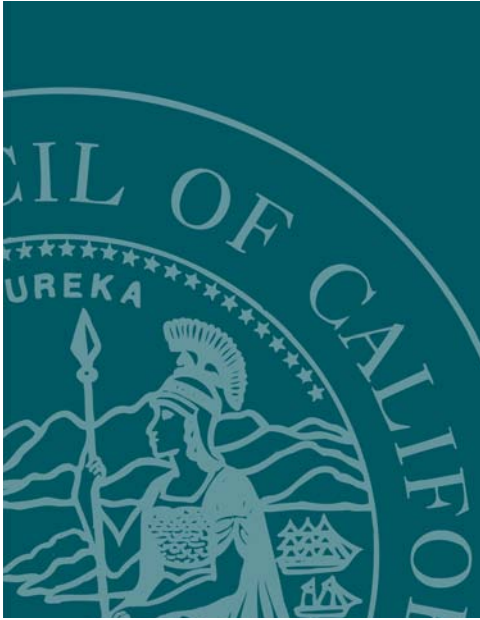


Request for Proposal



Scanning and Reprographic Services

The Office of Court Construction and Management, a Division of the Administrative Office of the Courts, is seeking Proposals from qualified companies to provide scanning and reprographic services. These services will include scanning of large scale architectural documents, copying, and binding, with statewide pickup and delivery services.

RFP Number: OCCM-2009-04-JMG



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

Scanning and Reprographic Services
RFP Number: OCCM-2009-04-JMG

Date
September 14, 2009

To
Scanning and Reprographic Companies

From
Administrative Office of the Courts,
Office of Court Construction and Management

Project Title
RFP number: OCCM-2009-04-JMG

Send Proposal to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102

Contact
OCCM_Solicitations@jud.ca.gov

RFP SCHEDULE		DATES (Calif. Time)
1.	Pre-Proposal/Project Review Teleconference. Telephone Participants Dial: 1-866-751-8221. No password is required to access this line.	November 9, at 11:00 AM
2.	Deadline for submittal of prospective Service Providers' written requests for clarifications, modifications or questions regarding this RFP.	November 16, 2009 2:00 PM
3.	Answers to questions and modifications to the RFP (if any) are posted on the Court website: http://www.courtinfo.ca.gov/reference/rfp	November 25, 2009
4.	<u>Submittal Deadline for Receipt of Proposals</u>	December 23, 2009 by 2:00 PM
6.	Notice of Intent to Award Posted to Website	December 31

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1.0 BACKGROUND INFORMATION

The Judicial Branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California and the Supreme Court. The Judicial Council is authorized by the California Constitution and is the policy-setting body for the Judicial Branch. It is chaired by the Chief Justice of California. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council. The Office of Court Construction and Management (OCCM) is the division of the AOC responsible for the planning, design, construction, real estate and asset management of facilities that support the provision of services by the California Courts.

2.0 PURPOSE OF THIS RFP

The Office of Court Construction and Management is seeking Proposals from qualified Service Providers for scanning and reprographic services. These services will include scanning of large scale architectural documents, copying, binding, wrapping, with service throughout the state along with pickup and delivery services, with no additional charge for same day service of 500 sheets or less.

The services will also include the scanning of documents 11x17 or smaller. These include the following: pamphlets, booklets, books and records of legal paper size. These require pickup and delivery services as well.

The term of the awarded contract will be for one year with an option exercisable by the State for an extension of an additional year. Bidders will submit fixed pricing that will apply throughout both years.

This RFP establishes a general scope of work and description of services that should form the basis of each bidder's Proposal, and the state will select a single successful bidder on the basis of the submitted Proposals.

This RFP is the means for prospective Contractors to submit their Proposals to the AOC for the services necessary to provide a complete scanning and reprographic program as described in this document. The RFP and all addenda will be posted at <http://www.courtinfo.ca.gov/reference/rfp/>.

3.0 STATEMENT OF SERVICES BEING SOLICITED

The services the AOC is seeking include the following:

- A. Scanning of large scale architectural documents
- B. The scanning of documents 11x17 or smaller. These include the following: pamphlets, booklets, books and records, of legal paper size.
- C. Copying
- D. Binding
- E. Storage Facilities
- F. Pickup and Delivery services

All prospective Service Providers submitting Proposals must demonstrate that they are fully capable of providing the complete range of Services as specified below. The use of subcontractors and/or partnership(s) will suffice to fulfill this requirement. For further details, see Section 8.2.2 of this RFP.

- o **Scanning** of large scale architectural documents

Services: OCCM has recently acquired close to 500 court facilities to manage and will be receiving thousands of architectural drawings to scan and archive. OCCM estimates that scanning services will be required for somewhere in the range of 20,000 to 100,000 drawings over the 2 years of the Agreement. Be advised, however that the contractual relationship will not commit to a definite volume of work. All of these drawings will need to be scanned to PDF and renamed with the project name and sheet number.

Naming: The files will have the same name of the drawing set and files will be named with the corresponding sheet number, e.g., 33 C1-01.2 will be the folder name for all the sheets of the drawing set 33 C1-01.2 and the files within should contain the sheet numbers of each of the sheets within the drawing set, e.g.:

A-4.12

E-1.00

M-6.02

P-1.06

A Prospective Service Provider must be able to scan and create individual PDF files for up to 200 individual drawings of any size and ship the return files (media) the same business day received, i.e. one PDF per individual drawing sheet. For orders larger than 200 sheets the turnaround time must be equal to or greater than a daily throughput of 200 sheets. In your Proposal, document the volumes and turnaround times you are willing to commit to fulfill this requirement.

For the scanning of documents 11x17 or smaller: pamphlets, booklets, books and records of legal paper size all files will be given the same name as the title of the documents.

Quality Control: The selected Service Provider will be required to perform quality control procedures. OCCM will perform a detailed inspection of the product returned. AOC will verify file readability, text legibility, and correct naming for all digital files. Any scans not meeting the aforementioned criteria will be sent back to the selected Service Provider. Rejected files must be re-scanned at no additional cost, including shipping costs to AOC.

Additional quality control items include:

Text legibility, including the smallest significant characters;

Absence of darkened borders at page edges;

Characters reproduced at the same size as the original.

Absence of wavy, distorted or smudged text

Those other requirements for output characteristics set forth in *ANSI/AIIM MS44-1988* or *ISO 12651 Electronic Imaging* to meet the legal requirements for producing a legal document.

Along with the requirements set forth above, the vendor shall exercise quality control according to the *ANSI/AIIM MS44-1988 (R1993)*, Recommended Practice for Quality Control of Image Scanners. The scanning system should be free of dust and other particles and the vendor should maintain calibration through all shifts of production.

- **Storage Facilities and Security:** The Prospective Service Provider must document in their Proposal that they have a dry and secure facility in which to store AOC documents. Release of any materials submitted or work product created or their duplicates to any third party not authorized in writing by the AOC to receive such materials is forbidden. The Prospective Service Provider must also document that they have reliable procedures and secure storage capacity to ensure they can retain any electronic files created for a period of 30 days after creation, whereupon they must be deleted.
- **Copying:** The selected Service Provider must be able to make hard copies of drawings. In some cases, multiple copies.
- **Binding:** The selected Service Provider must be able to provide multiple binding options including: staple, edge bind and Chicago screw.
- **Pickup and Delivery Services:** The AOC will specify its required turnaround time when a scanning order is placed, however, Prospective

Service Providers must be able to commit to provide overnight pickup and delivery of drawings and files between their own facilities and any AOC, Court, or State Facility within the State of California. Provide details regarding the arrangements you intend to have in place to meet this requirement. Commonly available standard overnight delivery services may be utilized to fulfill this requirement, but document the arrangements you intend to use in your Proposal.

- **Facilities:** Prospective Service Providers are expected to have physical facilities in place throughout California to provide the full range of Services. At a minimum, this should include facilities at or near the metropolitan areas of: Los Angeles, San Francisco, Sacramento, Fresno and Redding. If a prospective Services Provider intends to provide Services from other locales, please document the existence of the facilities, their locations, and describe the Services you intend to provide from them.

4.0 RFP PROCESS

- 4.1 This RFP process and the RFP Schedule are subject to change at any time. Changes will be posted to the RFP website, and no other notifications of changes will be provided. Prospective participants are urged to consult the website in a timely manner to remain apprised of any changes. Staying abreast of changes in the RFP is the sole responsibility of the prospective Service Provider.
- 4.2 On the date specified in the RFP Schedule provided in this solicitation, a teleconference will be held to review the published RFP requirements and procedures, and to answer any questions regarding the RFP or the proposed Statement of Work which are raised at the teleconference. The AOC will make all reasonable efforts to respond to the questions raised during the teleconference, but if a prospective Service Provider seeks a definitive and binding answer to a question, it must be submitted in writing as detailed below. If as a result of this teleconference, the AOC deems it necessary to modify this RFP, the AOC will post clarifications and addenda to this RFP on the website.
- 4.3 Following the teleconference, prospective Service Providers may submit written questions to the AOC via e-mail which must be mailed to OCCM_Solicitations@jud.ca.gov. Questions must be submitted no later than the date and time specified in the RFP Schedule. Utilize the “Form for Questions” provided as Attachment 4 of this RFP as the vehicle to submit your questions. The AOC will post answers to the questions submitted as well as any necessary clarifications and addenda to this RFP on the website for this solicitation on or before the date specified in the RFP Schedule.

- 4.4 Proposals to be submitted may be sent by US mail, express mail, courier service of the prospective Service Provider's choice, or by hand delivery to the AOC. E-mail submissions are not acceptable.
- 4.5 Proposals are due on or before the date and time specified in the RFP Schedule or as said schedule is subsequently modified via changes posted to the website. It is the sole responsibility of the submitting prospective Service Provider to ensure that the Proposal reaches the AOC on or before the date and time specified. Submittals received after the deadline will be rejected without review. With the exception of Proposals delivered by hand, the AOC provides no receipts nor will it provide any notification of its receipt of, or failure to receive, any Proposal.
- 4.6 Submissions must be sent to:

Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102

*(Indicate RFP Number, Name of Your Firm, and RFP Name
at lower left corner of envelope)*

*If a Proposal is to be submitted by hand, it **must** be submitted to the **reception desk of the AOC on the 7th floor 455 Golden Gate Avenue, San Francisco, CA 94102.** Service Providers are advised to request and retain a handwritten receipt from the AOC receptionist when submitting.*

- 4.7 As provided for in the Section of this RFP entitled "Selection Process", after an initial evaluation of the received Proposals for compliance with the requirements of this RFP, a single qualified firm will be selected.
- 4.8 Following selection, the AOC's assigned project manager will contact the firm and proceed with the execution of the contract. No work may commence until execution of the contract.
- 4.9 If a satisfactory contractual agreement cannot be reached between the AOC and the first selected Service Provider within a reasonable, period after notification of the Service Provider selection, the AOC reserves the right to assign the project to another qualified Service Provider, according to the results of the final ranking of firms.
- 4.10 With regard to the subject matter of this RFP, prospective Service Providers and their sub-consultants **must not contact any AOC personnel or any individuals**

in the California Courts. Violation of this restriction may disqualify a firm from consideration.

5.0 ADMINISTRATIVE RULES GOVERNING THIS RFP

This RFP is governed by the AOC's Administrative Rules Governing Requests for RFPs, which are provided as Attachment 1 to this RFP. Prospective Service Providers who choose to submit Proposals will be governed by these rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, said objections may and must be raised in accordance with the provisions of Section B of the rules.

6.0 CONTRACTS

Contracts with selected Service Provider will be subject to a written and signed State contract. A draft copy of the agreement for professional services that will be utilized is included in this RFP posting. Prospective Service Providers are advised to familiarize themselves with the Agreement terms and condition as they will form the basis of their legal and business relationship with the AOC.

7.0 SELECTION PROCESS

- 7.1 An evaluation panel composed of OCCM staff will be assigned by the AOC.
- 7.2 The evaluation team will initially determine if the Proposal submitted conforms to the requirements of this RFP. Prospective Service Providers that have submitted Proposals failing to meet the RFP requirements will, as soon as practicable, be notified in writing by e-mail. Such Proposals are ineligible for further consideration.
- 7.3 The evaluation team will evaluate and grade the remaining Proposals, each qualification to be weighted as indicated. In the process of grading the Proposals submitted, OCCM Staff may contact the references cited in to verify the experience and performance of the prospective Service Provider, their key personnel, and their key sub-consultants, as appropriate.

7.4 The qualifications to be evaluated and their respective weights are:

Weight	Qualification to be Evaluated 100 points maximum
25	<p><u>Qualifications:</u> Company’s capability to perform all functions necessary in providing the scanning and reprographic services outlined in Section 3.0 of RFP for a Statewide organization like the AOC.</p>
25	<p><u>Experience of Company:</u> Demonstrated experience of the company in relation to the scope and quality of service provided to customers in the past.</p>
50	<p><u>Cost:</u> The cost evaluation will be rated using the pricing spreadsheets from Exhibit C-1.</p>

7.5 Based upon the scorings and the assigned weights given above, highest ranking prospective Service Provider will be selected for this project.

8.0 SUBMITTING A RESPONSIVE PROPOSAL

In order for a Proposal to be considered responsive and acceptable for evaluation by the AOC, the Proposal must contain the following information and materials and be submitted according to the following guidelines:

Proposals to be submitted shall consist of, and be organized into the following 3 parts, prepared and submitted as described in more detail below:

- 1) Service Provider Information;
- 2) Technical Proposal;
- 3) Price Proposal.

Provide five (5) individually bound paper copies consisting of the three parts detailed in 8.1 through 8.3 below:

8.1 Part 1: Service Provider Information must include:

8.1.1 Written overview describing your organization.

- 8.1.2 Names, addresses, and telephone numbers of five (5) client references for whom the prospective Service Provider has provided similar services at some point in the last 12 months. By virtue of submission of the prospective Service Provider's Proposal identifying said clients, the prospective Service Provider thereby releases the AOC and said clients from any liability for any and all claims of harm caused to Service Provider's reputation by virtue of said discussions.
- 8.2 Part 2: Technical Proposal must include:
 - 8.2.1 Review Section 3 of this RFP and respond point-by-point, describing your organizations ability to meet or exceed each of the requirements.
 - 8.2.2 If a prospective Service Provider cannot provide the complete range of Services with in-house facilities, you must provide, in your Technical Proposal, details regarding the partnership(s) or subcontracting relationship(s) (already existing or promised contractual relationships) they you agree to commit to provide the full range of Services. The Proposal should be specific regarding the identity and qualifications of any partnerships/subcontractors which will be providing services and shall identify those services to be provided. The Proposl shall also describewhat Services arrangements would apply and, if applicable, in what location(s).
 - 8.2.3 In particular, identify branches or partnerships/subconsultants you intend to use near the metropolitan areas of: Los Angeles, San Francisco, Sacramento, Fresno, and Redding.
 - 8.2.4 Provide any additional information you believe should be considered in the evaluation of your Proposal.
- 8.3 Part 3: Submitted Price Proposals must include:
 - 8.3.1 The proposed fee schedule for the scanning of large scale architectural documents, copying, multiple binding options, wrapping, and shipping preparation, as specified in RFP Section 3.0 (Scope of Services). Use the form provided in Attachment C to submit your fee schedule.
 - 8.3.2 A listing of your prices.. The prices you offer must be firm fixed prices applicable to both years of the contract should the State select to extend the contract. Prices shall not be subject to change during the term of the contract.

- 8.4 Submit one (1) compact disk or flash drive containing one file consisting of all of the Proposal materials noted above. This single file must be in PDF format. On this same disk, submit a second file which includes a separate copy of your Price Proposal in MS Word format, using the format provided in Attachment D. Place a label on the disk with the name of your organization and the AOC's RFP number for this solicitation (OCCM-2009-04-JMG). Name the PDF file and the MS Word file submitted on the disk with this same title.
- 8.5 In addition to the above submit one (1) completed and signed original of the Payee Data Record form posted as Attachment E of this RFP. The Payee Data Record Form must be completed in the exact legal name of the business entity under which the prospective Service Provider proposes to do business with the AOC, and must be signed by an authorized representative of said entity. Do not include the Payee Data Record Form in the PDF file you submit.
- 8.6 Provide a written letter identifying the individual who will serve as your point of contact for this RFP including their telephone and e-mail contacts. Any official communication of the AOC with regards to this procurement will be sent to that individual at the e-mail address you specify. Do not include a copy of this letter in the PDF file you submit.
- 8.7 NOTE: The AOC has a Disabled Veterans Business Enterprise (DVBE) participation goal. The AOC does not require that your DVBE forms be submitted with your Proposal. Submission of your DVBE forms will be required following notification of selection but prior to the signing of a contract with the AOC. Forms are provided here to familiarize you with this requirement and for your later convenience.
- 8.8 Proposals should provide straightforward, concise information that satisfies the requirements noted above and the criteria for point ranking provided. Extensive color displays, and/or graphics are not necessary. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFP, as well as the completeness and clarity of content.

9.0 RFP MANAGEMENT

Other than the opportunity for questions specified as part of the RFP process, please refrain from submitting additional questions. The AOC cannot provide information to one vendor that is not available to all. Use the formal RFP Questions process for submitting **all** of your questions, including those with regard to the nature of the Services being requested, the RFP process, and the content of your Proposal,

Should the need to ask a question outside the RFP Process arise, all such questions must be formulated in writing and shall be submitted to the individual below using the following address: OCCM_Solicitations@jud.ca.gov. Refrain from making telephone calls.

John McGlynn
Senior Contract Specialist
Administrative Office of the Courts
Business Services
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102
OCCM_Solicitations@jud.ca.gov
(415) 865-8893

10.0 RIGHTS

The AOC has the right to reject any and all Proposal(s) that are not provided on or before the due date and time or that do not conform to the requirements of this RFP.

The AOC has the right to issue RFPs for the same or similar projects, in the future.

If, prior to the signing of the contract for an awarded project, the proposing entity changes its business ownership or the AOC determines that Contractors' proposed personnel or the subcontractors specified in the Proposal or subsequently agreed to during the interview process have substantially changed, the AOC reserves the right to terminate the selected Service Provider.

This RFP and the transmission of a Proposal shall in no way act to form an agreement, obligation, or contract. In any event, and regardless of circumstances, in no way shall the AOC or the State of California be held responsible for any loss of profit or any costs or expenses incurred or experienced as a result of a prospective Service Provider's preparation or transmission of a Proposal, or its participation or non-participation in interviews.

One copy of each Proposal submitted will be retained for official files.

11.0 MANAGEMENT OF CONFIDENTIAL OR PROPRIETARY INFORMATION

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Service Provider's Proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be

made available to the public, regardless of the notation or markings. If a prospective Service Provider is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its Proposal or Proposal.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBE's). The AOC is subject to this participation goal. Upon selection of a Service Provider for the project assignment under this RFP, the AOC will require, prior to signing a contract, that the selected Service Provider demonstrate DVBE compliance. At that time the Service Provider selected will be required to demonstrate its DVBE commitment by completing a DVBE Compliance Form. For your convenience, the DVBE Compliance Form is provided with this RFP, DVBE Compliance Forms are not to be submitted with your Proposal.

DVBE participation is highly desirable, however, if it would be impossible for selected Service Provider to comply, an explanation to why this is not possible and demonstration of written evidence of the good faith effort made to achieve participation may suffice to fulfill this requirement should be provided on the DVBE Compliance Form submitted.

Information about DVBE resources you may wish to utilize to meet your DVBE commitment can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/default.htm>. or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

ATTACHMENT A
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective consultants agree to be bound by these Administrative Rules. If a prospective consultant has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B.
 - In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Service Providers must adhere to all instructions provided in the RFP when submitting Proposals.

B. Errors in the RFP or Administrative Rules

If a prospective consultant who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective consultant must, at least 2 full AOC business days before the due date of the Proposals, provide the AOC with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective consultant is of the opinion that the RFP or the Administrative Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective consultant’s right to raise such issues later in the solicitation process.

Without disclosing the source of the request, the AOC will evaluate the request and will, prior to the date established for submission of the Proposals, at its sole discretion determine if it chooses to modify the RFP. Any

modification is made it will be published by the AOC to the AOC's website advertising the solicitation.

If a prospective consultant submitting a Proposal knows of (or if it can be reasonably demonstrated should have known of) an error in the RFP but fails to notify the AOC of the error as prescribed above, the prospective consultant is submitting a Proposal at its own risk, and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the AOC.

C. Questions and Confidentiality

1. Prospective consultants are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the AOC's responses to questions submitted shall be published to the public website for the procurement.
2. Any material that a prospective consultant considers to be confidential but that does not meet the disclosure exemption requirements of the California Public Records Act may in fact be made available to the public as a public record, and prospective consultants are hereby advised not to include such information in their Proposals.
3. If a prospective consultant's question or a reasonably expected AOC response would reveal information that the prospective consultant considers to be proprietary, the prospective consultant should submit the question in writing, conspicuously marking it as "CONFIDENTIAL". Accompanying the question, the prospective consultant must submit a written statement explaining how the publishing of said question or the reasonably expected AOC response would damage the prospective consultant. If the AOC concurs that the disclosure of the question or the AOC's response would expose proprietary information, the question will be answered, but only to that prospective consultant, and both the question and answer will otherwise be kept in confidence. If the AOC does not concur that such information or its response would reveal information of a proprietary nature, the question will not be answered and the prospective consultant will be notified.

D. Addenda

1. In response to questions raised, or at its sole discretion, the AOC may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the AOC's website.

E. Withdrawal and Resubmission of Proposals

1. A prospective consultant may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the AOC in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective consultant who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the AOC no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered, and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

F. Evaluation Process

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received, to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.
2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.
3. The AOC, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The AOC's waiver of an immaterial deviation for one prospective consultant shall in no way act to excuse that prospective consultant from material compliance with any other RFP requirement. The AOC's waiver of an immaterial deviation for one prospective consultant shall in no way act to excuse other prospective consultant(s) from material compliance with that same requirement.

5. Proposals that make false or misleading statements or contain false or misleading information may be rejected, if, in the AOC's sole opinion, the AOC concludes that said statements and/or information were intended to mislead the AOC.
6. During the evaluation of the Proposal's, the AOC has the right to require a prospective consultant's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective consultant to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

G. Proposals: Rejection, Negotiation, Selection Rights

1. In accordance with the provisions of the RFP, the AOC may reject any or all Proposals.
2. The AOC reserves the right to negotiate the content of the Proposal proposed with individual prospective consultants if it is deemed in the AOC's best interest.
3. The AOC reserves the right to make no selection if Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

H. Award of Contract

Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the AOC.

The actual execution of contracts is subject to availability of the funds necessary to pay for the good and services by the State of California through its budgeting and appropriations methods. The AOC makes no guarantee of funding through its solicitation for goods and/or services via an RFP.

I. Execution of contracts

1. The AOC will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP, or, if no time has been specified in the RFP, thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are raised by a prospective consultant may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as

specified above (unless otherwise extended in writing by the AOC), the AOC, at its sole discretion, shall have the right to disqualify the award made.

2. By submitting a Proposal, a prospective consultant consents to the use of the form of contract posted with the RFP rather than its own contract form. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and not following notification of an award. The AOC will make reasonable attempts to answer such questions, however, the contract will not be negotiated until after the award is made, and prospective Service Providers shall not construe the AOC's responses to questions as the AOC's final position on a question raised, nor rely on the AOC's answers as a guarantee of a later successful negotiation of terms.

J. Protest procedure

- All protests are subject to, and shall follow, the process provided below.
- Failure of a prospective consultant to comply with any of the requirements of the protest procedures set forth in this Section K will render a protest inadequate and will result in rejection of the protest by the AOC. Such failure and subsequent rejection shall act to further forfeit the right of the prospective consultant to continue the protest, and is not appealable under this protest procedure.
- A protest may only be based upon allegedly restrictive requirements in the RFP or upon alleged improprieties in regard to the AOC's execution of its responsibilities with regard to receipt and evaluation of the Proposals, or grant of award(s) but only as such responsibilities are specified in the RFP document.

Protests Based On Allegedly Restrictive Requirements:

Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the AOC, and the prospective consultant shall have no further recourse under this procedure, including no further right of appeal.

Protests Based on Alleged Improprieties in Regard to the AOC's Execution of its Responsibilities:

A prospective consultant who has actually submitted a Proposal may protest the AOC's rejection of its RFP for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the RFPs and make awards, but only insofar as such

responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:

If a Proposal is rejected because of an alleged failure to provide the Proposal to the AOC on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective consultant may file a protest. Said protest must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.

If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or is in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.

If a Proposal fails to win an award and the prospective consultant alleges that said failure was due to a failure of the AOC to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) full AOC business days following the date of posting of award notices to the AOC website for the RFP.

In order to be considered valid, all such protests to be submitted:

- Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
- Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- Must provide the title of the solicitation document under which the protest is submitted.
- Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
- Must provide a detailed description of the specific ruling or relief requested.
- Must cite **all** protests that the prospective consultant intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the AOC and the prospective consultant shall have no further recourse under this procedure, including any right of appeal.

If the course of investigation of a protest and when the AOC deems necessary, the AOC may request and protestor shall make best efforts to provide further evidence or documentation as requested by the AOC.

The existence of a protest will in no way act to restrict the right of the AOC to proceed with the procurement. The AOC, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

K. Protest Decisions

The protest will be forwarded to the appropriate Contracting Officer at the AOC, who will assess the protest submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.

If the protest submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.

The Contracting Officer will endeavor to provide the protesting prospective consultant with a written judgment within ten (10) AOC business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.

If awarding a remedy, the AOC shall, at its sole discretion, choose to employ any or a combination of the following remedies:

Award the contract consistent with the RFP

Extend an additional award to the protesting prospective consultant

Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective consultant

Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP

Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned

Other such remedies as the AOC may deem necessary and appropriate.

While the AOC will endeavor to investigate the protest and provide a written response to the prospective consultant within ten (10) AOC business days, if the AOC requires additional time to review the protest and is not able to provide a response within said period of time, the AOC will notify the prospective protesting consultant of the expected time within which it shall provide a response.

L. Appeals Submission

The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless

the protesting consultant thereafter seeks an appeal of the ruling or relief prescribed.

All appeals are subject to, and shall follow, the process provided below.

The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the AOC's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the AOC within five (5) AOC business days following the date of issuance of the AOC Contracting Officer's decision.

The justification for an appeal is specifically limited to the following.

- a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
- b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
- c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.

Appeals raising other justifications for appeal shall be rejected as non-compliant and the prospective consultant shall have no further recourse under this procedure, including any further right of appeal.

In order to be considered valid, all requests for appeal must be:

Submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the AOC's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.

Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.

Must provide the title of the solicitation document under which the appeal is submitted.

Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the

appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.

Must provide a detailed description of the specific ruling or relief requested.

Must cite **all** appeals that the protesting prospective consultant intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

M. Appeals Decisions

The AOC's Senior Manager, Business Services will assess the appeal submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply the Administrative Rules.

If the appeal submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy,

The AOC Senior Manager Business Services will endeavor to provide the appealing prospective consultant with a written judgment within ten (10) AOC business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.

While the AOC will endeavor to investigate the appeal and provide a written response to the prospective consultant within ten (10) AOC business days, if the AOC requires additional time to review the appeal and is not able to provide a response within said period of time, the AOC will notify the appealing prospective consultant of the expected time within which it shall provide a response.

The judgment of the AOC Senior Manager Business Services and any relief or remedy specified shall be final and are not subject to further appeal.

N. News Releases

News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the AOC Senior Manager, Business Services.

O. Disposition of Proposal Materials Submitted

All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the AOC's option and at the expense of the prospective consultant submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

P. Payment and Withholding

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective consultants are hereby advised that AOC payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the AOC and the selected consultant.
2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withhold may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded consultant.

End of Attachment A

ATTACHMENT B

DVBE PARTICIPATION FORM

Proposer Name: _____

RFP Project Title: _____

RFP Number: _____

The State of California Judicial Branch'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
SOLICITATION

PRIME CONTRACTOR

Company Name: _____

Nature of Work _____ Tier: _____

Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

SUBCONTACTORS/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 _____%

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.

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

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 SOLICITATION

1. 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>

- List the names of DVBEs 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>

4. 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>

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

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

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

<i>Company Name:</i>	
-----------------------------	--

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

PART C – CERTIFICATION *(to be completed by ALL Proposers)*

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 Public Contract 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.

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

ATTACHMENT C**FORMAT FOR SUBMISSION OF PRICE PROPOSALS****Proposer Name:** _____

Description of Service	Price Submitted Years 1 & 2	Unit of Measure
Scanning to PDF file (Including renaming w/ Project name & sheet #) for all sheet sizes		
Copying (Per Sq. Ft.)		
ARCH A SIZE 9 X 12		(Per Sq. Ft.)
ARCH B SIZE 12 X 18		(Per Sq. Ft.)
ARCH C SIZE 18 X 24		(Per Sq. Ft.)
ARCH D SIZE 24 X 36		(Per Sq. Ft.)
ARCH E SIZE 36 X 48		(Per Sq. Ft.)
Binding		
Staple (Less than 50 sheets)		/Piece Bound
Edge bind (50 sheets or less)		/Piece Bound
Chicago Screw (50 sheets or less)		/Piece Bound
Wrapping (Per Package)		/Package
Shipping Preparation (Per Package)		/Piece Shipped

End of Attachment C



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

Request for Proposals Form for Submission of Questions

RFP Number: OCCM-FY-2009-04-JMG

Your Organization's Name:			
#	Solicitation Reference	Question	Response
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			

Payee Data Record Form and Instructions

(2 Pages, Attached – Only included in PDF file version.)