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|  | REQUEST FOR PROPOSALS |
| **JUDICIAL COUNCIL OF CALIFORNIA**  **Regarding:** RFP Number – TCAS-2018-1-bh  Title – Cloud-Based Disaster Recovery Services  **PROPOSALS DUE DATE AND TIME:**  March 30, 2018, No later than 3:00 p.m. Pacific time |

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| **TO:** | Potential PROPOSERs |
| **FROM:** | The Judicial Council of California (JCC), on behalf of the Superior Courts, Appellate Courts, the Supreme Court, and other Judicial Branch Entities (JBE) |
| **DATE:** | February 16, 2018 |
| **SUBJECT/PURPOSE OF MEMO:** | Request for Proposals (RFP)  The JCC on behalf of the Superior Courts of California, Appellate Courts, the Supreme Court, and other Judicial Branch Entities seeks to enter into Master Agreements with suitable vendors that can provide Cloud-Based Disaster Recovery Solutions that includes implementation services and/or cloud hosting services. Specifically, each Cloud-Based Disaster Recovery solution should accomplish the following:   * Fulfill all technical and business requirements and meet or exceed service TTR (Time-To-Recover) priorities and SLAs. * Include a comprehensive implementation plan with a detailed project timeline including but not limited to discovery and prerequisites, tenant and infrastructure provisioning, solution deployment, documentation and staff training for the mid-sized pilot court. * Provide component based pricing based on the Cloud-Based Disaster Recovery Tiers offered with calculators constructed for JBEs to use when planning implementations. * Integrate with existing backup solutions, storage and cloud hosting providers when possible for JBEs:   + Azure, AWS   + Veeam, EMC Avamar, MS Data protection manager, Barracuda, BackupExec   + NetApp, Nimble, Pure   These are examples of some of the technologies used at JBEs and is not intended to be a complete list.  Proposers entering into a Master Agreement commit to implementing and operating these services in any JBE requesting to engage under a Participation Agreement as set forth in this RFP. The JCC reserves the right to reject any and all proposals, to award the contract in whole or in part and/or negotiate any or all items with individual proposers if it is deemed in the JCC’s best interest or not award any contracts based on submitted proposals. |
| **ACTION REQUIRED:** | You are invited to review and respond to this RFP as posted on the Judicial Council Bid Web site at <http://www.courts.ca.gov/rfps.htm>.  Project Title: Cloud-Based Disaster Recovery Services  RFP Number: TCAS-2018-01-BH |
| **SOLICITATIONS MAILBOX** | [TCSolicitation@jud.ca.gov](mailto:TCSolicitation@jud.ca.gov) |
| **PROPOSERS’ CONFERENCE:** | A proposers’ conference will be held via web conference:  **February 23, 2018 at 11:00 a.m. (PST)** |
| **DUE DATE & TIME FOR SUBMITTAL OF QUESTIONS:** | The deadline for submittal of questions pertaining to the solicitation document is:  **March 2, 2018 no later than 3:00 p.m. (PST)** |
| **PROPOSAL DUE DATE AND TIME:** | Proposals must be received by:  **Friday, March 30, 2018 no later than 3:00 p.m. (PST)** |
| **SUBMISSION OF PROPOSAL:** | Proposals should be sent to:  **Judicial Council of California**  **Attn: Procurement** **– Contracts Supervisor**  **RFP No. TCAS-2018-01-BH**  **2850 Gateway Oaks Drive, Suite 300**  **Sacramento, CA 95833-4348** |
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**Table of Contents**

[1. BACKGROUND INFORMATION 6](#_Toc503860933)

[1.1 Judicial Council of California and Superior Courts of California 6](#_Toc503860934)

[1.2 California Information Technology Managers Forum 6](#_Toc503860935)

[1.3 Objectives and Process 7](#_Toc503860936)

[1.3.1 Objectives 7](#_Toc503860937)

[1.3.2 Process. 7](#_Toc503860938)

[2. DESCRIPTION OF GOODS AND/OR SERVICES 8](#_Toc503860939)

[2.1 Scope 8](#_Toc503860940)

[2.2 Business and Technical Requirements 8](#_Toc503860941)

[2.3 Implementation and Deployment Services 9](#_Toc503860942)

[2.4 Cloud Hosted Services 10](#_Toc503860943)

[3. TIMELINE FOR THIS RFP 11](#_Toc503860944)

[3.1 Proposed Procurement Schedule 11](#_Toc503860945)

[3.2 Proposers’ Conference 11](#_Toc503860946)

[4. RFP ATTACHMENTS 12](#_Toc503860947)

[4.1 Attachments and Forms 12](#_Toc503860948)

[4.2 Requirements and Court Informational Exhibits 13](#_Toc503860949)

[5. SUBMISSION OF PROPOSALS 13](#_Toc503860950)

[5.1 Proposal Structure 13](#_Toc503860951)

[5.2 Proposal Copies 13](#_Toc503860952)

[5.3 Proposal Delivery Address 14](#_Toc503860953)

[5.4 Late Proposals 14](#_Toc503860954)

[5.5 Original Proposal Delivery Methods 14](#_Toc503860955)

[6. NON-COST PROPOSAL CONTENTS 14](#_Toc503860956)

[6.1 Organization Information and Qualifications 14](#_Toc503860957)

[6.2 Team Qualifications 15](#_Toc503860958)

[6.3 Proposed Approach and Methods. 15](#_Toc503860959)

[6.4 Responses to Requirements 16](#_Toc503860960)

[6.5 Certifications, Attachments, and Other Requirements 16](#_Toc503860961)

[7. COST PROPOSAL CONTENT 17](#_Toc503860962)

[8. OFFER PERIOD 18](#_Toc503860963)

[9. EVALUATION OF PROPOSALS 18](#_Toc503860964)

[9.1 Non-Cost Portion 18](#_Toc503860965)

[9.2 Cost Portion 19](#_Toc503860966)

[10. FINALISTS’ PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS) 19](#_Toc503860967)

[11. CONFIDENTIAL OR PROPRIETARY INFORMATION 19](#_Toc503860968)

[12. SMALL BUSINESS PREFERENCE 20](#_Toc503860969)

[12.1 Participation Not Mandatory 20](#_Toc503860970)

[12.2 Small Business Enterprise (SBE) Incentive 20](#_Toc503860971)

[12.3 Qualification 20](#_Toc503860972)

[12.4 Process 20](#_Toc503860973)

[12.5 Failure to Complete Forms 20](#_Toc503860974)

[12.6 Meeting SBE Commitments 21](#_Toc503860975)

[13. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE 21](#_Toc503860976)

[13.1 Qualification Not Mandatory 21](#_Toc503860977)

[13.2 DVBE Point Award 21](#_Toc503860978)

[13.3 Qualification 21](#_Toc503860979)

[13.4 Process 21](#_Toc503860980)

[13.5 Failure to Complete Forms 22](#_Toc503860981)

[13.6 Application of DVBE Incentive 22](#_Toc503860982)

[13.7 Meeting DVBE Commitments 22](#_Toc503860983)

[14. PROTESTS 23](#_Toc503860984)

Attachments

Attachment 1: Administrative Rules Governing RFPs

Attachment 2: JCC Standard Terms and Conditions

Attachment 3: Bidder’s Acceptance of Terms and Conditions

Attachment 4: Payee Data Record Form

Attachment 5: General Certifications Form

Attachment 6: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification

Attachment 7: Small Business Declaration

Attachment 8: DVBE Declaration

Attachment 9: Bidder Declaration

Exhibits

Exhibit 1: Business and Technical Requirements

Exhibit 2: Implementation and Deployment Requirements

Exhibit 3: Cost Sheet

Exhibit 4: Mid-Sized Pilot Court Environmental Details

Exhibit 5: Disaster Definitions & Declaration Criteria

Exhibit 6: Listing of JBE Typical Assets and Time-to-Recover Requirements

Exhibit 7: Proposer Response Template

# BACKGROUND INFORMATION

## Judicial Council of California and Superior Courts of California

The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy-making agency of the California judicial system. The California Constitution directs the JCC to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the governor and the legislature. The JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC’s staff assists both the JCC and its chair in performing their duties for the purpose of this Request for Proposal (RFP).

The Superior Court system in California comprises 58 trial courts, 1 in each county. Trial courts provide a forum for resolution of criminal and civil cases under state and local laws. As used within this RFP, the term “trial court” is used synonymously with Superior Court.

The Judicial Council of California (JCC) seeks Cloud Based Disaster Recovery solution and implementation services to address the needs of the Judicial Council of California, Superior Courts, Appellate Courts, the Supreme Court, and other Judicial Branch Entities (JBE) (individually, “Participating JBE”) that elects to engage vendor(s) for such services. They may be referred to individually as “a JBE” and the JCC may be referred to as the “Establishing JBE.” The RFP requests that interested vendors respond with a proposal (“Proposer”) that meets the RFP requirements.

## California Information Technology Managers Forum

California Information Technology Managers Forum (CITMF) comprises of IT management leaders serving the Superior Courts in various counties in the State of California. Individually they seek information technology products, services, and pricing for cloud-based disaster recovery solutions and related cloud hosting provider subscription services. They have come together as a group and are working with the JCC to accomplish this through Master Service Agreements. This RFP and competitive procurement is presented to establish a Master Services Agreement (“Master Agreement”) with multiple cloud solution providers and/or implementation service vendors. Master Agreements will be entered into with the JCC for use by JBE.

The JCC reserves the right to reject any and all proposals, to award the contract in whole or in part and/or negotiate any or all items with individual proposers if it is deemed in the JCC’s best interest or not award any contracts based on submitted proposals. The JBE are free to conduct their own solicitations not connected with this RFP or any resulting contract. The JBE are not obligated to purchase services under any contract that may result from this RFP.

## Objectives and Process

## Objectives The purpose of this RFP is to provide the JBE with a pool of vendor solutions and pricing through Master Agreements. The resulting Master Agreements will be for cloud-based disaster recovery solutions that are comprised of a combination of products and services to support implementation and ongoing operation of these hosted services. The ancillary services related to the delivery of the cloud-based disaster recovery services include professional and administrative services related to implementation and ongoing operations and support of these solutions. These products and ancillary services are collectively known as “Cloud-Based Disaster Recovery” solutions. Additionally, the RFP will provide cost estimates for the Superior Court of California, County of Monterey, an example of a mid-sized California Court, to pilot the provisioning of disaster recovery services for priority services specified in *Exhibit 4: Mid-Sized Pilot Court Environmental Details*.

## Process. JBE may elect, but are not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP. JBE that elect to purchase services under a Master Agreement that has been awarded will enter into a Participation Agreement, substantially in the form of the sample Participation Agreement provided in Attachment 2 (JCC Standard Terms and Conditions), with the vendor that the JBE selects.

If multiple Master Agreements have been awarded, the JBE may select the vendor(s) that best meet the JBE’s individual requirements and provides the best value to the JBE. Each Participation Agreement will incorporate the terms and conditions of the Master Agreement that has been awarded as a result of this RFP.

Based on the terms and conditions of the Master Agreement, each Participation Agreement will set forth the specific services, schedule, and fees to be provided to the individual JBE. Each Participation Agreement will constitute a separate independent contract between the vendor and the JBE signing the Participation Agreement. Any Master Agreement awarded as a result of this RFP is nonexclusive: The JCC may have other agreements for the same or similar services, and each JBE reserves the right to provide or have others provide the same or similar services.

# DESCRIPTION OF GOODS AND/OR SERVICES

## Scope

The scope of the RFP is to select tiered Cloud-Based Disaster Recovery solutions that can be leveraged as needed by JBE. JBE operate independently from one another and differ in size. The technologies in use, technology footprints and degree of cloud investments vary per JBE throughout the state. We seek proposals which will provide solutions that can be leveraged by all. Proposals and demonstrations are expected to take this into consideration.

There is high interest among a wide selection of JBEs to leverage cloud hosted resources as a key component in Disaster Recovery solutions. Many JBEs face high risk of an extended interruption with existing solutions which are inadequate in a regional disruption scenario. Modern cloud platforms offer multi-regional hosting of data and resources with scalability and pay as you go subscription models. This has been deemed as favorable for modern disaster recovery models.

Included in this RFP you will find Disaster Definitions, *Exhibit 5: Disaster Definitions & Declaration Criteria* as well as a list of common JBE Assets with TTR requirements, *Exhibit 6, Listing of JBE Typical Assets and Time-to-Recover Requirements*, to aid proposers in building out solutions and demonstrations.

In additional there is environmental data collected from the Superior Court of California, County of Monterey “Monterey Court”, *Exhibit 4: Mid-Sized Pilot Court Environmental Details.* Monterey Court is classified as a mid-sized JBE. Monterey Court has been awarded grant funding to pilot one or more of the proposed solutions selected as a result of this RFP through participation agreements. The supplied data shall be used to demonstrate the proposed solutions as well as provide a sampling of associated cost estimates.

## Business and Technical Requirements

The selected and contracted Proposers must provide Cloud-Based Disaster Recovery Solutions that meet or exceed a set of minimum business and technical requirements. These requirements are contained in *Exhibit 1, Business and Technical Requirements.* The Proposer shall respond to Exhibit 1 as directed on the spreadsheet.

## Implementation and Deployment Services

Once a Participation Agreement has been established with a JBE, the selected and contracted Proposer will implement a Cloud Based Disaster Recovery solution within the timeframes specified in the Participation Agreement. This will involve construction, configuration, implementation and deployment, training & knowledge transfer and support of a Cloud Based Disaster Recovery Solution. These implementation and deployment services are described in *Exhibit 2: Implementation and Deployment Requirements*, which provides the deployment requirements.

The JCC aims to select and contract with experienced proposers capable of executing an efficient project. The Proposer shall refer to *Exhibit 2: Implementation and Deployment Requirements*, for scope of services and deliverables. The Proposer shall respond to Exhibit 2 in the vendor response column provided or as a separate attachment*.*

This scope is further described in the sections that follow:

* + 1. **Discovery and Site Assessment.** The proposer will provide discovery and assessment services on the JBE environment that will produce the data required in the development of a Cloud-Based Disaster Recovery project and implementation plan. Discovery shall include but not be limited to:
* Application / Service Process Analysis
* Application and Service Dependency Mapping
* Inventory of Datacenter Assets
* Datacenter Configuration
* Logical Data Connections Analysis
* Data Network Analysis
* Data Storage and Replication Analysis
* End State Requirements for all services (infrastructure, compute, network, data) identifying options and applicable cloud vendor service offerings.
  + 1. **Solution Design.** Under the agreement resulting from this RFP, the Proposer will also provide comprehensive Cloud-Based Disaster Recovery solution(s) that will provide the following:
* Multiple design strategies enabling JBEs to cost-effectively operate multiple Disaster Recovery strategies on a per service or application basis.
* Prerequisites and roadmap and/or project implementation plan required for implementation of proposed solutions.
* Calculator(s) that will allow JBEs the ability to provide required data and receive cost estimates for each proposed strategy.
  + 1. **Implementation & Deployment.** Under the agreement resulting from this RFP, the Proposer will also provide implementation and deployment services. The proposer will provide the following services:
* Infrastructure & Supporting Applications required to support the selected Cloud Based Disaster Recovery solution(s)
* Orchestration & Automation services that will simplify failover testing and actual Disaster Recovery declaration & execution
  + 1. **Training & Knowledge Transference.** Under the agreement resulting from this RFP, the Proposer will also provide training services and a knowledge base. The proposer will provide the following services:
* JBE technical team training
* Build sheets.
* Source code for scripts and runbooks with appropriate commenting throughout the files

## Cloud Hosted Services

The selected and contracted Proposer may implement and provide ongoing Cloud Hosting services under the Master Agreement. This will involve services to support the implementation and ongoing resource requirements to support Cloud Based Disaster Recovery Solution(s). The Cloud Hosting Provider services shall include but not be limited to:

* A secure and scalable infrastructure environment that will allow JBE(s) to build a suitable Disaster Recovery environment to support business processes
* Compliance with FedRAMP, Criminal Justice Information Services (CJIS) Security Policy, Payment Card Industry Data Security Standards, HIPAA (Health Insurance Portability and Accountability Act of 1996) Privacy and Security Rules and other standards listed in the Requirements Exhibit.
* Support for commonly deployed Operating Systems, Databases and Virtualization Platforms.
* Provide availability of at least 99.99% 24x7, 365 days a year
* A calculator for resource sizing and cost estimations.

This will also involve providing the JBE, maintenance, and support that meet or exceed requirements and service levels found in Exhibits 1 and 2.

# TIMELINE FOR THIS RFP

## Proposed Procurement Schedule

Proposals are due by 3:00 p.m. (PST) on March 30, 2018. It is the JCC’s intention to have signed Master Agreements within 120 days of the initial proposal submission deadline.

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| **No.** | **Milestone** | **Date** |
| 1 | JCC on Behalf of the California JBE Issues RFP | February 16, 2018 |
| 2 | Pre-Proposal Web Conference  [https://www.gotomeet.me/mscit/drrfp](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gotomeet.me%2Fmscit%2Fdrrfp&data=01%7C01%7CBill.Hardin%40jud.ca.gov%7Cdf324006738f427022e208d5740c1618%7C10cfa08a5b174e8fa245139062e839dc%7C1&sdata=5XgI%2FCW7YeskSBAQmkKmZyMGuUOggefUYHfhVbasEmQ%3D&reserved=0)  (See also Section 3.2) | February 23, 2018  11:00 a.m. (Pacific Time) |
| 3 | Final Date to Submit Questions to [TCSolicitations@jud.ca.gov](mailto:TCSolicitations@jud.ca.gov) | March 2, 2018  3:00 p.m. (Pacific Time) |
| 4 | Questions and Answers Posted *(estimated date)* | March 9, 2018 |
| 5 | RFP Response Due | ~~March 19~~, March 30, 2018  No later than 3:00 p.m.  (Pacific Time) |
| 6 | Review & Scoring of Technical proposals  *(estimated dates)* | ~~March 26, 2018 –April 16, 2018 April 6, 2018 – April 27, 2018~~  April 6, 2018 – April 30, 2018 |
| 7 | Vendor Presentations  (Completed before final scoring) | ~~March 26, 2018 –April 16, 2018~~ ~~April 6, 2018 – April 27, 2018~~  May 29, 2018 – June 5, 2018 |
| 8 | Posting of Technical Scores *(estimated date)* | ~~April 23, 2018~~ ~~May 4, 2018~~  June 6, 2018 |
| 9 | Public Opening of Cost Proposals  Notice of time and location will be posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) | ~~April 24, 2018~~ ~~May 7, 2018~~  June 13, 2018 (estimated) |
| 10 | Notice of Intent to Award *(estimated date)* | ~~April 30, 2018~~ ~~May 14, 2018~~  June 15, 2018 |
| 11 | Execution of Master Agreement *(estimated date)* | ~~May 21, 2018~~ ~~June 4, 2018~~  July 27, 2018 (estimated) |

## Proposers’ Conference

The JCC will hold a pre-proposal Proposers’ Conference on the date identified in the timeline above. The pre-proposal Proposers’ Conference will be held via web conference (GoToMeeting). Proposers are encouraged to attend this Proposers’ Conference.

***NOTE: Proposers’ Conference GoToMeeting information:*** Please visit & join the meeting space from your computer, tablet, or smartphone at <https://www.gotomeet.me/mscit/drrfp>. You can also dial in using your phone at (United States): +1(571)317-3122; Access Code: 834-671-077

# RFP ATTACHMENTS

The following attachments and exhibits are included as part of this RFP.

## Attachments and Forms

| **Attachment** | **Description** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs | These rules govern this solicitation. |
| Attachment 2: JCC Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “vendor”) must sign a Judicial Council Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly identifies the benefit to the JCC and the JBE from the proposed changes and provides a written explanation or rationale for each proposed change. |
| Attachment 3: Bidder’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: Payee Data Record Form | This form contains information the JBE require to process payments and must be submitted with the proposal. |
| Attachment 5: General Certifications Form | Proposer must complete and submit the General Certifications Form. |
| Attachment 6: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification | Proposer must complete and submit the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 7: Small Business Declaration | Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| Attachment 8: DVBE Declaration | Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation. |
| Attachment 9: Bidder Declaration | Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration. |

## Requirements and Court Informational Exhibits

|  |  |
| --- | --- |
| **Exhibit** | **Description** |
| Exhibit 1 | Business and Technical Requirements |
| Exhibit 2 | Implementation and Deployment Requirements |
| Exhibit 3 | Cost Sheet |
| Exhibit 4 | Mid-Sized Pilot Court Environmental Details |
| Exhibit 5 | Disaster Definitions and Declaration Criteria |
| Exhibit 6 | Listing of JBE Typical Assets and Time-to-Recover Requirements |
| Exhibit 7 | Proposer Response Template |

# SUBMISSION OF PROPOSALS

## Proposal Structure

Proposers should respond to every section of this RFP, all attachments, and all exhibits. Vendors may download the original RFP documents from our Web site, [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm). These documents will be available in whole as the RFP and individually for your review and use.

A Proposer Response Template has been included (Exhibit 7) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 6, Proposal Contents, 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.

## Proposal Copies

Successful Proposers must submit a complete proposal. Submissions must be completed by the respective deadlines. The Proposer must submit one original hard copy and an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The electronic files must be in PDF, Word, or Excel formats. The source Excel files used to prepare responses to Exhibits 1 & 2 must also be submitted. The originals must be signed by an authorized representative of the Proposer. The Proposer must write the RFP title and number on the outside of the sealed envelope.

## Proposal Delivery Address

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

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. TCAS-2018-01-BH

2850 Gateway Oaks Drive, Suite 300

Sacramento, CA 95833-4348

## Late Proposals

Late proposals will not be accepted. Postmarks by the due date will not substitute for actual receipt of proposal by the JCC.

## Original Proposal Delivery Methods

Only original written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g., FedEx), or hand delivery. Original proposals may not be transmitted by FAX or e-mail.

# NON-COST PROPOSAL CONTENTS

The following information must be included in the non-cost proposal using the Proposer Response Template (Exhibit 7). A proposal lacking any of the following information may be deemed non-responsive.

## Organization Information and Qualifications

The Proposer must provide the following information about the organization and its qualifications.

### **Proposer Information:** Proposer’s name, address, telephone and FAX numbers, and federal tax identification number. ***Note: If Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.***

* + 1. **Designated Representative:** Name, title, address, telephone number, and e-mail address of the individual who will act as Proposer’s designated representative for purposes of this RFP.
    2. **Reference Client Projects:** Names, addresses, and telephone numbers of a minimum of three clients for whom the Proposer has provided similar services. The JCC may check references listed by Proposer. Proposer must include a summary description of the engagement for each reference.

## Team Qualifications

The Proposer must provide a description of the team or teams that will deliver services under the Master Agreement. This must identify individuals and Proposer organizations responsible for:

### **Standards Management:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

### **Implementation and Deployment:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

### **Support and Maintenance:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual’s background, experience, and ability in performing his/her proposed role and activities.

## Proposed Approach and Methods.

The Proposer must provide a description of the proposed approach for completing work under this Master Agreement.

### **Discovery Services:** The Proposer must describe its approach to collaborating with the JBE in collecting the required data to aid in determining solution design options available.

### **Solution Design and Implementation Plan:**The Proposer must describe its approach to the development and certification of the Cloud Based Disaster Recovery solution. This approach must describe the tasks and schedule for:

* The design of the Cloud Based Disaster Recovery solution.

### **Implementation and Deployment:** The Proposer must describe its approach to the implementation of Cloud Based Disaster Recovery solution(s) for a JBE once a Participation Agreement has been completed. This approach must describe the tasks and schedule for implementation for a single JBE. The Proposer must also describe:

* What factors will impact the schedule for implementation construction of the Cloud Based Disaster Recovery solutions.
* The tasks, resources, and work products required from the participating court to ensure on-time implementation. This must describe the timeframe in which the court must perform these tasks and provide resources and work products.
* The factors that would cause variation in the schedule for implementation.
* The type, quantity, and time commitment of Proposer staff involved in each court implementation.
* The approach and capacity of the Proposer to successfully execute multiple concurrent implementations of Cloud Based Disaster Recovery solution application services.

### **Integration with Existing Technologies:** The Proposer must describe its approach to developing, testing, implementing, and deploying integration existing technologies.

### **Support and Maintenance:** The Proposer must describe its approach to providing maintenance and support for the implemented services.

## Responses to Requirements

Responses to the requirements listed in Exhibits 1 & 2 of this RFP must be provided in this section of the proposal. Proposers must use the Microsoft Excel template provided and complete both requirements worksheets (tabs). For each requirement, Proposers must fill in the response column as directed. If the Proposer wishes to provide any explanatory details, those should be included in the “Explanation” column next to the requirements.

## Certifications, Attachments, and Other Requirements

### **Proof of Good Standing:**If Proposer is a corporation, the Proposer must present proof that it is in good standing and qualified to conduct business in California.

### **Business License:** Proposer must provide copies of current business licenses.

### **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).

### **Acceptance of Terms and Conditions:** Proposer must complete and provide the Bidder’s Acceptance of Terms and Conditions (Attachment 3). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a proposal non-responsive.

If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes and a written explanation or rationale of the benefit to the JCC and the JBEs resulting from the proposed exception.

6.5.5 **Payee Data Record Form**: Proposer must complete and attach a Payee Data Record form (in lieu of the IRS W-9) (Attachment 4).

### **General Certifications:** Proposer must complete and provide the General Certifications Form (Attachment 5).

### **Unruh Civil Rights Act and California Fair Employment and Housing Act Certification:** Proposer must complete and provide the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 6).

### **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (Attachment 7) only if it wishes to claim the small business preference associated with this solicitation.

### **DVBE Declaration:** Proposer must complete and provide the Bidder DVBE Declaration (Attachment 8) only if it wishes to claim the DVBE incentive associated with this solicitation.

### **Bidder Declaration:** Proposer must submit a Bidder Declaration (Attachment 9) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

# COST PROPOSAL CONTENT

### Proposer must complete and submit Exhibit 3, Cost Sheet for vendor services and pricing for mid-size pilot court. Proposer should include their best offer in their submission. The cost proposal should be provided in a separate sealed envelope. Proposer must write the RFP title and number on the outside of the sealed envelope to associate it with the non-cost proposal.

***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 Section17030 of the Business and Professions Code.***

# OFFER PERIOD

A Proposer's proposal is an irrevocable offer for 180 days following the proposal due date. In the event a final contract has not been awarded within this period, the JCC reserves the right to negotiate extensions to this period.

# EVALUATION OF PROPOSALS

### The Establishing JBE 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

|  |  |  |
| --- | --- | --- |
| Category | Factors | Total Possible Points |
| Technical Solution | Degree to which the Proposer’s proposed solution meets the requirements set forth in Exhibits X and narrative responses. | 35 |
| Implementation | Ability to design and execute a successful implementation and provision of services in the Cloud | 20 |
| Cost | Overall cost based on initial setup and ongoing fees for consumption of services | 25 |
| Organization Information and Qualifications | Level of Proposer organization experience, financial stability, and qualifications. | 10 |
| Acceptance of Terms and Conditions | Level of Proposer’s acceptance of Terms and Conditions. (Attachment 3) | 7 |
| DVBE Incentive | DVBE incentive points. | 3 |
|  |  | 100 |

## Non-Cost Portion

### At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

### The scores for the non-cost portion of the responsive proposals will be posted on the date listed in Section 3.1, Proposed Procurement Schedule, at the JCC website, <http://www.courts.ca.gov/rfps.htm>.

## Cost Portion

### Following the publication of the non-cost portion scores, the cost portions will be opened. The cost portion of the proposals will be publicly opened on the date and time noted in Section 3.1, Proposed Procurement Schedule. The cost portion will only be opened and evaluated if the Proposer’s non-cost portion is determined to be responsive.

### Proposals containing false or misleading statements may be rejected if, in the opinion of the Judicial Council, the information was intended to mislead the state regarding a requirement of the solicitation document.

### If a Master Agreement or Master Agreements is awarded, JCC staff will post notice of an intent to award at <http://www.courts.ca.gov/rfps.htm>.

# FINALISTS’ PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS)

The JCC may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in evaluation of the top-ranked proposals. The interview process may require a demonstration. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JCC’s offices. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview arrangements.

# CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the JCC for official files and will become a public record. California JBEs are subject to Rule 10.500 of the California Rules of Court, which governs public access to Judicial Administrative Records (see  [*www.courts.ca.gov/documents/title\_10.pdf*).](file:///C:/Users/JosephDWheeler/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/NG9OHP68/www.courts.ca.gov/documents/title_10.pdf))

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the JCC’s sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the JCC finds or reasonably believes that the materials marked confidential and/or proprietary are **not** exempt from disclosure, the JCC will disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public opening of certain proposals. If required to do so by the Public Contract Code, the JCC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

# SMALL BUSINESS PREFERENCE

## Participation Not Mandatory

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

## Small Business Enterprise (SBE) Incentive

Eligibility for and application of the small business preference is governed by the JCC’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 JCC’s sole determination, the Proposer has met all applicable requirements. If Proposer receives the SBE preference, the score assigned to its proposal will be increased by an amount equal to 5 percent 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.

## Qualification

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

## Process

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 9). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

## Failure to Complete Forms

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

## Meeting SBE Commitments

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.**

# DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

## Qualification Not Mandatory

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

## DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the JCC’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the sole determination of JCC staff, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 8, above.

## Qualification

To receive the DVBE incentive, at least 3 percent 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 DGS.

## Process

If Proposer wishes to seek the DVBE incentive:

* Proposer must complete and submit with its proposal the DVBE Declaration (Attachment 8).  Proposer must also submit all materials required in the DVBE Declaration.
* Proposer must submit with its proposal a Bidder 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 also complete and sign the Bidder Declaration.  If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder Declaration.  ***NOTE: The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS***.

## Failure to Complete Forms

Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive.  In addition, the JCC may request additional written clarifying information.  Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

## Application of DVBE Incentive

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 JCC’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

## Meeting DVBE Commitments

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 JCC approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

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

# PROTESTS

Any protests will be handled in accordance with the Protest Procedures outlined in the Administrative Rules Governing RFPs (Attachment 1), Section J (Protest Procedures). Failure of a Proposer to comply with the protest procedures set forth in that section will render a protest inadequate and non-responsive and will result in rejection of the protest. The post-award protest deadline for submission will be 5 Court days after the Notice of Intent to Award has been posted. The protesting party will have 10 calendar days after the JCC receives the protest to submit all required information. Protests should be sent to:

Judicial Council of California

Attn: Procurement – Contracts Supervisor

RFP No. TCAS-2018-01-BH

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