

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP NUMBER—TCAS-2021-02-AJ

**HUMAN CAPITAL MANAGEMENT APPLICATION FOR THE
JUDICIAL BRANCH ENTITIES OF CALIFORNIA**

PROPOSALS DUE:

May 10, 2021 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: March 30, 2021

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 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 a fully functional integrated Human Capital Management application. The functional areas under consideration are as follows:

- Real-time integrated application that allows for customization, workflows, and data exchange with third party business partners;
- Software, licensing, implementation/project management services, data conversion, network and infrastructure recommendations, maintenance and support, and alternative hosting solutions required to support the JBEs. Vendor implementation/deployment staff to be located and authorized to work in the United States; and
- Solution capabilities and features (Exhibit 1- Business and Technical Requirements).

The Master Agreements awarded from this RFP may 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 for 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: Human Capital Management Application for the Judicial Branch Entities.

RFP Number: TCAS-2021-02-AJ

**NON-COST
SOLICITATION
MAILBOX:**

TCSolicitation@jud.ca.gov.

**MANDATORY
PRE-PROPOSAL
CONFERENCE:**

A mandatory pre-proposal conference will be held via WebEx on:

April 14, 2021, 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: **April 21, 2021, no later than 3:00 p.m. (PDT)**

**PROPOSAL DUE
DATE AND TIME:**

Proposals must be received by:

Wednesday, May 10, 2021, no later than 3:00 p.m. (PDT)

**SUBMISSION OF
PROPOSAL:**

TCAS-2021-02-AJ-Cost-Proposal@jud.ca.gov

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Attachments

- 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 Electronic Funds Transfer Authorization Form
- Attachment 8 Iran Contracting Act Certification
- Attachment 9 Unruh Civil Rights Act and California Fair Employment and Housing FEHA Act Certification
- Attachment 10 Darfur Contracting Act Certification
- Attachment 11 DVBE Bidder Declaration
- Attachment 12 Bidder Declaration
- Attachment 13 Employee Counts

Exhibits

- Exhibit 1 Business and Technical Requirements
- Exhibit 2 Implementation and Deployment Requirements
- Exhibit 3 Cost Proposal Sheet
- Exhibit 4 Proposer Response Template
- Exhibit 5 Usage and Cost Reporting 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 JBEs, 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 capable of implementing a fully functional integrated Human Capital Management (HCM) application. The functional areas under consideration are as follows:

- Real-time integrated application that allows for customization, workflows, and data exchange with third party business partners;
- Software, licensing, implementation/project management services, data conversion, network and infrastructure recommendations, maintenance and support, and alternative hosting solutions required to support the JBEs. Vendor implementation/deployment staff to be located and authorized to work in the United States.

2.2 Requirements

The following table contains a summary of high-level solution capabilities and features being sought in this RFP (Details listed in Exhibit 1- Business and Technical Requirements)

Table 1. High-Level Requirements

#	Requirement	Description
1.0	Human Resources (HR)	
2.0	Time and Attendance	<ul style="list-style-type: none"> • Time Entry and Approval • Leave Request and Approval • Quota Accrual Processing
3.0	Benefits	<ul style="list-style-type: none"> • Employer and Voluntary Benefits • COBRA Administration • Flexible Spending Account (FSA) Administration • Savings Plans (457b/401k)
4.0	Payroll	<ul style="list-style-type: none"> • Mandatory/Voluntary deductions • Tax withholding • Exportable General Ledger or Payroll File • Labor Distribution
5.0	Tax Services	
6.0	Garnishment Services	
7.0	Attachment	<ul style="list-style-type: none"> • Standard monthly, quarterly, and annual reports: Equal Employment Opportunity (EEO), Affordable Care Act (ACA), Tax Authority filing, New Hire Reporting) • Custom reports (CA AB 119 Union Reports, Government Compensation in California, Schedule 7A Reporting, GASB 75 OPEB Reporting)

#	Requirement	Description
8.0	Data exchange	<ul style="list-style-type: none"> Retirement systems (CalPERS/County pension systems) Deferred Compensation vendors California Child Support Department Health Providers
9.0	Implementation and Deployment Requirements	Demonstrate the ability to meet the implementation and deployment requirements described in Exhibit 2.
10.0	Maintenance, Support, and Training	Demonstrate the ability to meet the support and service level requirements as described in Exhibit 1.
11.0	Daily Operational Needs	Demonstrate the ability to meet ongoing daily operational needs as described in Exhibit 1.

2.3 Usage and Cost Reporting

- A. Contractor shall submit a usage and cost report for all JBEs on a quarterly basis using the report template attached in Exhibit 5 to the Judicial Council of California (JCC) Contract Administrator. Once a year, annual cost information should be provided when submitting reporting period APR 01 to JUN 30. Column H should be populated with the requested information.
- B. The report shall be an Excel spreadsheet transmitted electronically to the Payroll Financial Services mailbox at PhoenixFIPayroll@jud.ca.gov.
- C. Any report that does not follow the required format or that excludes information will be deemed incomplete. Contractor will be responsible for submitting corrected reports within five business days of the date of written notification from the JCC.
- D. Reports are due for each quarter as follows:

REPORTING PERIOD	DUE DATE
JUL 01 to SEPT 30	OCT 31
OCT 01 to DEC 31	JAN 31
JAN 01 to MAR 31	APR 30
APR 01 to JUN 30	JUL 31

- E. Amendments for term extensions may be approved only if all due reports have been submitted to the JCC Contract Administrator.

2.4 Vendor Qualifications

Vendors must have an accomplished, documented record of providing HCM applications 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.

4. BUSINESS / 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	March 30, 2021
Deadline for Proposer to register for Mandatory Pre-Proposal Conference (submit requests to register to the Solicitations Mailbox at TCsolicitation@jud.ca.gov)	April 9, 2021 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. Join from the meeting link https://calcourts.webex.com/calcourts/j.php?MTID=m2425664bd7ed25b9e Join by meeting number Meeting number (access code): 145 714 1598	April 14, 2021
Deadline for questions submitted to TCsolicitation@jud.ca.gov	April 21, 2021 by 3:00 PM Pacific Time

EVENT	DATE
Questions and answers posted at www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	April 28, 2021
Final proposal due date and time- Non-cost and Cost Proposals are submitted in different mailboxes, please see below:	May 10, 2021 by 3:00 PM Pacific Time
Non-cost Proposal (Exhibits 1, 2 and 4) Only must be submitted to- TCsolicitation@jud.ca.gov .	May 10, 2021 by 3:00 PM Pacific Time
Cost Proposal Only must be submitted separately to- TCAS-2021-02-AJ-Cost-Proposals@jud.ca.gov .	May 10, 2021 by 3:00 PM Pacific Time
Evaluation of proposals (<i>estimate only</i>)	May 26, 2021
Non-Cost scores posted on the JCC website (<i>estimate only</i>)	June 9, 2021
<p>Public cost opening may be viewed via WebEx at 2:00 p.m. (PDT), using the following URL and meeting number,</p> <p>Join from the meeting link</p> <p>https://calcourts.webex.com/calcourts/j.php?MTID=md9cc609fd5f4b18aab</p> <p>Join by meeting number</p> <p>Meeting number (access code): 145 811 7741</p>	June 11, 2021 at 2:00 PM
Notice of Intent to Award (<i>estimate only</i>)	June 18, 2021
Master Agreement(s) start date (<i>estimate only</i>)	September 15, 2021

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. The

Pre-Proposal Conference will be held via conference call. Proposers must attend this 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 **April 9, 2021**. The email must include: 1) name of the company and 2) name and title of the designated representative attending the conference call. The RFP number must be included in the subject line of the email. Attendance will be taken before the call begins.

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.

Before the Proposal due date and time listed in the timeline of the RFP, the JBE may cancel the RFP for any or no reason. After the Proposal due date and time listed in the timeline of the RFP, the JBE may reject all Proposals and cancel the RFP if the JBE determines that: (i) the Proposals received do not reflect effective competition; (ii) the cost is not reasonable; (iii) the cost exceeds the amount expected; or (iv) awarding the contract is not in the best interest of the JBE.

7. RFP ATTACHMENTS

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

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs	These rules govern this solicitation.
Attachment 2: 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”). 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 JBEs, and their contracted justice partners from the proposed changes and provides a written explanation or rationale for each proposed change.
Attachment 3: Proposer’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. Note: Any material exceptions to the Terms and Conditions will result in a negative factor in the evaluation and could render the proposal nonresponsive.
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: Electronic Funds Transfer Authorization Form	This form is used to gather information that is needed to establish an electronic funds transfer program and must be submitted with the proposal.
Attachment 8: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9: Unruh Civil Rights Act 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 10: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.

Attachment 11: Bidder DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DBVE status.
Attachment 12: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 13: Employee Counts	This is for informational purposes only and is an estimate.
Attachments 3-11 must be signed by an authorized representative of the Proposer.	
Exhibit 1- Business and Technical Requirements	The Proposer will complete Exhibit 1 and respond with Yes, No, or In Progress. An In Progress response requires a comment and an estimated date of delivery. Proposer must include the completed Exhibit 1 as part of Exhibit 4, Proposer's Response Template.
Exhibit 2- Implementation and Deployment Requirements	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 JBEs. Proposer must include the completed Exhibit 2 as part of Exhibit 4, Proposer's Response Template.
Exhibit 3- Cost Proposal Sheet	This template is used to obtain detailed pricing for this RFP.
Exhibit 4- Proposer Response Template	This template is used for Proposer's responses to this RFP.
Exhibit 5- Usage and Cost Reporting Template	This template is used for Proposer's to provide usage and cost reporting.

8. PAYMENT INFORMATION

8.1 Upgrades Due to Changes in Law

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.

8.2 Milestone Payment Schedule

- a. The JBE 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 15 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 the bid website, www.courts.ca.gov/rfps.htm. These documents will be available in whole as the RFP and individually for 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 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-2021-02-AJ-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 Proposal Delivery Methods

The **non-cost portion**, must be sent to the TCSolicitation@jud.ca.gov mailbox and the **cost portion** must be sent separately to TCAS-2021-02-AJ-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. Proposals must still be submitted with 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, 2 and 4). A proposal lacking any of the following information may be deemed nonresponsive.

10.1 Proposer Information

(Please respond in Exhibit 4, Section 1.0)

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.

10.2 Company Overview and Financial Information

(Please respond in Exhibit 4, Sections 2.0, Table 1.)

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.

Financial information, including specific details outlined in Exhibit 4, Proposer Response Template.

10.3 Audited Financial Statements

(Please respond in Exhibit 4, Sections 3.0)

Audited financial statements for the last five 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 Road Map

(Please respond in Exhibit 4, Sections 4.0)

Instructions: provide a road map, which outlines the technical and functional direction you plan to pursue over the next five years for continuing development (or replacement) of the proposed application.

10.5 Executive Summary

(Please respond in Exhibit 4, Section 5.0)

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 the implementation of HCM application. The Proposer should propose a standard implementation schedule for each participating JBE that is 6 months or less unless a longer time is agreed to by the JBE for a particular Participation Agreement. This approach must describe the tasks and schedule for implementation for a single JBE. The Proposer must also describe:

- The factors that will impact the schedule for implementation of the HCM application.
- 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. This must describe the timeframe in which the JBE must perform these tasks and provide resources and work product.
- The type, quantity, and time commitment of Proposer staff involved in each JBE implementation.
- Approach to providing ongoing maintenance and support.

The Executive Summary must include Proposer's approach and capacity to successfully execute concurrent HCM application implementations at multiple JBEs.

10.6 Business Disputes

(Please respond in Exhibit 4, Section 6.)

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.

10.7 Overview of Proposer's Qualifications

10.7.1 Résumés

(Please respond in Exhibit 4, Section 6.1.)

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

10.7.2 Certifications

(Please respond in Exhibit 4, 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 4, Proposer Response Template.

10.7.3 References

(Please respond in Exhibit 4, 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.

10.7.4 Use of Subcontractors

(Please respond in Exhibit 4, Section 6.4)

10.8 Response to Requirements

(Please respond in Exhibit 4, Section 7.1)

- a. Proposer will include its response to Exhibit 1, Business and Technical Requirements.

(Please respond in Exhibit 4, Section 7.2)

- b. Proposer will include its response to Exhibit 2, Implementation and Deployment Requirements.

10.9 Disentanglement Plan

(Please respond in Exhibit 4, Section 9.)

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.

10.10 Proposer's Acceptance of Terms and Conditions

(Please respond in Exhibit 4, Section 10.)

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. Notwithstanding the former, please note that any material exceptions to the Terms and Conditions may render a proposal non-responsive.

10.11 Certifications, Attachments, and Other Requirements

(Please respond in Exhibit 4, Section 11.)

- 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. *Administrative Rules Governing RFPS* (Attachment 1).
- e. *Standard Terms and Conditions* (Attachment 2).
- f. *Proposers Acceptance of Terms and Conditions.* Proposer must complete and provide the General Certifications Form (Attachment 3).
- g. *General Certifications.* Proposer must complete and provide the General Certifications Form (Attachment 4).
- h. *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
- i. *Payee Data Record.* Proposer must complete and provide the Payee Data Record Form (Attachment 6).

- j. *Electronic Funds Transfer Authorization Form.* Proposer must complete and provide the Electronic Funds and Transfer Authorization Form (Attachment 7).
- k. *Iran Contracting Act.* Proposer must complete and provide the Iran Contracting Act Certification (Attachment 8).
- l. *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 9).
- m. *Darfur Contracting Act Certification.* Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 10).
- n. *Bidder DVBE Declaration.* Proposer must complete and provide the Bidder DVBE Declaration (Attachment 11) only if it wishes to claim the DVBE incentive associated with this solicitation.
- o. *Bidder Declaration.* Proposer must submit a Bidder Declaration (Attachment 12) 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.
- p. *Employee Counts.* This is informational only and used for an estimate of JBE employee counts. (Attachment 13)
- q. *Business and Technical Requirements.* Proposer must complete and provide the Business and Technical Requirements (Exhibit 1).
- r. *Implementation and Deployment Requirements.* Proposer must complete and provide the Implementation and Deployment Requirements (Exhibit 2).
- s. *Cost Proposal Sheet.* Proposer must complete and provide the Cost Sheet (Exhibit 3).
- t. *Proposer Response Template.* Proposer must complete and provide the Proposer Response Template (Exhibit 4).
- u. *Usage and Cost Reporting Template.* Proposer must complete and provide the Usage and Cost Template (Exhibit 5).

10.12 Judicial Council Negotiations

(Please respond in Exhibit 4, Section 12.)

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 Sheet (Exhibit 3) 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.

Pricing for goods and services in the Participating Addendum shall be in accordance with the prices and fees set forth in this Cost Proposal, which shall be incorporated into the executed Leveraged Procurement Agreement as an exhibit. Pricing in any Participating Addendum may not exceed the prices and fees set forth in the Leveraged Procurement Agreement.

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 June 18, 2021.

Category	Factors	Total Possible Points
Cost/ Pricing	Overall cost based on the fee structure described in the proposal Exhibit 4.	35
Requirements Response	Degree to which the Proposer can provide the application features, functionality, and services in Exhibit 1- Business and Technical Requirements, as well as, narrative responses	21
Acceptance of Terms and Conditions	Degree to which the Proposer accepts the Terms and Conditions without exceptions (Attachment 2). Significant exceptions to the Terms and Conditions shall be a negative factor in the evaluation.	15
On-going Maintenance and Operation Support	Extent of maintenance and operational support provided: 1) helpdesk (response time); 2) system changes (e.g., federal/state mandates, union contracts, rates); 3) training/functionality updates; 4) user-groups/forums	13
Implementation Methodology	Extent of how the proposed implementation approach and method including support, staff qualifications, and training are likely to be delivered in a cost-effective manner to the contracted JBEs Exhibit 2	10
Organization Information and Qualifications	Level of Proposer organization experience, financial stability, and qualifications	3
Disabled Veterans Business Enterprise (DVBE) incentive	DVBE incentive points available to qualified vendors	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=md9cc609fd5f4b18aab> with meeting number 145 811 7741. 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. FINALIST PRESENTATIONS (APPLICATION DEMONSTRATIONS AND INTERVIEWS)

The JCC may conduct interviews with demonstrations with Proposers to clarify aspects set forth in their proposals or assist in evaluation of the top-ranked proposals. The interviews may be conducted by phone or videoconferencing. Proposers whose proposed products meet the specifications and requirements set forth in this RFP may be asked to provide a videoconferencing demonstration of their proposed products. The demonstration will take place via a videoconferencing meeting. The date for the demonstration is set forth in Section 6.1, Proposed 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.

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 11). Proposer must also submit all materials required in the Bidder DVBE Declaration
- Proposer must submit with its proposal a Bidder Declaration (Attachment 12) 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 days after the intent to award has posted. Protests must be sent electronically to: TCSolicitation@jud.ca.gov.