

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP TITLE: ONLINE COURSE PROVIDER

RFP NUMBER: CJER-2018-02-DM

PROPOSALS DUE:

JANUARY 3, 2019 NO LATER THAN **3:00 P.M.** PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 Background

The Judicial Council of California (Judicial Council or JCC), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the Judicial Council 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 Judicial Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Judicial Council staff assists both the council and its chair in performing their duties.

The Center for Judicial Education and Research (CJER) constitutes the educational arm of the state judicial system. Staff and volunteer subject matter experts and faculty provide both training and education for judges and judicial branch personnel.

The Governing Committee of the Center for Judicial Education and Research is an advisory committee to the Judicial Council. Committee members set policy and direction for judicial branch education. Its mission is to enhance the quality of justice by providing a comprehensive program of educational services that reinforce the unique roles of judges and other judicial officers and court staff; enhance decision-making skills; encourage uniformity in judicial procedures; and promote fairness, access, and equal justice for all.

CJER's professional staff work with committees and faculty members to design and coordinate programs, plan curricula, write and edit publications and video and broadcast scripts, coordinate the volunteer services of judges and court personnel, and develop and maintain the technical infrastructure for delivery of distance education. These educational courses, products, and publications are provided to California judicial officers and court personnel at no cost.

CJER's offerings include a year-round series of educational programs and services for judges and other judicial officers, including orientation programs for new judges, continuing education programs, judge's benchbooks and practice tools, videotapes, and other educational aids.

CJER's offerings also include programming and services for judicial branch staff (including Judicial Council staff), including live, broadcast, and online education courses in areas such as orientation, management and supervision, leadership, case processing, and more.

1.2 Purpose

The purpose of this request for proposal is to enter into a contract with a person or entity with expertise in providing online education courses for continuing professional development in a range of skills and subject matter areas. This online education must be self-directed education courses for Judicial Council staff education and continuing professional development, available on an on-demand basis. The service provider must be able to provide

a service for an organization of over 700 employees, with each employee having their own individual account and log-in details.

1.3 **Online Course Provider**

The JCC intends to award a single, multi-year contract for this RFP. The initial term will be a two (2) year term, with one (1) two-year renewal option term. The contract will be funded on an annual basis.

2.0 **DESCRIPTION OF SERVICES AND DELIVERABLES**

2.1 The JCC seeks the services of a person or entity with expertise in providing online education courses for continuing professional development in a range of skills and subject matter areas. The successful vendor should:

- A. provide a customizable (in terms of the number of courses and range of content) library of courses, which can be created and updated to meet the professional development needs of Judicial Council staff. The content of these courses should be updated periodically where relevant to ensure they remain current; the customized course content should be relevant and specific to the Judicial Council of California;
- B. provide core courses that are aligned with JCC standards, including the following list of **required compliance courses**:
 - **Sexual Harassment Prevention Training**
 - **Workplace Violence Training**
- C. provide additional courses for JCC employees to support their ongoing professional development with courses in topics areas which may include, but are not limited to:
 - Communication Skills
 - Employment Law
 - Environmental/Workplace Health and Safety
 - General/Professional Skills
 - Personal Development
 - Supervisory/Leadership Skills
- D. provide courses which contain assessment and/or review elements, both to ensure participants can get feedback and be evaluated on their learning, as well as to allow the organization to determine completion of courses and provide education credit accordingly. (Scored/graded assessments are needed for compliance courses etc.);

- E. provide highly responsive on-going customer/technical support.
- F. utilize effective methodology and instructional design in their courses which reflects a learner-centered, interactive approach to education;
- G. provide a reporting system which can be integrated into the JCC's Human Resources and Education Management System (HREMS). This reporting system must be flexible and customizable to provide data which can be uploaded to the JCC's proprietary learning management system (LMS);
- H. have a customizable (to the JCC) LMS on which courses are hosted; and
- I. be ready to deliver courses and be integrated with existing JCC systems by **2/1/2019**, in order to be functional for the beginning of the organization's new education cycle.

2.2 Minimum Requirements

Each proposal will be reviewed to determine if the proposer meets the minimum requirements. Proposers that do not meet the minimum requirements below will be deemed non-compliant and will not be eligible to receive an award.

- A. The successful vendor must have a minimum of 3 years' experience providing a wide-range of similar products and services to similar-sized institutions such as the JCC.
- B. The successful vendor must be able to provide the JCC required compliance courses as specified in section 2.1 B.
- C. The delivered product will ensure compliance with applicable Judicial Council security policies (ref. National Institute of Standards and Technology (NIST) Special Publication 800-53.)
- D. The delivered product will also ensure compatibility with existing Judicial Council systems and network architecture. *(The JCC network is a basic network used for delivery of the applications and systems used by the Judicial Branch. Some of our systems are only accessible from inside our intranet. External systems are accessible seamlessly to end users. We conform to security standards and we routinely apply security updates to our operating systems. Our standard browser is Internet Explorer although users have access to Edge, Chrome, and Firefox as well. Browsers are also routinely updated.)*

3.0 TIMELINE FOR THIS RFP

The Judicial Council has developed the following list of key events related to this RFP.

All dates are subject to change at the discretion of the Judicial Council.

EVENT	DATE
RFP issued	November 28, 2018
Deadline for questions to: Solicitations@jud.ca.gov	December 12, 2018 by 3:00 P.M. Pacific Time
Questions and answers posted (<i>estimate only</i>)	December 19, 2018
Latest date and time proposal may be submitted	January 3, 2019 by 3:00 P.M. Pacific Time
Evaluation of proposals (<i>estimate only</i>)	January 7-11, 2019
Non-Cost proposals scores posted at www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	January 15, 2019
Public opening of cost portion of proposals Notice of time and location will be posted at www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	January 17, 2019 at 10 A.M. Pacific Time
Notice of Intent to Award (<i>estimate only</i>)	January 22, 2019
Negotiations and execution of contract (<i>estimate only</i>)	January 28, 2019
Contract start date (<i>estimate only</i>)	February 1, 2019
Contract end date (<i>estimate only</i>)	January 31, 2021

4.0 RFP ATTACHMENTS

The following attachments 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 person or entity submitting a proposal (the “Proposer”) must sign a Judicial Council of California Standard Agreement containing these terms and condition (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a redlined version of the Terms and Conditions that clearly identified the benefit to the Judicial Branch from the proposed changes and provides a written explanation or rational 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.
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 Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 7: Non-Disclosure Agreement	The Proposer must complete and return this form with its proposal.
Attachment 8: Bidder Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9: DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.
Attachment 10: JCC Required Compliance Courses	The Proposer must complete the this attachment and submit the completed form with its proposal.

5.0 PAYMENT INFORMATION

- Contractor shall submit invoices upon satisfactory completion of services.
- The payment term is Net 45 from date or receipt of invoice.

- See Attachment 2, Judicial Council Standard Terms & Conditions, Appendix B, Pricing and Payment.

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section 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.
- 6.2 The Proposer must submit its proposal in two parts, the non-cost portion and the cost portion.
- a. The Proposer must submit **one (1) original and three (3) copies** of the non-cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original non-cost portion of the proposal (and the copies thereof) must be submitted to the Judicial Council 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.
 - b. The Proposer must submit **one (1) original and three (3) copies** of the cost portion of the proposal. The original must be signed by an authorized representative of the Proposer. The original cost portion of the proposal (and the copies thereof) must be submitted to the Judicial Council 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.
 - c. The Proposer must submit an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.
- 6.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Bid Desk – Online Course Provider
Judicial Council of California
Branch Accounting and Procurement | Administrative Division
Attn: Sherry Jones-T, RFP Number: CJER-2018-02-DM
455 Golden Gate Avenue, 6th floor
San Francisco, CA 94102-3688

- 6.4 Late proposals will not be accepted.

- 6.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

7.0 PROPOSAL CONTENTS

7.1 Non-Cost Portion. The following information must be included in the non-cost portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. 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.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. A brief introduction and qualification of your company to provide similar services; resume of your managing/key staff.
- d. Provide an overview of your online system: describe the features, functions, capabilities of your system as they relate to provide the relevant on-line courses; describe the ability to integrate into the JCC HREMS Learning Managing System to track participant performance and provide feedback.
- e. Describe the Data Security features of the tools used in the program and your ability to provide on-going technical support.
- f. A list of courses, along with their learning objectives, a description, and topics included, which meet the needs of the Judicial Council with regards to its required compliance courses – Attachment 10.
- g. A full catalog of additional classes specified in Section 2.1 C.
- h. Provide temporary access to the online system for demonstration/testing purposes and evaluation of course design and content.
- i. Additional information about your company that are relevant to the objective and requirement of this RFP.
- j. Acceptance of the Terms and Conditions.
 - i. 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.

- ii. If exceptions are identified, the Proposer must also submit (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.
- k. Certifications, Attachments, and other requirements.
 - i. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
 - ii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.

7.2 Cost Portion. The following information must be included in the cost portion of the proposal.

- i. Provide a contractual service with costs based on the expected number of launches per year*, with an option to purchase more launches if needed.
* Based on historical data, the Judicial Council anticipates that its yearly usage will equate to approximately 1200 – 1300 launches.
- ii Other cost associated with program operation and delivery.

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.

8.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

9.0 EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0 at:

Judicial Council of California
455 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102-3688

Inquiries on the exact venue within the 455 Golden Gate Avenue address may be inquired at solicitations@jud.ca.gov no earlier than the day after the latest date and time proposal may be submitted.

The Judicial Council 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.

If a contract will be awarded, the Judicial Council will post an intent to award notice at www.courts.ca.gov/rfps.htm.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of proposal (Completeness and inclusion of required information in conformance with the RFP submission requirement; and clarity of the proposal content)	10
Variety & quality of available online courses offered that contain assessment of participant performance. The criteria used to evaluate the quality of courses will include, but not be limited to: <ul style="list-style-type: none"> • <i>Instructions make clear how to get started and navigate the LMS and courses.</i> • <i>Participants are introduced to the purpose and structure of courses</i> • <i>Course learning objectives describe measurable outcomes</i> • <i>Assessment and review measure the stated learning objectives and are consistent with course activities and resources.</i> • <i>Participants have opportunities to measure their learning/progress and review information</i> • <i>Activities and interactions provide opportunities to support learning</i> 	10

CRITERION	MAXIMUM NUMBER OF POINTS
<ul style="list-style-type: none"> • <i>The manner of presentation and media used effectively supports learning objectives</i> • <i>Navigation of User Interface and course content is logical, consistent, and efficient.</i> • <i>Course content is current.</i> • <i>Course instructions articulate or link to explanation of support and resources available to participants.</i> 	
Compatibility with existing Judicial Council systems and network architecture; the Data Security features of its system and the ability to provide on-going technical support.	10
Qualification of company/Years of Experience of similar project and size	10
Acceptance of the Terms and Conditions (A proposer’s exception to the JCC’s Standard Terms or Conditions will receive 0 point)	7
Cost	50
DVBE Incentive	3

10.0 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 Judicial Council will not disclose (i) social security numbers, or (ii) 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 (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council 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.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 9.0 above.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Proposer wishes to seek the DVBE incentive:

- Proposer must submit with its proposal a DVBE Declaration (**Attachment 9**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.
- Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

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

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

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 Judicial Council 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.

12.0 SMALL BUSINESS PREFERENCE

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

Eligibility for and application of the small business preference is governed by the Judicial Council'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 Judicial Council'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% 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.

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.

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.

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

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 MISREPRETATION IN CONNECTION WITH THE SMALL BUSINESS PREFERNCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

13.0 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). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California
Branch Accounting and Procurement | Administrative Division
Attn: Protest Officer, RFP Number: CJER-2018-02-DM
455 Golden Gate Avenue, 6th floor
San Francisco, CA 94102-3688