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|  | REQUEST FOR PROPOSALS |
| **Court OF APPEAL, FIRST APPELLATE DISTRICT (1DCA)**  **Regarding:**  **RFP Title**: OFFSITE RECORDS STORAGE for First District Court of Appeal, FOR NEW CASES GENERATED AFTER MAY 1, 2017, San Francisco, Ca  **RFP Number**: COA1d-OFFSITE Records Storage-021717-ML  **PROPOSALS DUE:**  **March 24, 2017, 4pm Pacific Time** |

**1.0 BACKGROUND INFORMATION**

* 1. The Court of Appeal, First Appellate District (the “First District” and “Court”) was created by an amendment to the California Constitution on November 8, 1904. The First District consists of twelve counties, Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Solano and Sonoma. The First District is organized in five Divisions of four justices each.
  2. The California Constitution grants jurisdiction to the Appellate District Courts in the State of California to review final judgments of the Superior Courts, original jurisdiction over writs of habeas corpus, mandamus, prohibition, and certiorari. The majority of appellate dispositions are by written opinion. Writ petitions may be disposed of by summary order or by a written opinion.
  3. The Court of Appeal, First Appellate District files approximately 2,000 appellate opinions annually and disposes of over 1,000 writ petitions yearly.
  4. In accordance with statute and the Court of Appeal, First Appellate District’s procurement policies, contracts of $5,000 or more are subject to formal competitive bidding.

**2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

2.1 The Court of Appeal, First Appellate District, located in San Francisco, California, is seeking proposals from Record Storage Service Providers to provide secure offsite storage and related services for all new cases that are generated after May 1, 2017. This does not include the boxes of cases that are currently located in offsite storage.

* **Location: 350 McAllister Street, San Francisco, CA 94102**

2.2 The Contractor shall provide the initial setup of theCourt of Appeal, First Appellate District’s new records database system.

2.3 The Contractor shall provide the scheduled pick-up and delivery of record boxes and emergency delivery and pick-up on request services in accordance with the Statement of Work.

2.4 The First District’s business hours are 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

2.5 As of May 1, 2017, the First District will have approximately three hundred (300) boxes in storage at its San Francisco location. The type of boxes stored are standard letter/legal file boxes (15” x 12”W x 10”H), which are 1.2 cubic feet.

2.6 The Scope of Services for the First District shall include, but not be limited to the following services outlined below:

**A. Record Storage**

For the First District, the Proposer must provide secure off-site, environmentally controlled storage for the documents, as specified herein and be able to provide enough physical storage capacity for approximately 10,000 boxes during the term of the contract. The First District may add more boxes to the Proposer’s facility or subtract boxes during the contract period for the rates specified in the contract.

**B. Record Pickup and Delivery**

The Proposer will accept and respond to pickup and delivery requests from authorized First District staff. The Proposer will pick up from and deliver to the Court location the requested boxes and/or files during the First District’s regular business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

The Proposer should expect the drop off and pickup of a range of 25 to 50 boxes per week from the San Francisco location. Orders for delivery placed before 3:00 p.m. will be delivered by the next business day. Orders for rush delivery placed before 1:00 p.m. will be delivered within 4 hours. Orders for pickup of new or refile boxes and/or files will be picked up within 2 business days.

New additions from the San Francisco Location will be in increments of 20 to 500 boxes. Pricing for pick up at the San Francisco location should reflect the advantage of using Proposer’s own labor and pallets. The pick-up point is the loading dock, which has a height restriction of 12’6”.

**C. Destruction and Transfer Services**

The First District will require the destruction of specified boxes stored with the Proposer. Specific boxes, identified by the First District, will be sent periodically to the **California State Archives located at: 1020 “O” Street, Sacramento, CA 95814**.

The Proposer shall provide a cost for such specified boxes. The First District will require the destruction of boxes based upon the required retention schedule in the Rules of Court. Boxes transferred from storage and boxes that have been destroyed, must not appear on subsequent monthly invoices for storage. Any costs or fees associated with transfer services and or destruction of boxes must be identified in the Proposer’s response.

The Proposer must have the ability to accomplish the certified destruction of records stored at the Proposer’s facility and at the Court. The certified destruction shall be performed by either shredding or incineration at the Proposer’s facility. The Proposer must ensure that confidentiality of all destroyed records is maintained throughout the destruction process. The Proposer will provide a certificate of destruction to the First District for those records destroyed. No records shall be destroyed without written approval from the Clerk/Administrator or the authorized delegate of the First District.

**D. Record Storage Tracking**

The Proposer shall maintain an accurate, bar-coded and computer-based record tracking system. The computerized system must be web enabled, with adequate security, to provide Internet access to the information by First District users.

At a minimum, this system must identify each stored First District box by our Court barcode, provide a data entry description area, include order numbers and provide a current and historical status (checked in/checked out) of each box. Essential data fields include: box number/barcode, order number, receipt dates, check out dates, individual requestor, location requestor, data entry description area, and include a current box status and retain a box history (dates of check out and check in).

The inventory tracking process shall include appropriate logs and receipts for pickup and delivery of the individual boxes for verification and audit purposes. Logs and receipts will be made available to the First District upon request. The inventory status must be updated within 24 hours of any activity.

**E. Reporting**

The Proposer shall provide the following reports to the First District upon request. The

First District should have access to these reports without additional fees. The Proposer will list costs or fees, if any, for these reports.

1. Record tracking reports for all First District boxes stored at the Proposer’s facility.

Also detailed reports of the quantity of boxes and/or files by Court location.

2. Activity reports include a summary of box activity by current status and/or location, quantity, receipt and return date, and order number (all boxes may be included in each report). Each activity report will contain our box barcode. Also, an activity reports includes history and current status for checked out, permanently removed, and destroyed boxes/records.

3. Financial reports that provide billing activity for a specified invoice period.

**F. Account and Invoicing**

The invoice shall include a detail report showing storage and activity costs. The invoice will include a detail list of all transactions for that location.

**G. Sec**u**re Storage and Facility Standards**

The Proposer is responsible for all the contents stored in any of its storage facilities. The storage facilities must not be located on a major earthquake fault line. The storage facility must be located within the court's jurisdiction for easy access, preferably within twenty-five miles from the Court. The Proposer’s storage facilities shall provide a level of protection consistent with industry standards. The Proposer’s storage facility shall be solidly constructed with secure loading and unloading areas. Floors shall support at least 300 pounds per square foot, and shall be at or above ground level to assure dry storage. Walls surrounding the record storage area shall be four hour fire resistant. Roof shall be of non-combustible construction and leak proof.The records storage facility must meet all applicable and current requirements of the National Fire Protection Association.

Proposer shall provide an environmentally controlled (at minimum, an average office environment temperature and humidity) storage area. The climate control equipment shall not be turned off or thermostat settings adjusted during nights, weekends and holidays.

The Proposer must have a back-up power system in all facilities.

Storage facilities cannot house any hazardous material. Storage facilities cannot be located within a flood area or risk exposure from external hazards.

The Proposer is responsible for security of all storage facilities. Storage facilities must be equipped with an intrusion alarm system that is monitored 24 hours per day, including weekends and holidays.

The Proposer must provide adequate storage capacity to meet both the current and future needs of the First District.

The Proposer must provide a copy of its written disaster and recovery plan for any catastrophic occurrences including but not limited to earthquake, flood, fire, etc.

The Proposer is responsible for recovery from any catastrophic occurrences, including but not limited to fire, damage or theft, as well as any associated costs. The Proposer must carry the appropriate insurance and provide proof thereof.

The storage facility or facilities must be properly shelved, fully secured, and equipped with motion, smoke and heat detectors/alarms to prevent loss from theft and fire. The First District requires that the facility or facilities be constructed and equipped with fire safety systems as required by the International Fire Code and other applicable codes. Appropriate redundant systems must ensure continuous operation.

Proposer shall provide proof of semi-annual treatment and/or inspection for rodent and insect protection.

**H. Transportation**

The Proposer must provide vehicles designed for the transportation of storage records.

The vehicles must have the appropriate security features (anti-theft device) and be secured while at a delivery/pick up site. All vehicles must be equipped with a fire extinguisher.

**I. Account Representation**

The Proposer shall appoint an account representative for the First District as a single point of contact in order to insure a high level of responsiveness to the First District’s needs. A backup contact shall also be designated for the purposes of providing coverage during the primary contact’s absence.

**J. Price Schedule**

Please provide firm fixed pricing detail for each category listed in the Itemized Cost

Proposal. All charges, fees and rates must be entered in the applicable cells on the worksheet. Cost proposals submitted in any other format will be deemed non-responsive and not be considered by the RFP evaluation team. See instructions on worksheet for additional information. All prices are to be based on the standard size box (15’ x 12” x 10”). Prices must be stated per box not cubic foot unless otherwise stated.

Please list any additional charges for miscellaneous services, including but not limited to labor, data processing, recurring operation charges, all-inclusive costs for access to

Proposer’s website (if any), charges for reports (including special sorting costs, special file listing costs, computer listing charges, initial setup, and download fees), costs for Proposer required storage supplies including Proposer’s bar codes, transmittal sheets, and file labels, etc. Also detail any other management fees or recurring operation charges not itemized on the Cost Proposal.

Every effort must be made to provide detailed information for ordinary, usual, and routine services and goods, whether or not noted in the item descriptions above. If the renewal option is exercised the pricing in the existing contract will apply.

**3.0 TIMELINE FOR THIS RFP**

The Court of Appeal, First Appellate District has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the Court of Appeal, First Appellate District.

| **EVENT** | **DATE** |
| --- | --- |
| Release of RFP to selected Proposers.**:** | **February 17, 2017** |
| Deadline for Proposer written questionsto [solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov) | **February 27, 2017** |
| Answers to Proposers Questions posted *(estimate only)* | **March 13, 2017** |
| Last Day Proposals are Due | **March 24, 2017**  **4:00 p.m.** |
| Site Visit Verification and Online Demonstration *(estimate only)* | **Week of**  **March 27-30, 2017** |
| Evaluation of Proposals  *(estimate only)* | **March 27, 2017-**  **April 3, 2017** |
| Notice of Intent to Award *(estimate only)* | **April 7, 2017** |
| Contract Start Date *(estimate only)* | **June 1, 2017** |
| Contract End Date *(estimate only)* | **May 30, 2022** |

**4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1 | Administrative Rules Governing RFPs (Non-IT Services) |
| Attachment 2  Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Standard Agreement containing 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 or identify exceptions to the Terms and Conditions. Any exception taken to the Standard Terms and Conditions may render Proposer’s Proposal disqualified. |
| Attachment 4 General Certifications Form | Proposer must complete the General Certifications Form and submit the completed certification with its proposal. |
| Attachment 5  Conflict of Interest Certification Form | Proposer must complete Conflict of Interest Certification and submit the completed certification with its proposal |
| Attachment 6  Payee Data Record Form | This form needs to be completed and submitted with the proposal. This form contains information needed for proper payment under any future contract that may be granted. |
| Attachment 7  Darfur Contracting Act Certification | Proposer must complete and submit the completed Darfur Contracting Act Certification and submit with the proposal. |
| Attachment 8  Offsite Storage Facility Survey | This form contains a survey that the Proposer must complete in response to this RFP. |
| Attachment 9  DVBE Declaration | This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal. |
| Attachment 10  Bidder Declaration | This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal. |
| Attachment 11  Small Business Declaration | The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation. |

**5.0 CONTRACT TERM**

The initial contract period is for five (5) years, with two (2) five (5) year options to renew.

**6.0 RFP Contact & Questions Process**

The following contact has been designated by the First District as the primary contact (the “Court of Appeal RFP Contact”) throughout the RFP process unless otherwise advised in writing:

* **E-mail:** [**Solicitations@jud.ca.gov**](mailto:Solicitations@jud.ca.gov)

During the RFP process, Proposers may submit questions to aid in their response to the First District. Please submit questions via e-mail with the RFP number and title in the subject line to the Court of Appeal RFP Contact listed above to allow the First District to efficiently answer all questions.

All questions must be submitted via e-mail to the Court of Appeal RFP Contact as noted in the RFP Timeline outlined in section 3.0. The First District will seek to respond to all questions, as soon as is practically possible. Responses to all questions (including original questions) submitted will be distributed via e-mail without attribution to the originating submission. The First District will not be bound by oral responses to questions.

If you make assumptions about the meaning or accuracy of information contained herein, then the assumptions should be stated in the proposal.

If you do not ask questions or clarify any assumptions, the First District will assume that you agree with and understand all requirements. The First District assumes that your proposal addresses the requirements as documented in this RFP.

**7.0 Proposer Requirements to Follow RFP Process**

No Proposer or their representative shall have any contact with any First District personnel or any State of California personnel relating to this project; other than the Court of Appeal RFP Contact without first obtaining the approval of the designated Court of Appeal RFP Contact in writing. Failure to follow this requirement will be grounds for the Proposer to be eliminated without further discussion.

**8.0 SUBMISSIONS OF PROPOSALS**

* 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.
  2. The Proposer must submit its proposal in two parts, the **technical proposal** and the **cost proposal**.
     1. The Proposer must submit **one (1) original and four (4) copies** of the **technical proposal**. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the Judicial Council in a **single sealed envelope**, **separate** from the cost proposal. The Proposer must write the RFP title, RFP number, and “Technical Proposal” on the outside of the sealed envelope.
     2. The Proposer must submit **one (1) original and four (4) copies** of the **cost proposal**. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the Judicial Council in a **single sealed envelope**, **separate** from the technical proposal. The Proposer must write the RFP title, RFP number, and “Cost Proposal” on the outside of the sealed envelope.
     3. 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. All media containing electronic files of the cost and non-cost portions of the proposal must be submitted to the Judicial Council in a **single sealed envelope**, **separate** from the cost and non-cost portion. The Proposer must write the RFP title, RFP number, and designate Cost and Non-Cost Proposals - Electronic Media on the outside of the sealed envelope.

* + 1. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

**Judicial Council of California**

**Attn: Lenore Fraga-Roberts – Bid Desk**

**RFP# COA1D-Offsite Records Storage-021717-ML**

**455 Golden Gate Avenue, 6th Floor**

**San Francisco, CA 94102-3688**

* + 1. Late proposals will not be accepted.
    2. 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 e-mail***.
    3. If a Proposal is to be submitted by hand delivery to the Judicial Council, it must be submitted at the reception desk of the Judicial Council on the 6th Floor, 455 Golden Gate Avenue, San Francisco, CA 94102, between the hours of 9 AM and 5 PM, Monday through Friday, Judicial Council work days. Prospective Contractors are advised to obtain a handwritten receipt for their Proposal from the Judicial Council receptionist when submitting in this manner. Submissions made at other Judicial Council locations or in any other manner will not be evaluated.
    4. No other information or materials are requested, and any received will be discarded without evaluation.
    5. The due date and time deadline for the submission of Proposal materials can be found in the most recently published version of the Project Timeline posted to the web page of the California Courts’ website (http://www.courts.ca.gov/ ) on which this RFP is posted.
    6. Proposal materials received after the due date and time deadline will not be evaluated or considered for an award.
    7. With the exception of the handwritten receipts furnished for Proposals delivered by hand, the Judicial Council does not provide acknowledgement of receipt of Proposals. Please refrain from contacting the Judicial Council for this information and consult your delivery service for this information.

**9.0 PROPOSAL CONTENTS**

1. The Proposer must submit a Transmittal Letter.
   1. The Transmittal letter will identify the key response contact, their title and full contact information and the following items:

9.2.1 A statement indicating that the response will remain valid for ninety (90) days after submission.

9.2.2 The following paragraph:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, an authorized representative of the (insert Proposer company name), understand the issuance and subsequent receipt of this RFP does not obligate the First District to purchase any goods or services. The First District will not be bound to purchase any goods or services until such time as contracts or agreements are negotiated in detail and mutually executed between the parties.

9.3  **Business Information**

If your company is publically held, please provide a reference URL of the most recent annual report available for your company. If your company is not public, please provide a copy of the most recent quarters financial statement (may be unaudited) and last years ending audited financial statement (2015 if possible). Financial statements should include Income Statement, Budget Statement, Statement of Cash Flows, and Management Summary Statements. The following information should also be provided:

* + D&B Number
  + Year founded
  + Location of company headquarters and major field offices
  + Total employees and breakdown by type (Admin, Sales, Tech Support, Field Technicians, etc.)
  + Information on the range and types of document storage related products/services offered

9.4 **Technical Proposal.**

The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

9.4.1 **Product/Service Experience**

* 1. A brief description of the history and organization of the Proposer’s firm and any proposed subcontractor.
  2. Copies of business licenses, professional certifications or other credentials. If the Proposer is a Corporation, evidence that it is in good standing and qualified to conduct business in California.

9.4.2 **Technical Information**

* 1. A description of Proposer’s document storage process. Include data and specifications on storage handling capability, transportation assets/capabilities, security of documents, facilities available. Firstly include proper information on proximity of storage facilities to the First District sites and average response times to requests for service.
  2. A description of Proposer’s new account implementation process for similar new accounts acquired by the Proposer within the past three (3) years. Include a description of the digital tracking techniques, approaches and methods to be used in implementing an online record storage database. Also, include information on standard uniform corporate procedures for new account implementation processes in and around the State of California for future reference by any other State of California Court of Appeal interested in utilizing new records offsite storage.
  3. Qualifications, background and experience of the project director and other staff proposed to work on the new account digital inventory control implementation project.
  4. A description of the chronology for completing the digital inventory control project with milestones, deliverables, including a timeline and deadlines for each task.
  5. If proposed as part of the services offered, screenshot samples and navigation information for the Proposer’s online inventory control system, including sample request forms, look-up queries and other account management tools.
  6. Sample inventory reports, activity reports, and itemized monthly billing statements.
  7. Provide the signature of the proposer

9.4.3 **Implementation**

This section requests information about the implementation process and specific tasks that the First District will require Proposer’s feedback on.

9.4.4 **Implementation Time Line**

Describe the implementation process from award date to final online database implementation for the First District.

9.4.5 **Court of Appeal Tasks & Resources**

Describe the tasks/responsibilities you expect the First District staff to support during the new records implementation process. What is the expected number of First District staff and man-hours required during the online database implementation?

9.4.6 **Deployment of New Records**

The First District would like a timeline on implementation of an online inventory control system along with initial transfer of certain designated FY2016-2017 new records only from the 350 McAllister, San Francisco, CA 94102 location.

9.4.7 **Final Acceptance**

Describe your final acceptance process and how it relates to any financial issues such as final payments or ongoing support charges.

9.5 **Cost Proposal.**

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

* 1. Legal name and address of firm (Proposer)
  2. A detailed cost proposal, including any travel costs or other expenses. Proposer’s Cost Proposal should include an estimate of any possible cost increases projected through the life of the contract and any probable increases associated with the contract renewal provisions of their proposal. Proposer’s Cost Proposal should include any reduction in storage cost for boxes transferred or destroyed from storage. As the First District may award a contract based on the initial offer, Proposers should make their initial offer on the most favorable terms available.
  3. **Solution Pricing Spreadsheet**

All pricing is to be in US Dollars and submitted in a Microsoft Excel format. No compressed files will be accepted. The pricing worksheet shall contain a detailed listing of all proposed solution components. It is the responsibility of the Proposer to clearly detail their proposed solution.

***Spreadsheets should be working documents with formulas for the various calculations for multiplication items, totals and sub totals, etc. Proposer’s spreadsheets without formulas may be rejected.***

1. Provide the signature of the proposer.
2. The prices paid by the First District to Proposer shall be at least as low as those fees charged by Proposer to its other customers in local and state governments that are receiving substantially comparable products at substantially comparable volumes over a similar period of time to the products provided to the Buyer. Any agreed-upon price adjustment (whether an increase or decrease in price) may not exceed during any one-year option period the previous 12 months’ change in the San Francisco Bay Area Consumer Price Index as published by the U.S. Bureau of Labor Statistics The foregoing comparison shall take into effect total volume, geography (to the extent that geography has a direct effect on Proposer’s actual costs), service levels (when taken as a whole), technology, and assets associated with the products provided by Proposer in each case and any taxes and transition charges included within the charges for such products.

If, during the Term, Proposer enters into a Government Contract contradicting the foregoing sentence, Proposer shall (a) give the First District immediate notice of any such lower pricing, and (b) offer to the First District an immediate adjustment to the terms of the Standard Agreement to reflect such lower pricing. At least once each year during the Term, upon the First District’s request, Proposer shall certify to the First District that this obligation has not been contradicted by any transaction entered into by Proposer since the later of the (1) Effective Date and (2) date of the most recent certification provided by Proposer pursuant to this obligation.

9.6 Acceptance of the Terms and Conditions.

1. 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.

1. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.

9.7 Certifications, Attachments, and other requirements.

1. The Proposer must complete the General Certifications Form **(Attachment 4)** and submit the completed form with its proposal.
2. Proposer must complete **Attachment 5**: Proposer has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
3. Proposer must complete **Attachment 6**: Payee Data Record Form.
4. If Proposer has had business activities or other operations outside of the United States within the previous three years, Proposer must complete the Darfur Contracting Act Certification attached as **Attachment 7** and submit the completed certification with its proposal.
5. Proposer must complete **Attachment 8**: Offsite Storage Facility Survey
6. If Proposer is a corporation, proof that Proposer is in good standing and qualified to conduct business in California. The First District will verify by checking with California’s office of the Secretary of State.

**10.0 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 ninety (90) day period, the First District reserves the right to negotiate extensions to this period.

**11.0 EVALUATION OF PROPOSALS**

First District will review and evaluate all accepted submissions in consideration of updating and /or replacing its document storage services. The following criteria will be used in reviewing and comparing all accepted submissions. The weight to be assigned to each criterion appears following each item.

| **CRITERION** | **maximum number of points** |
| --- | --- |
| The total cost of the proposed solution. If the proposal contains itemized rates, per piece pricing, or commissioned-based pricing, the First District reserves the right to calculate the total contracted cost by calculating rates using either previous known usage activity or future projected volume. Costs will be evaluated only if a proposal is determined to be otherwise qualified. Costs should be itemized by type to allow the First District to implement the solution over the term of the contract. | 40 |
| Responsiveness of the proposal to the submission requirements set forth in the RFP. | 5 |
| The technical ability, capacity, and flexibility of the Proposer to perform the contract in a timely manner and on budget, as verified by the quality of any demonstration, client references, demonstrated success in projects with similar requirements and any other contracts with the First District and the Judicial Council of California. | 40 |
| Acceptance of Terms and Conditions | 5 |
| The solution that provides the best overall value and is in the best interest of the First District. | 7 |
| (“DVBE”) Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers. | 3 |

The First District reserves the right to include additional evaluation criteria as well as to modify the items listed above at any time.

**12.0 SITE VISIT AND ONLINE DEMONSTRATION**

The First District may conduct a remote online example demonstration of the new records database and/or a site visit with Proposers to clarify aspects set forth in their proposals. Site visits will be conducted in person. The First District will not reimburse Proposers for any costs incurred pertaining to a site visit or online demonstration. The First District will notify eligible Proposers regarding online demonstration and site visit arrangements.

**13.0 RIGHTS**

The First District reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the First District or the State of California responsible for the cost of preparing a proposal. One copy of each proposal will be retained by the First District for official files and will become a public record.

**14.0 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 First District and/or all other Districts 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 First District right to disclose information in the proposal, or (b) requiring the First District 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.

**15.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

15.2 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 11 above.

15.3 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”).

15.4 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.

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

15.6 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.

15.7 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.

15.8 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 MISREPREPRETATION 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.**

**16.0 SMALL business preference**

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

16.2 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.

16.3 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.

16.4 If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration **(Attachment 11)**. The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

16.5 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.

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

**17.0 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*](http://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 First District to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California

**Attn: Protest Hearing Officer**

**RFP# COA1D-Offsite Records Storage-021717-ML**

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