

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP NUMBER—TCAS-2020-03-MS

DIGITIZING JUDICIAL BRANCH RECORDS

PROPOSALS DUE:

July 9, 2020 no later than 3:00 *P.M.* Pacific time

TO: POTENTIAL PROPOSERS

FROM: The Judicial Council of California, on behalf of the judicial branch of California.

DATE: May 26th, 2020

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

The Judicial Council of California (JCC) is conducting this RFP for the benefit of the following California judicial branch entities (JBEs): the 58 Superior Courts of California (collectively, “Superior Courts” or “trial courts”), the California Courts of Appeal, the Supreme Court of California, the Habeas Corpus Resource Center, and the JCC. The JCC seeks to enter into leveraged procurement agreements, also referred to as “Master Agreements,” with one and up to five suitable vendors that can provide imaging services—scanning or otherwise developing digital images from non-digital sources—that support the goals of the judicial branch. The goals are as follows:

- Enable electronic access to JBE records for the public and justice partners;
- Reduce dependence on paper, microfiche, and microfilm media and their associated costs; and
- Allow the judicial branch to more effectively utilize modern computerized systems.

The Master Agreements awarded from this RFP are intended to be used by any and all JBEs.

The person or entity submitting a proposal (Proposer) entering into a Master Agreement commits to implementing and operating these services in any JBE requesting to engage under a Participation Addendum 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 website at www.courts.ca.gov/rfps.htm.

Project Title: Digitizing Judicial Branch Records

RFP Number: TCAS-2020-03-MS

SOLICITATIONS MAILBOX: TCSolicitation@jud.ca.gov

**MANDATORY
PRE-PROPOSAL
CONFERENCE:**

A mandatory pre-proposal conference will be held via WebEx on:
June 10, 2020, **at 2:00 p.m. (PDT)**

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

The deadline for submittal of questions pertaining to the solicitation document is:
June 17th, 2020, **no later than 3:00 p.m. (PDT)**

**PROPOSAL DUE
DATE AND TIME:**

Proposals must be received by:
Thursday, July 9, 2020, no later than 3:00 p.m. (PDT)

**SUBMISSION OF
PROPOSAL:**

TCSolicitation@jud.ca.gov

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- Attachment 1 Administrative Rules Governing RFPs
- Attachment 2 JCC Standard Terms and Conditions
- Attachment 3 Proposer's Acceptance of Terms and Conditions
- Attachment 4 General Certifications Form
- Attachment 5 Small Business Declaration
- Attachment 6 Payee Data Record Form
- Attachment 7 Iran Contracting Act Certification
- Attachment 8 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification
- Attachment 9 Darfur Contracting Act Certification
- Attachment 10 Bidder DVBE Declaration
- Attachment 11 Bidder Declaration

Exhibits

- Exhibit 1 Requirements Matrix and Response Form
- Exhibit 2 Cost Proposal Form
- Exhibit 3 Proposer Response Template

1. BACKGROUND INFORMATION

1.1 Judicial Council 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).

1.2 Objectives and Process

In order to gain economies of scale, and to leverage purchasing power among California judicial branch entities, the JCC is conducting this RFP for the benefit of the following California judicial branch entities: the 58 Superior Courts of California (collectively, "Superior Courts" or "trial courts"), the California Courts of Appeal, the Supreme Court of California, the Habeas Corpus Resource Center and the JCC. In this RFP, the foregoing entities are collectively referred to as judicial branch entities (JBEs). They may be referred to individually as a "JBE."

Through this RFP, the JCC intends to award one and up to five leveraged procurement agreements, also referred to as "Master Agreements." Unless otherwise specifically set forth, any representations, warranties, or certifications made by the person or entity submitting a proposal (Proposer) or potential vendor pursuant to this RFP are deemed to be made to all of the foregoing entities. Through a Participating Addendum, substantially in the form of the sample Participating Addendum provided in Attachment 2, each JBE may elect, but is not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP.

Each Master Agreement is expected to have an initial term of five years, followed by three one-year options to extend the term at the JCC's discretion.

If multiple Master Agreements are awarded, each JBE may select the vendor that best meets the JBE's individual requirements and provides the best value to the JBE. Each Participating Addendum will incorporate the terms and conditions of the respective Master Agreement that has been awarded as a result of this RFP. Based on the terms and conditions of the Master Agreement, each Participating Addendum will set forth the specific services, schedules, and fees. Each Participating Addendum will constitute a separate independent contract between the vendor and the JBE signing the Participating Addendum.

2. DESCRIPTION OF SERVICES

2.1 Scope

The JCC, on behalf of the JBEs, seeks to enter into one and up to five Master Agreements with suitable vendors that can provide imaging services to digitize court and judicial branch records, including without limitation: scanning or otherwise developing digital images of records currently existing in paper, microfiche, or microfilm media and converting the digital images into digital files that can be easily used by a participating JBE. The digital files must include an index of any applicable metadata and must be compatible with a participating JBE's case management system (CMS), document management system (DMS), or other digital storage repository.

2.2 Requirements

The following table contains a summary of high-level services being sought in this RFP.

Table 1. High-Level Requirements

#	Description	Example of Services
1.0	Preparing records for digitizing	Inspect and prepare all documents for imaging. This includes ensuring that all files and documents are in the order designated by the JBE.
2.0	Imaging	Generate digital images (e.g., scanning) from paper, microfiche, and microfilm in multiple-page TIFF Group 4, standard PDF, PDF/A -C, searchable PDF format, and/or other formats as specified by the participating JBE.
3.0	Indexing and ensuring compatibility	Include an index of any applicable metadata associated with the digital file developed from the digital image and ensure that the digital file is compatible with the JBE's CMS, DMS, or other digital storage repository.
4.0	Post-imaging processing	Retain or destroy original documents as directed by the JBE.
5.0	Image delivery	Deliver digital files developed from the digital images that include an index of applicable metadata and that are compatible with the JBE's CMS, DMS, or other digital storage repository.
6.0	Quality control	Monitor data integrity and image clarity and accuracy, and quickly resolve any issues.

2.3 Vendor Qualifications

Vendors must have an accomplished, documented record of offering imaging services and maintaining high levels of customer satisfaction. Additional project requirements and vendor qualifications are set forth in Section 10, Non-Cost Proposal Contents.

3. WORK LOCATIONS

JBEs are in all 58 California counties. JBEs may request on-site or off-site imaging services. Off-site vendor operations must be located within the state of California, and electronic storage of data must be located within the contiguous United States. Please refer to Attachment 2 for specific relevant terms and conditions.

4. FUNCTIONAL / TECHNICAL REQUIREMENTS

Please refer to Exhibit 1.

5. WARRANTY

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

6. TIMELINE FOR THIS RFP

The following is a list of key events related to this RFP. All times correspond to the Pacific Time Zone, and all times and dates are subject to change at the discretion of the JCC.

6.1 Proposed Procurement Schedule

EVENT	DATE
JCC, on behalf of the JBEs, issues RFP	May 26 th 2020
Deadline for Proposer to register for Mandatory Pre-Proposal Conference (submit requests to register to the Solicitations Mailbox at TCSolicitation@jud.ca.gov)	June 8, 2020 by 3:00 PM Pacific Time
Mandatory Pre-Proposal Conference will be hosted via WebEx at 2:00 p.m. (PDT) using the following URL and meeting number. https://calcourts.webex.com/webappng/sites/calcourts/meeting/info/161893530454731621?MTID=mdfb4752a1904d7ac316fac896d1bef10 Meeting number 924 944 923	June 10, 2020
Deadline for questions submitted to TCSolicitation@jud.ca.gov	June 17 th , 2020 by 3:00 PM Pacific Time
Questions and answers posted at www.courts.ca.gov/rfps.htm (estimate only)	June 24 nd , 2020

EVENT	DATE
Final proposal due date and time	July 9, 2020 by 3:00 PM
Evaluation of proposals (<i>estimate only</i>)	July 23, 2020
Technical scores posted on the JCC website (<i>estimate only</i>)	July 29, 2020
Public cost opening may be viewed via WebEx at 2:00 p.m. (PDT), using the following URL and meeting number, https://calcourts.webex.com/calcourts/j.php?MTID=mdfb4752a1904d7ac316fac896d1bef10 Meeting number 921 712 242	August 3, 2020 at 2:00 PM
Notice of Intent to Award (<i>estimate only</i>)	August 12, 2020
Master Agreement(s) start date (<i>estimate only</i>)	October 1, 2020

6.2 Mandatory Pre-Proposal Conference

The Judicial Council of California will hold a mandatory pre-proposal conference on the date identified and via the WebEx URL as specified in the timeline above.

6.3 Nonexclusive

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. The JCC reserves the right to reject any and all proposals, in whole or in part, and to award or not award any contracts based on submitted proposals. Each JBE is free to conduct its own solicitation not connected with this RFP or any resulting contract.

7. RFP ATTACHMENTS

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

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Judicial Council Standard Terms and Conditions	If selected, the Proposer must sign a JCC Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions. Note: Any material exceptions to the Terms and Conditions will render a proposal non-responsive.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 6: Payee Data Record Form	This form contains information the JCC requires in order to process payments and must be submitted with the proposal.
Attachment 7: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 8: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.
Attachment 9: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 10: Bidder DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DBVE status.
Attachment 11: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachments 3-11 must be signed by an authorized representative of the Proposer.	
Exhibit 1	Requirements Matrix and Response Form
Exhibit 2	Cost Proposal Form
Exhibit 3	Proposer Response Template

8. PAYMENT INFORMATION

8.1 Method of Payments

- a. The method of payment to the contractor will be monthly in arrears, upon presentation of each invoice per project delivered.
- b. All fees and charges proposed should be inclusive of any and all anticipated travel, lodging, transportation, clerical support, materials, fees, overhead, profits, and other costs and/or expenses incidental to the performance of the specified requirements of this RFP.

8.2 Milestone Payment Schedule

- a. The JCC does not make advance payments for services.
- b. Payment is normally made based on completion of tasks as provided in the agreement between the JBE and the selected Proposer.
- c. Payments shall be made according to milestone payment schedules. The milestone payments must be based on key deliverables identified in the JBE's Participating Agreement

8.3 Retention or Withholding

The JBE may withhold 10 percent of each invoice until receipt and acceptance of the final deliverable. The amount withheld may depend on the length of the project and the payment schedule provided in the agreement between the JBE and the selected Proposer.

9. SUBMISSIONS OF PROPOSALS

9.1 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 bid website, 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 3) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 10, 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.

9.2 Proposal Copies

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

Non-Cost Portion of the Proposal: When sending electronically, the **non-cost portion** electronic files must be in searchable PDF, Word, or Excel formats. When submitting proposals electronically, an electronic signature by an authorized representative of the proposer must be included. Electronic signatures may be digital or a scanned image of a handwritten signature that is attached to an electronic document and delivered by electronic means. All electronic signatures shall comply with California Civil Code, title 2.5, sections 1633.1-1633.17 (Uniform Electronic Transactions Act), title 2, sections 22000-22005, and Government Code 16.5. The source Excel file used to prepare responses to Exhibit 1 must also be submitted. The Proposer must submit to TCSolicitation@jud.ca.gov.

Cost Portion of the Proposal: When sending electronically, the **cost portion** electronic files must be in searchable PDF, Word, or Excel format. The source Excel file used to prepare responses to Exhibit 2 must also be submitted. The Proposer must submit to TCAS-2020-03-MS-Cost-Proposals@jud.ca.gov.

9.3 Proposal Delivery Address

When submitting electronically, they should be submitted as per Section 9.2, Proposal Copies.

9.4 Late Proposals

Late proposals will not be accepted.

9.5 Original Proposal Delivery Methods

The **non-cost (technical) portion**, must be sent to the TCSolicitation@jud.ca.gov mailbox and the **cost portion** must be sent separately to TCAS-2020-03-MS-Cost-Proposals@jud.ca.gov and received no later than the due date and time per Section 6.1, Proposed Procurement Schedule, in the RFP. See special notes regarding the cost portion opening details in Section 13.2. Original proposals must still be submitted with original signatures by the due date and time per Section 6.1 in order to be considered.

10. NON-COST PROPOSAL CONTENTS

The following information must be included in the **non-cost portions** of the proposal (Exhibits 1 and 3). A proposal lacking any of the following information may be deemed nonresponsive.

10.1 Response to Requirements

Proposer will include its response to Exhibit 1, Requirements Matrix and Response Form.

10.2 Proposer Information

(Please respond in Exhibit 3, Section 1.)

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

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

10.3 Company Overview and Financial Information

(Please respond in Exhibit 3, Sections 2 and 3.)

Company name, headquarters location, date founded, ownership (private/public, joint venture, etc.), number of years providing application deployment and application 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 3, Proposer Response Template.

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

10.4 Executive Summary

(Please respond in Exhibit 3, Section 4.)

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

The Proposer must describe its approach to scanning or otherwise developing digital images of records currently existing in paper, microfiche, or microfilm media and converting the digital images into digital files that can be easily used by a participating JBE. The digital files must include an index of any applicable metadata and must be compatible with a participating JBE's CMS, DMS, or other digital storage repository. The Proposer must also describe:

- The factors that will impact the schedule for implementation of the Digitizing Judicial Branch Records project;
- The factors that would cause variation in the schedule for implementation;
- The tasks, resources, and work products required from the participating JBE to ensure on-time implementation; and

- The number and classification of Proposer's staff for a successful JBE implementation.

The Executive Summary must include Proposer's approach and capacity to successfully execute concurrent Digitizing Judicial Branch Records project implementations at multiple JBEs.

10.5 Business Disputes

(Please respond in Exhibit 3, Section 5.)

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 antitrust suits in which you have been a party within the last five 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.

10.6 Overview of Proposer's Qualifications

10.6.1 Résumés

(Please respond in Exhibit 3, Section 6.1.)

For each key staff member: a résumé of key staff members as outlined in Exhibit 3, Proposer Response Template, describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.

10.6.2 Certifications

(Please respond in Exhibit 3, Section 6.2.)

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 3, Proposer Response Template.

10.6.3 References

(Please respond in Exhibit 3, Section 6.3.)

Names, addresses, and telephone numbers of a minimum of five clients for whom the Proposer has provided similar goods and services. Please note that the JCC may check references listed by Proposer.

10.6.4 Use of Subcontractors

(Please respond in Exhibit 3, Section 6.4.)

10.7 Tools, Methods, and Procedures

(Please respond in Exhibit 3, Section 9.0.)

Describe the tools, methods, and procedures that Proposer will use to fulfill the requirements of this contract, as generally set out in Section 2.2, Requirements.

10.8 Geographic Locations

(Please respond in Exhibit 3, Section 10.0, Tables 10 and 11.)

10.9 Specialized Services

(Please respond in Exhibit 3, Section 11.0.)

10.10 Disentanglement Plan

(Please respond in Exhibit 3, Section 12.0.)

Proposer must describe an 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 Participating Addendum, including all related costs.

10.11 Acceptance of Terms and Conditions

On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.

The Judicial Council prefers Proposers that will accept the Judicial Council’s Standard Terms and Conditions without exceptions. Acceptance of the Standard Terms and Conditions (Attachment 3), including the form Master Agreement and form Participating Agreement, shall be an affirmative factor in the evaluation of the Proposal. By contrast, significant exceptions to the Standard Terms and Conditions shall be a negative factor in the evaluation.

10.12 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 (1) a California seller’s permit issued under Revenue and Taxation Code section 6066 et seq. or (2) 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. *General Certifications.* Proposer must complete and provide the General Certifications Form (Attachment 4).

- e. *Small Business Declaration.* Proposer must complete and provide the Small Business Declaration (Attachment 5) only if it wishes to claim the small business preference associated with this solicitation
- f. *Payee Data Record.* Proposer must complete and provide the Payee Data Record Form (Attachment 6).
- g. *Iran Contracting Act.* Proposer must complete and provide the Iran Contracting Act Certification (Attachment 7).
- h. *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 8).
- i. *Darfur Contracting Act Certification.* Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 9).
- 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.

10.13 Judicial Council Negotiations

(Please respond in Exhibit 3, Section 13.)

Judicial Council of California Negotiation Rules and Procedures for Participation Addendum (“Participation Addendum”): Negotiations between the individual JBE and the Proposer will take place when a JBE is ready to enter into a Participation Addendum. 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 will 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 Addendum.

The Proposer agrees to honor the spirit of this process by limiting contact to the JBE 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 JBE has the right to cease negotiations and the Proposer may be required to

reimburse the JBE for expenses incurred in connection with the Proposer's failure to comply with the above procedures.

b. *Control of Documents*

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

c. *In-Person Meetings; Location of Meetings*

Negotiations will be conducted at the JBE at times to be determined by the JBE. 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 JBE.

d. *Costs and Expenses*

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

11. COST PROPOSAL CONTENT

The Proposers shall complete the Cost Proposal Form (Exhibit 2) accurately and completely.

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 Business and Professions Code section 17030.

12. 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 JBE reserves the right to negotiate extensions to this period.

13. EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 6.

The JCC will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. An award, if made, will be to the highest-scored proposals.

If a contract will be awarded, the JCC will post an Intent to Award notice on its bid website at www.courts.ca.gov/rfps.htm on August 12, 2020.

Category	Factors	Total Possible Points
Cost	Overall cost based on the fee structure described in the proposal	40

Category	Factors	Total Possible Points
Organization Information and Qualifications	Level of Proposer organization experience, financial stability, and qualifications	5
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 JBEs, as described in non-cost portion responses	21
Requirements Response	Degree to which the Proposer’s proposed solution meets the requirements set forth in Exhibit 1	21
Acceptance of Terms and Conditions	Level of Proposer’s acceptance of Terms and Conditions (Attachment 2)	10
DVBE Incentive	DVBE incentive points	3

13.1 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 6 to the JCC bid website at www.courts.ca.gov/rfps.htm.

13.2 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 via WebEx on the date and time noted in the Proposed Procurement Schedule in Section 6.1. The opening will take place in a public location and may be viewed via WebEx using the link:

<https://calcourts.webex.com/calcourts/j.php?MTID=mdfb4752a1904d7ac316fac896d1bef10>, with meeting number 921 712 242. 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 is awarded, JCC staff will post notice of an Intent to Award on the JCC bid website at www.courts.ca.gov/rfps.htm.

14. SITE VISITS AND INTERVIEWS

The JCC reserves the right to visit Proposers’ facilities and to have Proposers scan test batches of records for the purpose of evaluating Proposer’s proficiency at scanning or otherwise developing digital images of records currently existing in paper, microfiche, or microfilm media and converting the digital images into digital files that can be easily used by a participating JBE. The digital files must include an index of any applicable metadata

and must be compatible with a participating JBE's CMS, DMS, or other digital storage repository. The JCC may also conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications.

The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JCC offices. The JCC will not reimburse Proposers for any costs associated with the JCC visit to Proposers' facilities or Proposers' costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview arrangements.

15. CONFIDENTIAL OR PROPRIETARY INFORMATION

Proposals are subject to disclosure pursuant to applicable provisions of the California Public Contract Code and rule 10.500 of the California Rules of Court. The JCC will not disclose (1) social security numbers, or (2) balance sheets or income statements submitted by a Proposer that is not a publicly traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," or otherwise, and regardless of any statement in the proposal (1) purporting to limit the JCC's right to disclose information in the proposal or (2) requiring the JCC to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

16. SMALL BUSINESS PREFERENCE

16.1 Small Business Participation Not Mandatory

Failure to qualify for the small business preference will not render a proposal nonresponsive.

16.2 Small Business Enterprise (SBE) Incentive

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

16.3 Qualification

To receive the small business preference, the Proposer must be either (1) a

Department of General Services (DGS) certified small business or microbusiness performing a commercially useful function, or (2) a DGS-certified small business nonprofit veteran service agency.

16.4 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 5). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

16.5 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, the JCC may request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.

16.6 Meeting SBE Commitments

If the Proposer receives the small business preference, (1) the Proposer will be required to complete a post-contract report, and (2) 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.

17. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE

17.1 Qualification Not Mandatory

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

17.2 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 13, above.

17.3 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. *Note:* The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a business utilization plan on file with the Department of General Services.

17.4 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.

17.5 Application of DVBE Incentive

If this solicitation is for information technology 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.

17.6 Meeting DVBE Commitments

If Proposer receives the DVBE incentive: (1) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (2) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JCC approves in writing the substitution of another DVBE; and (3) 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 MILITARY AND VETERANS CODE SECTION 999.9.

18. PROTESTS

Any protests will be handled in accordance with chapter 7 of the *Judicial Branch Contracting Manual* (see www.courts.ca.gov/documents/jbcl-manual.pdf); however, in light of the state of emergency related to the COVID-19 pandemic, electronic submissions will be permitted. Failure of a Proposer to comply with the protest procedures set forth in that chapter, with the exception of being permitted to submit a protest electronically, will render a protest inadequate and nonresponsive and will result in rejection of the protest.

The deadline for the JCC to receive a solicitation specifications protest is five (5) business

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days after the intent to award has posted. Protests must be sent electronically to:
TCSolicitation@jud.ca.gov.