

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP NUMBER – TCAS-2020-01-BH
PRETRIAL RISK ASSESSMENT APPLICATION FOR THE
SUPERIOR COURTS OF CALIFORNIA

PROPOSALS DUE DATE AND TIME:

MARCH 27, 2020, NO LATER THAN 3:00 P.M. PACIFIC TIME

TO: POTENTIAL PROPOSERS

FROM: The Judicial Council of California (JCC), on behalf of the Superior Courts of California.

DATE: February 4, 2020

SUBJECT/PURPOSE OF MEMO: Request for Proposals (RFP)

The JCC on behalf of the Superior Courts of California and their contracted justice partners, including county probation departments, seeks to enter into one and up to five leveraged procurement agreements, also referred to as "Master Agreements," with vendors that can license, implement, host, maintain, and service a Pretrial Risk Assessment Application (PTRA), that can interface with existing court case management systems (CMS), jail management systems (JMS), and probation management systems (PMS), as well as the JCC statewide data repository, the California Department of Justice (DOJ), and other applicable justice partners.

Vendors entering into such a Master Agreement will offer the PTRA to any trial court that enters into a Participation Agreement as set forth in this RFP. The PTRA will be procured and licensed by a trial court through such Participation agreement.

While contracted justice partners, including county probation departments, will not directly procure the PTRA via a Participation Agreement, nor be a party to any Master Agreement, they will have authorized access to the PTRA via the license granted to the participating court by the vendor. Bidding vendors must agree to such access and use by non-branch justice partners, including county probation departments, in their RFP proposals.

ACTION REQUIRED: You are invited to review and respond to this RFP as posted on the JCC Bid Web site at <http://www.courts.ca.gov/rfps.htm>.

Project Title: Pretrial Risk Assessment Application for the Superior Courts of California

RFP Number: TCAS-2020-01-BH

SOLICITATIONS MAILBOX TCsolicitation@jud.ca.gov

PROPOSERS' CONFERENCE: A mandatory proposers' conference will be held via conference call:

February 19, 2020 at 2:00 p.m. (PST)

**DUE DATE & TIME
FOR SUBMITTAL OF
QUESTIONS:**

The deadline for submittal of questions pertaining to the solicitation document is:

February 28, 2020 no later than 3:00 p.m. (PST)

**PROPOSAL DUE
DATE AND TIME:**

Proposals must be received by:

Friday, March 27, 2020 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-2020-01-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348**

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: Darfur Contracting Act Certification
- Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification
- Attachment 8: Iran Contracting Act Certification
- Attachment 9: Small Business Declaration
- Attachment 10: DVBE Declaration
- Attachment 11: Bidder Declaration

Exhibits

- Exhibit 1: Business and Functional Requirements
- Exhibit 2: Technical Requirements
- Exhibit 3: Implementation and Deployment Requirements
- Exhibit 4: RFP Vendor Response Template
- Exhibit 5: Proposer Cost Template

1. BACKGROUND INFORMATION

1.1 Judicial Council of California and Superior Courts of California

The 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. The Superior Courts provide a forum for resolution of criminal and civil cases under state and local laws. This RFP is intended to address the needs of all of these Superior Courts. This RFP is being issued by the JCC's staff on behalf of the 58 Superior Courts of California (collectively, "Superior Courts," "trial courts," or "courts" and individually, a "Superior Court," "trial court," or "court"). In this RFP, JCC and the trial courts are JBEs. 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.

1.2 Pretrial Pilot Program

The pretrial landscape is changing dramatically throughout the country and in California due to court decisions, legislation, and innovative practices. Recognizing these considerable changes and the impacts on the courts and local justice system partners, the Governor approved the implementation, operation and evaluation of a pretrial pilot project in order to support a system that protects the public, ensures the rights of defendants, and the fair and efficient administration of justice in pretrial decision making.

As stated in Senate Bill 73, the Budget Act of 2019 (in section 0250-101-0001 – For local assistance, Judicial Branch, Provision 3), the goals of the JCC Pretrial Pilot Program are to:

- i. Increase the safe and efficient prearrestment and pretrial release of individuals booked into jail by expanding own recognizance and monitored release;
- ii. Implement monitoring practices of those released prearrestment and pretrial with the least restrictive interventions and practices necessary to enhance public safety and return to court;

- iii. Expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available; and
- iv. Assess any disparate impact or bias that may result from the implementation of these projects in order to better understand and reduce biases based on race, ethnicity, and gender in pretrial release decision making.

1.3 Objectives and Process

On behalf of the trial courts of California and their contracted justice partners and as part of the JCC Pretrial Pilot Program, the JCC intends to award at least one, but possibly five Master Agreements to Proposers that can license, implement, host, maintain, and service the PTRAs. The term is for 5 years with one 3-year option to renew and an additional 2-year option to renew after that.

The JCC reserves the right to reject any and all PTRAs 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 the submitted proposals.

Trial courts may elect, but are not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP. Trial courts 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 selected vendor.

While contracted justice partners of a trial court, including county probation departments, cannot purchase services or enter into a Participation Agreement under any Master Agreement, they will have authorized access to services under the Master Agreement via the license granted by the vendor to the participating court.

With multiple Master Agreements awarded, the trial court may select the vendor that best meets the court's individual requirements and provides the best value to the court. 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 any additional, specific services, schedules, and corresponding fees to be provided to the individual court. Each Participation Agreement will constitute a separate independent contract between the vendor and the court 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 trial court reserves the right to provide or have others provide the same or similar services.

Interested parties are invited to submit a proposal following the directions set forth in this RFP and referenced documents, including Attachment 1, Administrative Rules Governing RFPs.

2. DESCRIPTION OF GOODS AND/OR SERVICES

2.1 Scope

The full scope of the Pretrial Pilot Program is based on the goals enumerated in section 1.2 and will include:

- The deployment of a new PTRA within courts' existing case management system for pretrial risk assessment and workflow for use by the California trial courts and their contracted justice partners for performing all pretrial services processes, including, but not limited to, risk assessment tools (as defined in requirements), supervision technology tools, and court/contracted justice partner workflows.
- Judicial Officer electronic routing, review and approval module for determining release including integration with Court and Probation CMS.
- Integration between PTRA with the court CMS, the county Probation PMS, and the JCC Data Repository.

Services provided from potential proposers should include, but are not limited to PTRA software, licensing, implementation/project management services, data conversion, network and infrastructure recommendations, maintenance and support, and alternative hosting solutions required to support the courts and their contracted justice partners as further described herein.

The PTRA must meet or exceed the business and functional requirements in ongoing daily operations contained in Exhibit 1, Business and Functional Requirements, and the technical requirements contained in Exhibit 2, Technical Requirements.

The Proposer shall use Exhibit 4, RFP Vendor Response Template, to demonstrate that its PTRA meets or exceeds the Business and Functional Requirements and Technical Requirements set forth in Exhibits 1 and 2, respectively.

In addition, the PTRA must have the capacity to:

- Meet the general functional requirements of all Superior Courts, including Judicial Branch security standards, integration with contracted justice partner systems utilizing Judicial Branch standard integration protocols, and a web-based Judicial officer portal that integrates with the PTRA and court CMS.
- Analyze pretrial operations for effective implementation.

- Install, configure, and test the software according to the business rules and processes of the individual county pretrial programs to produce a high-performance system.
- Configure workflows to maximize productivity and efficiency while performing activities related to pretrial release.
- Update software as required by applicable laws, regulations, rules of court, pretrial pilot guidelines, and reporting and administrative requirements.
- Maintain and support the application for changes in regulatory requirements, application enhancements, common configuration changes, and in addition, promptly correct any PTRAs defects.
- Scale to accommodate court size, data volume, pretrial, and court users.
- Per standards established by the JCC, integrate, interface, and exchange data with PMS, JMS, DOJ, and any other justice partner that an individual court may require.
- Capture, record, and transmit data to the Judicial Branch Statewide Data Repository as required.

2.1.1 The Requirements for a Superior Court Network Infrastructure Include:

- Desktop assessment with hardware and software recommendations.
- Network assessment and design specifications for network security and bandwidth specifications to adequately handle anticipated networking loads and access for the PTRAs. Integration support for the network infrastructure to function with the PTRAs.
- Data Integration support ensuring connectivity for all required state and local justice partners and interfaces, as set forth in Exhibit 3.

2.1.2 Hosting Solution:

- Provide design specifications and acquisition details for locally and/or off-site hosted PTRAs and, if offered, Software as a Service (SaaS) hosting solution; including production and non-production environments to run and support the solutions using modern proven technology that complies with the security and infrastructure requirements detailed in Exhibit 2, Technical Requirements.
- Integrate the PTRAs servers and network servers with the network infrastructure and desktop workstations.
- Provide system management (administration, change management, security, data recovery, and disaster recovery).
- (Optional) Provide document management services, including additional hardware and third-party software recommendations, and assist in DMS scanner setup, configuration, and business use.

2.2 Implementation and Deployment Services

Once a Participation Agreement has been established with a Superior Court, the selected and contracted Proposer will implement and deploy the PTRA for the Superior Court within the timeframes specified in the Participation Agreement. This will involve data conversion, configuration, implementation, operation, support, maintenance, and hosting, if applicable. These implementation and deployment services are described in Exhibit 3, Implementation and Deployment Requirements, which provides the scope of services and deliverables.

It is the aim of the Establishing JBE to select and contract with experienced proposers capable of executing an efficient project within the agreed-upon schedule and budget. The Proposer shall refer to Exhibit 3, Implementation and Deployment Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 3 using Exhibit 4, RFP Vendor Response Template.

Any development work, e.g., work related to judicial officer review, text messaging reminders, and interfacing capacity, must be completed as soon as possible, and no later than December 31, 2020.

2.3 Licensing, Maintenance, and Support

Licensing, maintenance, and support that complies with the JCC's Standard Terms and Conditions (Attachment 2) which shall include, but not be limited to:

- PTRA Licensing
- PTRA Support and Technical Support for local hosted solution
- End-user and technical support
- Provision of periodic maintenance, legislative updates, and security upgrades per service-level standards and support agreements
- Global configuration changes necessary to support business changes
- Emergency support for break-fix situations

2.4 Warranty

The Services Warranty under any awarded Master Agreement must comply with the JCC's Standard Terms and Conditions (see Attachment 2; Exhibit 3; Section 22).

The Licensed Software Warranty must comply with the JCC's Standard Terms and Conditions (see Attachment 2; Exhibit 3; Section 22).

2.5 Payment Requirements

2.5.1 Milestone Payment Schedule

Payments shall be made according to milestone payment schedules. The milestone payments must be based on key deliverables, delivered to the JBE's satisfaction as identified in the JBE's Participation Agreement.

2.5.2 No Payment Prior to Go Live

No payment for vendor and/or third-party software, licensing fees and maintenance and support will be owed and made before the Court accepts live productive use ("Go-Live") of the PTRAs.

2.5.3 Retention

Participating Entities shall retain at least 10% of the total cost of milestone payments for professional services, payable upon final acceptance and Go Live

2.5.4 Upgrades Due to Changes in Law

Participating Entities will not pay an additional amount for software upgrades and modifications that are required due to changes in the laws or regulations. Proposers' proposed costs must include such upgrades and modifications.

2.5.5 Non-Scope Upgrades

Participating Entities will be entitled to use any non-scope upgrades or modifications to the pretrial application that have been previously paid for by another Participating Entity without paying an additional fee.

2.5.6 Reimbursable Expenses

Reimbursable expenses will be allowed only as defined in Attachment 2, JCC's Standard Terms and Conditions.

3. TIMELINE FOR THIS RFP

3.1 Proposed Procurement Schedule

Initial proposals are due by 3:00 p.m. (PDT) on **March 27, 2020**. The JCC intends to have signed Master Agreements within 60 days of the initial proposal submission deadline.

No.	Events	Date
1	JCC, on behalf of the Superior Courts of California and their contracted justice partners, issues RFP	February 4, 2020

No.	Events	Date
2	Deadline for Proposer to register for Mandatory Proposers' Conference; submit requests to the Solicitations Mailbox (3:00 p.m. PDT)	February 18, 2020
3	Mandatory Proposers' Conference via conference call at 2:00 p.m. (PDT)	February 19, 2020
4	Deadline for Proposers to submit questions, requests for clarifications, or modifications to the Solicitations Mailbox (3:00 p.m. PDT)	February 28, 2020
5	Questions and answers posted and addenda issued, if required	March 6, 2020
6	Deadline for Proposers to submit questions regarding the changes reflected in Addendum 3, issued on March 10, 2020 to the Solicitations Mailbox (3:00 p.m. PDT)	March 12, 2020
7	Questions and answers posted regarding changes reflected in Addendum 3, issued on March 10, 2020	March 17, 2020
8	Proposer solicitation specifications protest deadline	March 24, 2020
9	Final proposal due date and time (3:00 p.m. PDT)	March 27, 2020
10	Evaluation Team Meets (estimated dates)	March 23 – April 3, 2020
11	Demonstrations	April 14-15, 2020
12	Technical scores posted on the JCC Website	April 20, 2020
13	Public cost opening in Sacramento, California at 2850 Gateway Oaks Drive, Suite 300 at 2:00 p.m. (PDT)	April 23, 2020
14	Notice of Intent to Award (estimated date)	May 4, 2020
15	Execution of Master Agreements (estimated date)	June 2020

3.2 Mandatory Proposers' Conference

The JCC will hold a mandatory pre-proposal Proposers' Conference on February 19, 2020 at 2:00 p.m. (PDT). The pre-proposal Proposers' Conference will be held via conference call. Proposers must attend this Proposers' Conference to be eligible to submit a response to this RFP.

Interested Proposers must submit an email to TCsolicitation@jud.ca.gov requesting the call-in number and pass code no later than 3:00 p.m. (PDT) on February 13, 2020. The email must include: 1) name of your company and 2) name and title of your designated representative attending the conference call. The RFP number must be included in the subject line of the email. A response will be sent by February 14, 2020 at 5:00 p.m. (PDT) with the call-in number and pass code. Attendance will be taken before the call begins.

4. RFP ATTACHMENTS

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

4.1 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 JCC 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, the Superior Courts, and their contracted justice partners 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 as specified immediately above.
Attachment 4: Payee Data Record Form	This form contains information the Superior Courts 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: Darfur Contracting Act Certification	Proposer must complete and submit the signed Darfur Contracting Act Certification.
Attachment 7: 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 8: Iran Contracting Act Certification	Proposer must complete and submit the Iran Contracting Act Certification.
Attachment 9: Small Business Declaration	Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 10: Bidder 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 11: 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.

4.2 Requirements and Informational Exhibits

Exhibit	Description
Exhibit 1 - Business and Functional Requirements	These are the business and functional requirements, and are mandatory. The Proposer will complete Exhibit 1 and respond with Yes, No, or In Progress. A No or In Progress response requires an estimated date of delivery in the comments field. Development work must be completed as soon as possible, and no later than December 31, 2020. Please note: Proposers unable to deliver requirements by December 31, 2020 shall be considered non-responsive. Proposer must include the completed Exhibit 1 as part of Exhibit 4, RFP Vendor Response Template.
Exhibit 2 - Technical Requirements	These are the technical requirements for this RFP. The Proposer shall address each requirement and describe how its proposed services fulfill those requirements in a manner that best serves the needs of the courts and their contracted justice partners. Proposer must include the completed Exhibit 2 as part of Exhibit 4, RFP Vendor Response Template.
Exhibit 3 - Implementation and Deployment Requirements	These are the requirements that set forth the roles and responsibilities of the parties for the PTRAs implementation and the deployment services to be provided. The Proposer will complete Exhibit 3 using the instructions provided in the Exhibit. Proposer must include the completed Exhibit 3 as part of Exhibit 4, RFP Vendor Response Template.
Exhibit 4 - RFP Vendor Response Template	This template is used for Proposers response to this RFP.
Exhibit 5- Proposer Cost Template	This template is used to obtain detail pricing for this RFP.

5. SUBMISSION OF PROPOSALS

5.1 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. 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 4) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 6, Non-Cost 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

5.2 Proposal Copies

The Proposer **must** submit its proposal in two parts, the non-cost portion and the cost portion.

Non-Cost Portion of the Proposal: The Proposer must submit one (1) original hard copy and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in PDF, Word, or Excel formats. The source Excel files used to prepare responses to Exhibits 1–3 must also be submitted. The original must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted to the JCC **in a single sealed envelope, separate from the cost portion**. The Proposer must write the RFP title and number on the outside of the sealed envelope.

Cost Portion of the Proposal: The Proposer must submit one (1) original hard copy and an electronic version on a USB memory stick/flash drive of the cost portion (separate from the USB memory stick/flash drive for the non-cost portion) of the proposal. The electronic files must be in PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The cost portion of the proposal must be submitted to the JBE in a **single sealed envelope, separate from the non-cost portion**. The Proposer must write the RFP title and number on the outside of the sealed envelope.

5.3 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-2020-01-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348

5.4 Late Proposals

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

5.5 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

6. NON-COST PROPOSAL CONTENTS

The following information must be included in the non-cost portion of the proposal (Exhibit 4). A proposal lacking any of the following information may be deemed non-responsive.

6.1 Proposer Information

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

Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.

6.2 Company Overview and Financial Information

Company name, headquarters location, date founded, ownership (private/public, joint venture, etc.), number of years providing PTRAs deployment and PTRAs user training services, total number of employees and number of deployment service employees, service delivery locations in the continental United States.

Details of revenue stream, including specific details outlined in Exhibit 4, RFP Vendor Response Template .

Audited financial statements for the last 3 years together with a current certification made by the CFO stating that statements are current, accurate, and complete with the exception of any materials adverse changes specifically described which have occurred in the status and/or prospects of Proposer since the effective date of the most recent financial statements.

6.3 Executive Summary

This section should provide a summary of the key aspects of Proposer's response to this RFP and the principal advantages to the individual courts and their contracted justice partners. The Executive Summary must include, but is not limited to, the following.

The Proposer must describe its approach to the implementation of the PTRAs. The Proposer should propose a standard implementation schedule for each participating court that is 9 to 12 months or less unless a longer time is agreed to by the court for a particular Participation Agreement. This approach must describe the tasks and schedule for implementation for a single court. The Proposer must also describe:

- What factors will impact the schedule for implementation of the PTRAs.
- 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.
- Approach to providing ongoing maintenance and support.

The Executive Summary must include Proposer's approach and capacity to successfully execute multiple concurrent PTRAs implementations.

6.4 Business Disputes

Provide details of any disciplinary actions or other administrative action taken by any jurisdiction or person against Proposer. List and summarize all judicial or administrative proceedings involving your sourcing activities, claims of unlawful employment discrimination and anti-trust suits in which you have been a party within the last 5 years. If Proposer is a subsidiary, submit information for all parent companies. If the Proposer uses subcontractors, associated companies, and consultants that will be involved in any phase of this Agreement, include pertinent subcontractor information.

6.5 Overview of Proposer's Qualifications

6.5.1 Teams

The Proposer must provide a description of the team or teams that will deliver services under any resulting 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.

6.5.2 Resumes

For each key staff member: a résumé of key staff members as outlined in Exhibit 4, RFP Vendor Response Template, describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.

6.5.3 Certifications and Honors

Proposer must provide a description of any certifications and honors that Proposer has received that are related to the requested services, as requested in Exhibit 4, RFP Vendor Response Template.

6.5.4 References

Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the Proposer has provided similar goods and services, including specific details outlined in Exhibit 4, RFP Vendor Response Template. The Court may check references listed by Proposer.

6.5.5 Use of Subcontractors

A listing of proposed subcontractors, if any, providing the specific details requested in Exhibit 4, RFP Vendor Response Template.

6.6 Response to Requirements

6.6.1 Business and Functional Requirements

Proposer will include its response to Exhibit 1 - Business and Functional Requirements.

6.6.2 Technical Requirements

Proposer will include its response to Exhibit 2 - Technical Requirements.

6.6.3 Implementation and Deployment Requirements

Proposer will include its response to Exhibit 3 - Implementation and Deployment Requirements.

6.7 Superior Court Negotiations

Superior Court Negotiation Rules and Procedures for Participation Agreements: Negotiations between the Proposer and individual courts will take place when a court desires to purchase the PTRAs and enters into a Participation Agreement. The following rules and procedures will apply to such negotiations:

a. Proposer's Negotiation Team

The Proposer will deploy a senior negotiation team for the contract negotiations. The Proposer's negotiation team be led by their proposed Program Executive, who would be responsible for day-to-day management of the engagement. The negotiation team

must be empowered to make decisions on all aspects of the project and the Participation Agreement.

The Proposer agrees to honor the spirit of this process by limiting contact to the court's team members authorized to conduct the process. Any deviation from authorized points of contact will be grounds for rejection.

If it is determined that the Proposer's negotiation team is not empowered to negotiate, or if substitutions are made or if additional members are added to the team, the net effect of which is to delay the negotiations, then the court has the right to cease negotiations and the Proposer may be required to reimburse the court for expenses incurred in connection with the Proposer's failure to comply with the above procedures.

b. Control of Documents

The court will retain revision control of the final version of the Participation Agreement, including all exhibits and attachments.

c. In Person Meetings – Location of Meetings

Negotiations will be conducted at the court at times to be determined by the court. Meetings will require the in-person presence of the Proposer's entire negotiation team. Meetings via telephone may be scheduled at the discretion of the court.

d. Costs and Expenses

Proposer will be responsible for its own costs and expenses in negotiating the Participation Agreement with the court.

6.8 Disentanglement Plan

Proposer must describe approach and methodology for disentanglement and detail a plan for and schedule of activities following termination of a Master Agreement awarded as a result of this RFP and an individual Participation Agreement, including all related costs.

6.9 Acceptance of the Terms and Conditions

On Attachment 3, Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other change.

If exceptions are identified, 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 court and its contracted justice partners resulting from exception and/or proposed change.

6.10 Certifications, Attachments, and Other Requirements

- a. California Seller's Permit - Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code Section 6066 et seq. or (ii) a certificate of registration issued under Revenue and Taxation Code Section 6226.
- b. Proof of Good Standing - If Proposer is a corporation, proof that proposer is in good standing and qualified to conduct business in California.
- c. Business License - Copies of current business licenses, professional certifications, or other credentials.
- d. Payee Data Record - Proposer must complete and provide the Payee Record Form (Attachment 4).
- e. General Certifications - Proposer must complete and provide the General Certifications Form (Attachment 5).
- f. Darfur Contracting Act Certification - Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 6).
- g. 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 7).
- h. Iran Contracting Act - Proposer must complete and provide the Iran Contracting Act Certification (Attachment 8).
- i. Small Business Declaration - Proposer must complete and provide the Small Business Declaration (Attachment 9) only if it wishes to claim the small business preference associated with this solicitation.
- j. Bidder DVBE Declaration - Proposer must complete and provide the Bidder DVBE Declaration (Attachment 10) only if it wishes to claim the DVBE incentive associated with this solicitation.
- k. Bidder Declaration - Proposer must submit a Bidder Declaration (Attachment 11) 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.

7. COST PROPOSAL CONTENT

Proposer must complete and submit Exhibit 4, RFP Vendor Response Template and Exhibit 5 Proposer Cost Template. The Proposer may also include an alternate pricing model in Exhibit 5 – Proposer Cost Template, tab 8 – Alternate Pricing. Proposer should include their best offer in their submission.

The purpose of Exhibit 5 is to obtain detail pricing for courts and their contracted justice partners using the PTRA. This detail pricing is required in the event one of the courts selects a vendor awarded a Master Agreement as a result of this RFP.

Proposer’s costs must include software upgrades and modifications due to changes in the law or regulations. Courts will not pay an additional amount for such software upgrades and modifications.

Proposer must be willing to provide non-scope upgrades or modifications to the PTRA that are paid for by a single court to be available for use to all other Courts at no additional cost.

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

8. OFFER PERIOD

A Proposer's proposal is an irrevocable offer for 90 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.

9. 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
Cost	Overall cost based on the fee structure described in the proposal	40
Organization Information and Qualifications	Level of Proposer organization experience, financial stability, and qualifications.	3
Approach and Methods	Extent to which the proposed approach and methods are likely to deliver the services required in a cost-effective manner for the courts and contracted justice partners. (Exhibit 3)	20
Requirements Response	Degree to which the Proposer’s proposed solution meets the requirements set forth in Exhibits 1 and 2, as well as narrative responses.	27
Acceptance of Terms and Conditions	Level of Proposer’s acceptance of Terms and Conditions. (Attachment 3)	7

Category	Factors	Total Possible Points
DVBE Incentive	DVBE incentive points.	3

9.1 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>.

9.2 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 public opening will be held at the JCC’s Sacramento office located at 2850 Gateway Oaks Drive, Suite 300, and Sacramento, California. 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 JCC, 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>.

10. FINALISTS PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS)

The JCC may conduct interviews with demonstrations with Proposers to clarify aspects set forth in their proposals or to assist in evaluation of the top-ranked proposals. The interviews may be conducted in person or by phone. Proposers whose proposed products meet the specifications and requirements set forth in this RFP may be asked to provide a live demonstration of their proposed products. The demonstration will take place in Sacramento, California at a location chosen by the JCC. The date for the live demonstration is set forth in Section 3.1, Proposal Procurement Schedule. The JCC will notify eligible Proposers regarding demonstration arrangements.

Proposers will not be reimbursed for any costs incurred in providing or attending the live demonstration.

11. 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).

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

12. SMALL BUSINESS PREFERENCE

12.1 Participation Not Mandatory

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

12.2 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. Note, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

12.3 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.

12.4 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.

12.5 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.

12.6 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.

13. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

13.1 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.

13.2 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 9, above.

13.3 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.

13.4 Process

If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the Bidder DVBE Declaration (Attachment 10). Proposer must also submit all materials required in the Bidder DVBE Declaration

- Proposer must submit with its proposal a Bidder Declaration (Attachment 11) 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.

13.5 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

13.6 Application of DVBE Incentive

For this IT goods and services solicitation, the application of the DVBE incentive is affected by application of the small business preference.

13.7 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.

14. 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-2020-01-BH
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4348

RFP Title: Pretrial Risk Assessment Application
RFP # TCAS-2020-01-BH