

ATTACHMENT A

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. A nondiscrimination clause will be included in any contract with the trial courts that ensues from this Request for Proposal (“RFP”).
2. In addition to explaining the AOC’s requirements, the RFP includes instructions, which prescribe the format and content of proposals.

B. Errors in the RFP

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

C. Questions regarding the RFP

1. If a service provider’s question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to other service providers, the service provider may submit the question in writing, conspicuously marking it as “CONFIDENTIAL.” With the question, the service provider must submit a statement explaining why the question is sensitive. If the AOC 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 AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the service provider will be so notified.

2. If a service provider submitting a proposal believes that one or more of the RFP's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the service provider may submit a written request that the AOC change the RFP. The request must set forth the recommended change and service provider's reasons for proposing the change.

D. Addenda

The AOC may modify the RFP by sending (by fax or otherwise) an addendum to the service providers to whom it sent an RFP. If any service provider determines that an addendum unnecessarily restricts its ability to submit a proposal, it must notify Alice Vilardi at the Administrative Office of the Courts no later than one day following receipt of the addendum.

E. Withdrawal and resubmission/modification of proposals

A service provider may withdraw its proposal at any time by notifying the AOC in writing of its withdrawal. The service provider must sign the notice. The service provider may thereafter submit a new or modified proposal. Modification offered in any other manner, oral or written, will not be considered.

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 RFP requirements.
2. If a proposal fails to meet a material RFP requirement, the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with RFP requirements. Material deviations cannot be waived. Immaterial deviations may cause the AOC to reject a proposal.
3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the AOC regarding a requirement of the RFP.
4. During the evaluation process, the AOC may require a service provider's representative to answer questions with regard to the service provider's proposal. Failure of a service provider to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.

G. Rejection of proposals

The AOC may reject any or all proposals and may or may not waive an immaterial deviation or defect in a proposal. The AOC's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse a service provider from full compliance with solicitation document specifications.

H. Conferral of "approved provider" status

1. Conferral of "approved provider" status, if made, will be in accordance with the RFP to a responsible service provider submitting a proposal compliant with all the requirements of the RFP and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of proposed service providers, based upon the AOC's evaluation of the service provider's: (a) ability to meet administrative and technical requirements; (b) ability to provide the quality of service and performance of items proposed; and (c) cost. The AOC and the prospective service provider must agree on a fee schedule before the AOC may confer "approved provider" status.

I. Questions

Questions regarding the AOC's conferral of "approved provider" status on the basis of proposals submitted in response to this RFP, or on any related matter, should be addressed to Alice Vilardi, Office of the General Counsel, Judicial Council of California, 455 Golden Gate Avenue, 5th Floor, San Francisco, CA 94102.

J. Protest procedure

1. The AOC intends to be completely open and fair to service providers when deciding whether to confer upon them "approved provider" status. In applying evaluation criteria and making the decision, members of the evaluation team will exercise their best judgment.
2. A service provider submitting a proposal may protest the AOC's decision not to confer "approved provider" status if the service provider's protest meets all the following conditions:
 - a. The service provider has submitted a proposal, which it believes to be responsive to the RFP;

- b. The service provider believes that its proposal meets the AOC’s administrative and technical requirements, and that it has supplied sufficient evidence of its proven quality and performance as a service provider;
 - c. The service provider believes that its proposal offers services at a competitive cost to the trial court in question; and
 - d. The service provider believes that the AOC has incorrectly declined to confer “approved provider” status.
3. A protesting service provider who meets the conditions noted immediately above should contact the Finance Director at the AOC at the address or phone number listed directly below. If the Finance Director or the Finance Director’s delegee is unable to informally resolve the protest to the service provider’s satisfaction, the service provider may file a written protest **within five working days of the AOC’s decision declining to confer “approved provider” status**. The written protest must state the facts surrounding the issue and the reasons the service provider believes the decision to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Finance Director
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: (415) 865-7960

With a copy to:

Chief Deputy Director
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

A receipt should be requested for hand-delivered material.

K. News releases

News releases pertaining to the conferral of “approved provider” status may not be made without prior written approval of the Administrative Director of the Courts.

L. Disposition of materials

All materials submitted in response to this RFP will become the property of the AOC and the State of California and will be returned only at the AOC's option and at the expense of the service provider 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 service provider that was clearly marked as such will be returned upon request.