCRC 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 HCRC will post an intent to award notice at www.courts.ca.gov/rfps/htm.

CRITERION	REFERENCE TO APPLICABLE RFP SECTIONS AND SUBMITTALS	MAXIMUM NUMBER OF POINTS
Quality and completeness of work plan submitted, including addressing minimum requirements, technical questions, and demonstrating capability to perform full range of necessary services within set timelines.	2.2-2.5; 6; 7.1-7.7	10
Specialized expertise and experience on similar assignments, including experience with the full range of legal	2.2-2.5; 6; 7.1-7.7	15

CRITERION	REFERENCE TO APPLICABLE RFP SECTIONS AND SUBMITTALS	MAXIMUM NUMBER OF POINTS
document types, chain of custody, security, and reassembly procedures; reference checks		
Cost	7.8; Attachment 10	50
Acceptance of the Terms and Conditions	7.6-7.7; Attachments 1-3;	10
Familiarity and prior experience with legal scanning, including document systems and software to be used, document types, image types, and technical requirements	2.2; 2.5; 7.1-7.5	10
Adequacy and availability of support and responsiveness from contractor’s organization	2.2; 2.4.2; 2.5; 7.1-7.5	2
“DVBE” Incentive available to qualified proposers	7.7; 12; Attachment 7 and Attachment 8	3

10. INTERVIEWS

The HCRC 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 interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the HCRC’s offices. The HCRC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The HCRC 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 HCRC 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 HCRC’s right to disclose information in the proposal, or (b) requiring the HCRC 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.

13. SMALL BUSINESS PREFERENCE

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

Eligibility for and application of the small business preference is governed by the HCRC'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 HCRC's sole determination, the Proposer has met all applicable requirements. If the Proposer receives the small business preference, the score assigned to its proposal will be increased by an amount equal to 5% of the points assigned to the highest scored proposal. If a DVBE incentive is also offered in connection with this solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

To receive the small business preference, the Proposer must be either (i) a Department of General Services ("DGS") certified small business or micro-business performing a commercially useful function, or (ii) a DGS-certified small business nonprofit veteran service agency.

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

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

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.

14. PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of 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 HCRC to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Attn: Scanning Proposals – RFP NO. HCRC-SS-071216

Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107