

IFB Title: IT-2021-89RB
IFB Number: Microsoft Unified Support

INVITATION FOR BIDS

JUDICIAL COUNCIL OF CALIFORNIA (JCC)

REGARDING:

IFB TITLE: IT-2021-89RB

IFB NUMBER: MICROSOFT UNIFIED SUPPORT

BIDS DUE:

February 16, 2021 NO LATER THAN ***5:00*** P.M. PACIFIC TIME

1.0 DESCRIPTION OF GOODS AND/OR SERVICES

The JCC seeks meeting the following specifications:

Base Support Services

The new support should provide a balance between fast, effective reactive support and a rich catalog of proactive services to help us implement, operate, and adopt Microsoft technologies. With the support of an assigned service delivery manager, we should gain an advocate inside Microsoft to help us maximize support benefits and ensure our business is covered across every product, every time.

The following services are available as a part of the support engagement:

- Special handling of critical issues and automatic escalation management
- Guided assistance to understand our risks
- Support in creating a plan to mitigate risk and optimize our environment
- Assistance in evaluation and testing new technologies and features

Special handling of critical issues and automatic escalation management

With as-needed reactive support, we should be assured that any issues we face are resolved quickly and efficiently. The Contractor should be on-call and ready to assist us with guaranteed response times of 1-hour for critical issues with priority routing (24x7) and 4-hours for standard issues (24x7). The Contractor should work with us to help resolve our technical problems and provide as needed advice to help with our “how to” questions. For critical issues, a crisis manager should be assigned if our case is open for more than four hours, providing us with daily status updates and action plans. The Contractor working with their support experts should develop and maintain our Major Incident Response plan, and if needed we’ll also receive extended Hotfix Support for select products.

Guided assistance to understand our risks

To help guarantee the best support, the Contractor will provide access to assistance from Microsoft product experts to optimize our operations. The Contractor’s cloud success plan includes services to uncover key product dependencies through a service dependency map and opportunities to provide feedback to Microsoft development teams.

Support in creating a plan to mitigate risk and optimize our environment

To optimize our environment and help us drive greater value across our technology investments, the Contractor will assign a service delivery manager (TAM) who can help align our key assets and resources, making it easier for us to reach our goals. To mitigate

our risks, we will also have access to consults to review upcoming features and changes to online services that may have an impact on our environment.

Assistance in evaluating and testing new technologies and features

Access to Microsoft product experts that outline new service and features can help us drive success and maximize our usage of the capabilities. The Contractor will provide guided assistance to improve security and performance of our key workloads, enabling us to minimize future downtime and achieve more with the cloud.

DATE TERMS: 3/27/2021 – 3/26/2022		
Quantity	Services	Services Type
Included	Advisory Support Hours As- Needed	Advisory Services
1	Built-in Proactive Services	Administrative
Included	Problem Resolution Hours <u>As-Needed</u>	Problem Resolution Support
533	Proactive Support Credits	Administrative
Included	Services Delivery Management	Services Delivery Management
Included	On-Demand Assessment	On-Demand Assessment
Included	On-Demand Education	On-Demand Education
Included	Online Support Portal	Administrative
80	Reactive Enabled Contacts	Problem Resolution Support
Included	Webcasts <u>As-Needed</u>	Webcast

2.0 TIMELINE FOR THIS IFB

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

EVENT	DATE
IFB issued	February 9, 2021 Tuesday
Deadline for questions (to be sent to solicitations@jud.ca.gov)	February 10, 2021 Wednesday
Questions and answers posted (estimate only)	February 11, 2021 Thursday
Latest date and time Bids may be submitted	February 16, 2021 Tuesday Close of Business
Bids publicly opened Conference link to be provided before date	February 18, 2021 Thursday, 1pm PST
Notice of Intent to Award (estimate only)	February 19, 2021 Friday
Execution of contract (estimate only)	March 1, 2021 Monday

3.0 IFB ATTACHMENTS

The following attachments are included as part of this IFB:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing IFBs (IT Goods and/or Services)	These rules govern this solicitation.
Attachment 2: Small Business Declaration	Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 3: Payee Data Record Form	This form contains information the JCC requires in order to process payments and must be submitted with the bid. https://www.courts.ca.gov/documents/JCC-2019-01-CD-Attachment-6-Payee-Data-Record-Form.pdf
<i>[Only for solicitations of \$100,000 or more]</i> Attachment 4: Unruh and FEHA Certification	Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 5: Darfur Contracting Act Certification	Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.

4.0 SUBMISSIONS OF BIDS

- 5.1 Bids should provide straightforward, concise information that satisfies the requirements of the “Bid Contents” section below. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Bidder must submit its bid in two parts, the non-cost information and the cost information.
 - a. The Bidder must submit copy of the non-cost information to solicitations@jud.ca.gov. It must be signed by an authorized representative of the Bidder. The Bidder must write the IFB title and number on the cover page.
 - b. The Bidder must submit copy of the cost information in a separate email to IFB-IT-2021-89RB-COSTS@jud.ca.gov. A new or additional email may be provided on or before the due date of bid submission. It must be signed by an authorized representative of the Bidder. The Bidder must write the IFB title and number on the cover page.
- 5.3 Late bids will not be accepted.
- 5.4 Only electronic bids will be accepted. Bids must not be sent by registered or certified mail, courier service (e.g. FedEx), delivered by hand or transmitted by fax.

5.0 BID CONTENTS

- 5.1 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 and/or Services Bidder proposes to supply to the JCC, including warranty information.
 - d. Names, addresses, and telephone numbers of a minimum of two (2) clients for whom the Bidder has provided similar Goods and/or Services. The JCC may check references listed by Bidder.

- e. Terms and Conditions. Bidder should provide a copy of its Terms and Conditions.
- f. Certifications, Attachments, and other requirements.
- g. Bidder certifies that following:

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 and/or Services the Bidder would provide to the JCC 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.
- vi. **Unruh and FEHA Certification:** *[for solicitations of \$100,000 or more]* Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 5 and submit the completed certification with its bid.
- vii. **Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims. *See Gov. Code Sections 4552-4554.*

- ix. **Darfur Contracting Act:** Bidder must complete the Darfur Contracting Act Certification (Attachment 5 and submit the completed certification with its bid.

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

- i. The cost per unit for the Goods and/or Services described in the non-cost information.

Support Services Fee Summary
Advanced Support
Proactive Support Credits
Subtotal
Software Assurance Benefit Credit (15 INCIDENTS)
Total Fees (excluding taxes)

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.

6.0 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 JCC reserves the right to negotiate extensions to this period.

7.0 EVALUATION OF BIDS

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

If a contract will be awarded, the JCC will post an intent to award notice at www.courts.ca.gov.

8.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each bid will be retained by the JCC for official files and will become a public record. The Public Contract Code requires that bids be publicly opened and made available for public inspection. Accordingly, Bidder should not include confidential or proprietary information in its bid.

9.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The JCC has waived the inclusion of DVBE participation in this solicitation.

10.0 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 JCC'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 JCC'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 (Attachment 2). 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 JCC 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.

11.0 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). 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 JCC to receive a solicitation specifications protest is February 11, 2021. Protests should be sent to:

Protest Officer/Manager, Contracts
Branch Accounting and Procurement | Administrative Division

IFB Title: IT-2021-89RB

IFB Number: Microsoft Unified Support

Judicial Council of California

455 Golden Gate Ave., San Francisco, CA 94102-3688

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