

IFB Title: PHOENIX SAP SOFTWARE: SAP HCM FOR S4HANA  
IFB Number: BAP-23-138RB

# INVITATION FOR BIDS

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## *JUDICIAL COUNCIL BRANCH ACCOUNTING AND PROCUREMENT*

**Regarding:**

***PHOENIX SAP SOFTWARE: SAP HCM FOR S4HANA***

**IFB NUMBER: BAP-23-138RB**

**BIDS DUE:**

*April 21, 2023*, NO LATER THAN 5:00 P.M. PACIFIC TIME

## 1 BACKGROUND INFORMATION

The Judicial Council's Phoenix Program manages an SAP system and required support for the 58 California Trial Courts. The Program recently migrated from SAP ECC 6.0 to S4HANA version 1909 including activation of HCM compatibility packs for core SAP HR and Payroll functions, support for which expires at the end of calendar year 2025. The new HCM for S4HANA (H4S4) on premise conversion is available as of the end of 2022, and since S4HANA version 1909 support expires at the end of calendar year 2024, the Judicial Council wishes to procure the SAP materials for a requisite upgrade to H4S4 now in preparation for the impending upgrade from version 1909 to the most current S4HANA version including activation of the new H4S4 solution.

This IFB is requesting bids to provide the necessary material licenses and maintenance for the requisite HCM for S/4HANA solution.

## 2.0 DESCRIPTION OF GOODS

The Judicial Council seeks goods meeting the following specifications:

Conversion and maintenance products required to upgrade from SAP HCM Compatibility Packs to HCM for S/4HANA and provide ongoing support

| Quantity | Product Description   |
|----------|---|
| 5,500*   | 7020940 SAP Payroll Processing for SAP S/4HANA<br>7020924 SAP Core Human Capital Management for SAP S/4HANA<br>7020923 SAP Time Tracking for SAP S/4HANA<br>7018532 SAP U.S. Payroll Tax Calculation by BSI (if required to convert current license, or other relevant/appropriate license)<br>Potential other conversion materials as required and annual ongoing maintenance. |

*\*5,500 employees processed in the SAP S/4HANA system*

## 3.0 TIMELINE FOR THIS IFB

The Judicial Council has developed the following list of key events related to this IFB. All dates are subject to change at the discretion of the Judicial Council.

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| EVENT   | DATE                                     |
|---|--|
| IFB issued  | March 28, 2023                           |
| Deadline for questions. Send to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>  | April 10, 2023                           |
| Questions and answers posted ( <i>estimate only</i> )   | April 12, 2023                           |
| Latest date and time Bids may be submitted via email<br>Non cost to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a> .<br>Costs to <a href="mailto:IFB-BAP-23-138RB-COSTS@jud.ca.gov">IFB-BAP-23-138RB-COSTS@jud.ca.gov</a> | April 21, 2023                           |
| Bids publicly opened<br><br>Public cost opening may be viewed via Microsoft Teams at 1:00 p.m. (PDT), using a URL and meeting number (Microsoft Teams) which will be posted on the court's website prior to date hereof.                          | April 24, 2023                           |
| Notice of Intent to Award ( <i>estimate only</i> )  | April 26, 2023                           |
| Execution of contract ( <i>estimate only</i> )  | May 10, 2023                             |
| Initial Term  | June 1, 2023, to<br>December 31, 2024    |
| First Option Term   | January 1, 2025, to<br>December 31, 2026 |
| Second Option Term  | January 1, 2026, to<br>December 31, 2027 |

#### 4.0 IFB ATTACHMENTS

The following attachments are included as part of this IFB:

| ATTACHMENT   | DESCRIPTION   |
|--|---|
| Attachment 1:<br>Administrative Rules<br>Governing IFBs (IT<br>Goods)        | These rules govern this solicitation.   |
| Attachment 2:<br>Judicial Council<br>Terms and<br>Conditions for IT<br>goods | <p>If selected, the person or entity submitting a bid (“Bidder”) must sign a Judicial Council Standard Form agreement containing its terms and conditions modified by:</p> <p>i) SAP General terms and conditions found at:<br/> <a href="https://www.sap.com/docs/download/agreements/general-terms-and-conditions/ops/sap-general-terms-and-conditions-on-premise-united-states-english-v3-2019.pdf">https://www.sap.com/docs/download/agreements/general-terms-and-conditions/ops/sap-general-terms-and-conditions-on-premise-united-states-english-v3-2019.pdf</a></p> <p>ii) SAP Software User Rights found at:<br/> <a href="https://www.sap.com/docs/download/agreements/product-use-and-support-terms/sur/sap-software-use-rights-english-v10-2019.pdf">https://www.sap.com/docs/download/agreements/product-use-and-support-terms/sur/sap-software-use-rights-english-v10-2019.pdf</a></p> |
| Attachment 3:<br>Bidder’s Acceptance<br>of Terms and<br>Conditions           | On this form, the Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.   |
| Attachment 4:<br>Small Business<br>Declaration                               | Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation.  |
| Attachment 5 & 5A:<br>Payee Data Record &<br>Supplemental Forms              | These forms contains information the Judicial Council requires in order to process payments and must be submitted with the bid.   |
| Attachment 6: Iran<br>Contracting Act<br>Certification                       | Bidder must complete the Iran Contracting Act Certification and submit the completed certification with its bid.  |
| Attachment 7: Unruh<br>and FEHA<br>Certification                             | Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.   |
| Attachment 8: Darfur<br>Contracting Act<br>Certification                     | Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.   |
| Attachment 9:<br>DVBE Bidder-<br>Declaration                                 | Bidder must complete DVBE-Bidder-Declaration-with-instructions if it wishes to claim the preference associated with this solicitation.  |
| Attachment 10:<br>DVBE Declaration   | Bidder must complete DVBE-Declaration-with-instructions if it wishes to claim the preference associated with this solicitation.   |

## 5.0 SUBMISSIONS OF BIDS

- 5.1. Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the IFB’s instructions, requirements, clarity and completeness of content.
- 5.2. The Proposer must submit its proposal in two parts with associated attachments, the Technical Proposal and the Cost Proposal.
  - 5.2.1. Technical Proposal - The Proposer must submit their Technical Proposal as an attachment to an email sent to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov).
    - 5.2.1.1. The Technical Proposal must be signed by an authorized representative of the Proposer.
    - 5.2.1.2. The Proposer must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the Proposal attachments.
  - 5.2.2. Cost Proposal - The Proposer must submit their Cost Proposal as an attachment to an email to [IFB-BAP-23-138RB-COSTS@jud.ca.gov](mailto:IFB-BAP-23-138RB-COSTS@jud.ca.gov).
    - 5.2.2.1. The Cost Proposal must include all components, including annual and total cost for each of the required goods for either the 1 year requested or the 3-year initial term and the one year 2 option terms, as applicable for each component.
    - 5.2.2.2. The Proposer must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the Proposal attachments.
- 5.3. Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received prior to the due date and time, or the proposal will not be accepted.

## 6.0 BID CONTENTS

- 6.1 Non-Cost Information. The following must be included in the non-cost information. A bid lacking any of the following may be deemed non-responsive.
  - a. Bidder’s name, address, telephone and fax numbers, and federal tax identification number. Note that if Bidder 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 Bidder’s designated representative for purposes of this IFB.

- c. Model number(s), specifications, or other description of the goods Bidder proposes to supply to the Judicial Council, including warranty information.
- d. Acceptance of the Terms and Conditions.
  - i. On Attachment 3, the Bidder must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, or other modification.
  - ii. If exceptions are identified, the Bidder must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.
- e. Certifications, Attachments, and other requirements.
  - i. Bidder must include the following certifications in its bid:

**Conflict of Interest:** Bidder certifies that it 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.

**Conflict Materials:** Bidder certifies that either (i) it is not a scrutinized company as defined in PCC 10490(b), or (ii) the goods or services the Bidder would provide to the Judicial Council are not related to products or services that are the reason the Bidder must comply with Section 13(p) of the Securities Exchange Act of 1934. (Note: PCC 10490(b) defines a “scrutinized company” as “a person that has been found to be in violation of Section 13(p) of the Securities Exchange Act of 1934 by final judgment or settlement entered in a civil or administrative action brought by the Securities and Exchange Commission and the person has not remedied or cured the violation in a manner accepted by the commission on or before final judgment or settlement.”)
  - ii. **Sellers Permit:** Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.
  - iii. **Good standing:** If (i) Bidder is a corporation, limited liability company, or limited partnership, and (ii) the agreement resulting from this IFB will

be performed in California, proof that Bidder is in good standing and qualified to conduct business in California.

- iv. **Unruh and FEHA Certification:** Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.
- v. **Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims, and as set forth in Attachments 1 and 2. *See Gov. Code Sections 4552-4554.*
- vi. **Darfur Contracting Act:** Bidder must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its bid.

6.2 Cost Information. The following must be included in the cost information.

- i. The cost per unit for the goods described in the non-cost information.
- ii. Annual and total cost for the required goods for the 3-year initial term and the one year 2 option terms.

**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.

## 7.0 OFFER PERIOD

A Bidder's bid is an irrevocable offer for ninety (90) days following the bid 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.

## 8.0 EVALUATION OF BIDS

The bids will be publicly opened as per schedule or timeline indicated on Section 3 above.

The Judicial Council will evaluate the bids as described in the Administrative Rules. Award, if made, will be to the lowest responsible bidder meeting specifications.

The Judicial Council may conduct interviews with Bidders to clarify aspects of their bids. The interview process may require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted by phone. The Judicial Council will notify eligible Bidders regarding interview arrangements.

If a contract will be awarded, the Judicial Council will post an intent to award notice at

www.courts.ca.gov.

## **9.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Except as required by law, 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” 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. Submission of any proposal pursuant to this IFB constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 12. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **10.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

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 JBE’s DVBE Rules and Procedures. Bidder will receive a DVBE incentive if, in the JBE’s sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 3% of the lowest responsible bid, not to exceed \$100,000.

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, Bidder may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Bidder wishes to seek the DVBE incentive:

1. Bidder must complete and submit with its bid the Bidder Declaration (Attachment 9). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Bidder must submit with its bid a DVBE Declaration (Attachment 10) completed and signed by each DVBE that will provide goods and/or services in connection with the



contract. If Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Bidder will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

If Bidder receives the DVBE incentive: (i) Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Bidder must use any DVBE subcontractor(s) identified in its bid unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its bid will constitute a breach of contract.

If using DVBE subcontractors, the Bidder must complete and return to the JBE a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Bidder's final invoice to the JBE. If the Bidder fails to do so, the JBE will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000 until the Bidder submits a complete and accurate post-contract certification form.

When a Bidder fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Bidder to cure the deficiency after written notice. Notwithstanding the foregoing and any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Bidder refuses to comply with the certification requirements, the JBE shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

FRAUDULENT MISREPRETATION 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.

## **11.0 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 Bidder will receive a small business preference if, in the Judicial Council's sole determination, the Bidder has met all applicable requirements. If the Bidder receives the small business preference, the score assigned to its proposal will be given a 5% preference consistent with Public Contract Code Section 12012.2(c). 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 Bidder 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 Bidder wishes to seek the small business preference, the Bidder must complete and submit with its proposal the Small Business Declaration. The Bidder 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 Bidder 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 Bidder not receiving the small business preference.

If the Bidder receives the small business preference, (i) the Bidder will be required to complete a post-contract report; and (ii) failure to meet the small business commitment set forth in its proposal will constitute a breach of contract.

**FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

## **12.0 PROTESTS**

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see [www.courts.ca.gov/documents/jbcl-manual.pdf](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Bidder 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 on the date of submission of questions as stated above. Protests should be sent to:

The Protest Officer  
Branch Accounting and Procurement | Administrative Division

IFB Title: PHOENIX SAP SOFTWARE: SAP HCM FOR S4HANA  
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Judicial Council of California  
455 Golden Gate Ave., San Francisco, CA 94102-3688

Protests of an Intent to Award shall be filed with the Judicial Council within five working days after the Notice of Intent to Award is published. Authority to protest may be limited to participating bidders.