

Request for Proposals (RFP) – **Addendum 4**

ENERGY MANAGEMENT INFORMATION SYSTEM AND UTILITY BILL POPULATION

The Judicial Council of California's Facilities Services seeks to identify a number of firms qualified to provide Energy Management Information System and Utility Bill Population services for the portfolio of Judicial Council-managed facilities for the period **November 2025 to October 2030** with possible extensions to **October 2036**.

RFP Number: RFP-FS-2025-01-XC

PROPOSALS DUE:

July 25, 2025

NO LATER THAN 2:00 PM PACIFIC TIME (PT)



Judicial Council of California

1. BACKGROUND INFORMATION

- 1.1. The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the primary policy-making body of the California judicial system. Judicial Council’s Facilities Services oversees the management and care of the judicial branch's real estate portfolio. Facilities Services is responsible for approximately 450 facilities across all 58 counties. Facilities Services provides a broad range of services to the courts, from facility planning, design, construction, renovation, facility operations management, environmental compliance and sustainability, real estate services, security, and asset management.
- 1.2. The Sustainability Unit within Facilities Services manages energy efficiency initiatives and oversees utility data across 181 State-managed courthouses, maintaining approximately 800 active vendor accounts. Currently, the Judicial Council utilizes an Energy Management Information System (EMIS) application to support energy data management, utility bill collection, and invoice processing.
- 1.3. As the current EMIS contract nears expiration, the Judicial Council is seeking a new Energy Management Information System and Utility Bill Processing (UBP) solution. The new system should offer enhanced features that improve energy management, automate utility bill processing more efficiently, and provide robust data analytics capabilities.

2. DESCRIPTION OF GOODS AND/OR SERVICES

- 2.1. Judicial Council is seeking proposals from qualified and experienced vendors to implement a comprehensive Energy Management Information System (EMIS) and Utility Bill Processing (UBP) solution. The selected vendor will be responsible for delivering a scalable, reliable, and user-friendly system capable of supporting energy data management, automating utility bill processing, and providing advanced analytics to enhance energy efficiency and operational performance across the organization.

Judicial Council will consider two potential service structure options for this project:

- A. A single prime vendor that provides both UBP and EMIS implementation and support services in-house.
- B. A prime vendor that delivers EMIS implementation and support services in-house and partners with a third-party vendor to integrate UBP services.

The awarded vendor will enter an initial contract term of five (5) years, with the option for the Judicial Council, at its sole discretion, to renew the contract for up to two (2) additional terms of three (3) years each.

The proposed solution and implementation shall provide the following features and services:

2.2. Automated Utility Bill Collection, Data Processing, and Delivery

- A. The system and services must automate the collection and delivery of utility bills, including electricity, water, gas, trash, and other relevant utilities.
- B. The vendor's services will extract all relevant data from the utility invoices, ensuring data integrity, and make this information available within the system, along with copies of the original invoices as retrieved from utility vendors.
- C. Automate utility bill tracking to detect missing invoices, billing, and/or consumption data gaps.
- D. The system should support the allocation of invoices to multiple cost centers based on a percentage ratio, facilitating the Judicial Council being able to recharge tenant utility costs.

2.3. Data Management and Integration

- A. The solution must support the ingestion and management of data from multiple utility providers.
- B. Provide periodic data collection through APIs, HTTPS, SFTP, email, or file uploads in various formats (e.g., CSV, XML, EDI, PDF).

2.4. Utility Bill Auditing and Analysis

- A. The system should allow for auditing of utility bills to identify discrepancies, overcharges, or savings opportunities.
- B. Analyze utility consumption data to identify trends, usage patterns, and energy efficiency opportunities.
- C. Support historical utility data analysis to provide insights into energy and water consumption, cost drivers, and seasonal variations.

2.5. Energy Management and Reporting

- A. The system must provide detailed reporting and analysis on energy and water usage and costs across all facilities, and offer reporting capabilities on waste metrics, such as volume and/or weight, and associated costs.
- B. The system must support benchmarking energy and water consumption against historical data, industry standards, and similar facilities.

- C. The system should be able to provide energy and water conservation insights and recommendations to help optimize utility usage and reduce costs.
- D. The system must support data downloads in industry-common standard formats such as CSV, XML, EDI and PDF.

2.6. User Interface

- A. The system should feature a modern, intuitive interface allowing the Sustainability Unit and facility managers to access, analyze, and report on utility data.
- B. The interface must support various data sources, specifically including invoice usage and cost data and day-plus-one fifteen-minute interval consumption data. The interface will enable the analysis of energy, water usage, and costs as well as waste generation and costs data through customizable dashboards and reports.
- C. The system should allow authorized users to access data for specific courthouses or facilities across the state.

2.7. Weather Integration

- A. Integrate local weather data to correlate energy usage with weather patterns for more accurate analysis.

2.8. Data Migration

- A. The vendor shall migrate five (5) years of historical utilities data from the Council's existing system to the new EMIS and UBP Services solution.

2.9. Training, Maintenance, and Support

- A. The vendor will provide user training and detailed system documentation to ensure successful implementation and facilitate user adoption.
- B. The vendor will be responsible for providing ongoing services, including reliable data delivery, dedicated account management, and full maintenance and operations support to ensure optimal system performance and service continuity.

3. TIMELINE FOR THIS RFP

- 3.1. **General.** Consultants are advised to visit the posting for this RFP on the Judicial Council's website (<http://www.courts.ca.gov/rfps.htm>) frequently to check for changes and updates to this RFP including the Schedule of Events. Consultants

must ensure compliance with the dates and times outlined in the Schedule of Events and processes set forth in this RFP in order to participate in this process.

- 3.2. **Schedule of Events.** Judicial Council has developed the following list of key events and dates from RFP issuance through performance start date (“Schedule of Events”). All deadlines are subject to change at the Judicial Council’s discretion.

No.	Key Events	Key Date / Time (PT)
1.	RFP Issued	June 17, 2025
2.	Pre-Proposal Conference (Optional) via Microsoft Teams Meeting link here: Click Here	June 27, 2025, at 11:00 AM
3.	Deadline for Consultant’s Submission of Questions Form (Attachment 13) Email to: Solicitations@jud.ca.gov	July 1, 2025, by 2.00 PM
4.	Responses to Consultant’s Submission of Questions Posted	July 17, 2025
5.	Deadline for Submission of Proposals Email Non-Cost Proposal to: FS202501XC.SOO@jud.ca.gov Email Cost Proposal to: FS202501XC.COST@jud.ca.gov	July 25, 2025, by 2:00 PM
6.	Posting of Short-Listed Consultants for Interviews (<i>estimate only</i>)	August 19, 2025
	Interviews and system/service demos (virtual) (<i>estimate only</i>)	Week of September 1, 2025
7.	Evaluation of Proposals (<i>estimate only</i>)	August 26, 2025
8.	Public Opening of Cost Portion of Proposal (<i>estimate only</i>)	September 11, 2025
9.	Notice of Intent to Award (<i>estimate only</i>)	September 24, 2025
10.	Performance Start Date (<i>estimate only</i>)	November 2025

4. 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 the Judicial Council Standard Form agreement (the “Terms and Conditions”).

ATTACHMENT	DESCRIPTION
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. Note: A material exception (addition, deletion, or other modification) to a minimum contract term will render a proposal non-responsive. Judicial Council, in its sole discretion, will determine what constitutes a material exception.
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 6.1 Payee Data Record	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. The Proposer must complete the Payee Data Record and submit the completed form with its proposal. The Payee Data Record (STD 204) is available at the following link: https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf.
Attachment 6.2 Supplemental Payee Data Record	This form is optional and is used to provide remittance address information if different than the mailing address on the Payee Data Record, for multiple remittance addresses, and additional Authorized Representatives of the Payee not identified on the STD 204. Additionally, if necessary, the Payee Data Record Supplement (STD 205) is required (i) if Proposer's remittance address information is different than the mailing address on the Payee Data Record (STD 204); (ii) for multiple remittance addresses, and (iii) for additional Authorized Representatives of the Payee not identified on the Payee Data Record (STD 204). The Payee Data Record Supplement (STD 205) is available at the following link: https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9: Business Requirements	The Proposer must submit the complete Business Requirements response form with its non-cost proposal.
Attachment 10: Technical Requirements	The Proposer must submit the complete Technical Requirements response form with its non-cost proposal.
Attachment 11: Cost Workbook	The Proposer must fill out the various tabs in the Cost Workbook and submit with the Cost portion of the proposal.
Attachment 12: Proposer Response Template	The Proposer must submit the completed Proposer Response Template with its non-cost proposal.

ATTACHMENT	DESCRIPTION
Attachment 13: Form for Submission of Questions	The Proposer submits any questions regarding the RFP in this format.
Attachment 14: Statement of Work	The Proposer must submit the completed Statement of Work response with its non-cost proposal.
Attachment 15: Sustainability and Environmental Responsibility	The Proposer must indicate acceptance of the Sustainability and Environmental Responsibility.
Attachment 16.1: DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 16.2: Bidder's Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 17: Qualifications Reference Sheet	The Proposer should provide the business name, contact name, addresses, telephone numbers and email addresses of a minimum of five (5) clients for whom the Proposer has conducted similar services.
Attachment 18: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 19: JCC Energy and Water Usage Report Region 3	Sample report utilized by the Judicial Council for energy reporting/benchmarking.

5. PROPOSER'S QUESTIONS

- 5.1. Proposer questions regarding this RFP must be documented in the Proposer Submission Questions Form (Attachment 13) and sent to the Judicial Council Solicitations email box at Solicitations@jud.ca.gov by the date and time listed in Section 3.0 of this RFP.
- 5.2. The Proposer must indicate the document title, section and page number to which each of Proposer's questions refer. All questions and answers will be posted on the Courts' website at www.courts.ca.gov on the date indicated in Section 3.0.
- 5.3. If the Proposer believes that (a) Proposer's question relates to Proposer's confidential information and (b) disclosing such question would expose Proposer's confidential information to its competitors, the Proposer may submit the question in writing, clearly marking it as "Confidential." Accompanying the question must be a statement explaining why the question is confidential. If the Judicial Council determines that the disclosure of the question or answer would expose confidential information, the question will be answered, and both the question and answer will be kept in confidence. Any material that the Proposer considers confidential but that does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the Proposer's Proposal, as it may be made available to the public. If the Judicial

Council determines that a question is of a confidential nature, then a question may not be answered, and the Proposer will be notified of the decision.

6. PAYMENT INFORMATION

- 6.1. Payments shall be made in accordance with the Attachment 2, Judicial Council Terms and Conditions, Appendix B, Pricing & Payment.
- 6.2. Judicial Council standard business payment terms are net sixty (60) days after receipt and acceptance of a correct invoice.
- 6.3. Invoicing and payment timeframes:
 - A. Annual invoicing up to 60 calendar days in advance of the beginning of a period of service and license.
 - B. Judicial Council will implement a 15% retention on the annual service and license invoices for the implementation year and 10% for any of the subsequent years of licensing and services.
 - C. The 15% retainer will be released in full or partially within 60 calendar days after the conclusion of a service period.
 - D. That level of retention release payment will be based in accordance with the contractor performance bands described in Attachment 2, Appendix H.

7. PRE-PROPOSAL CONFERENCE

Judicial Council will hold a pre-proposal conference on the date identified in the timeline above. The pre-proposal conference will be held via conference call using Microsoft Teams or Webex. Attendance at the pre-proposal conference is optional. Proposers are strongly encouraged to attend. To participate in the conference call proposers will need to include the RFP Number in the subject line of the email and send their contact information to the following email address: Solicitations@jud.ca.gov.

8. SUBMISSIONS OF PROPOSALS

- 8.1. Proposer should respond to every section of this RFP and all attachments. An RFP Proposer Response template has been included to standardize the responses (Attachment 12). Proposers should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements and completeness and clarity of content.
- 8.2. The Proposer must submit its proposal in two parts, the non-cost portion and the cost portion.

A. Non-Cost Portion of the Proposal:

The Proposer must submit one (1) electronic file of the non-cost portion of the proposal. An authorized representative of the Proposer must sign the non-cost proposal. The non-cost portion of the proposal must be submitted to the Judicial Council in an electronic file, separate from the cost portion. The Proposer must include the RFP number and “NONCOST-PROPOSAL” in the name of the electronic file. Bidders must not contain any pricing information at all in their Non-Cost Proposal.

B. Cost Portion of the Proposal:

The Proposer must submit one (1) electronic file of the cost portion of the proposal. An authorized representative of the Proposer must sign the cost portion. The cost portion of the proposal must be submitted to the Judicial Council in an electronic file, separate from the non-cost portion. The Proposer must include the RFP number and “COSTPROPOSAL” in the name of the electronic file.

Please use the following naming convention for the electronic files:

Proposer Name_Non-Cost-Proposal_RFP-FS-2025-01-XC

Proposer Name_Cost-Proposal_RFP-FS-2025-01-XC

- 8.3. Only electronic proposals will be accepted. For electronic submission of proposals, email your proposal no more than five (5) days before the due date. Proposals must include the RFP title and number on the heading or subject line of the email and sent to:

Non-Cost Proposal Email: FS202501XC.SOO@jud.ca.gov

Cost Proposal Email: FS202501XC.COST@jud.ca.gov

- 8.4 Late proposals will not be accepted.

9. PROPOSAL CONTENTS

- 9.1. 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. The proposer provides evidence of the financial solvency or stability of your organization (e.g., audited balance sheets and Annual Income Statements from the last 3 years).

D. Executive Summary

E. Experience and Qualifications

For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.

F. Business Name, Contact name, addresses, email addresses and telephone numbers of a minimum of five (5) clients for whom the Proposer has conducted similar services. Judicial Council may check references listed by the Proposer. The proposer shall provide references using the Qualifications Reference Sheet (Attachment 17).

G. Response to Requirements.

H. 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 in Word or PDF format that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change, which may be in the form of detailed comments next to each proposed change in the Word or PDF document.

Note: A material exception (addition, deletion, or other modification) to the Terms and Conditions may render a proposal non-responsive. The Judicial Council, in its sole discretion, will determine what constitutes a material exception. Any exceptions or modifications of the Terms and Conditions not included in the Proposal or received after the Submission Deadline will not be considered.

I. 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.

- iii. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- iv. Proof of financial solvency or stability (e.g., balance sheets and income statements).
- v. *For solicitations of \$100,000 or more*, the Proposer 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.
- vi. The Proposer must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its proposal.
- vii. The Proposer must complete the Iran Contracting Act Certification (Attachment 18) and submit the completed certification with its proposal,
- viii. Payee Data Record (STD 204), which must be completed in the exact name of the business entity under which the Proposer proposes to do business with the Judicial Council. The Payee Data Record (STD 204) is available at the following link:
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>.

Additionally, if necessary, the Payee Data Record Supplement (STD 205) is required (i) if Proposer’s remittance address information is different than the mailing address on the Payee Data Record (STD 204); (ii) for multiple remittance addresses, and (iii) for additional Authorized Representatives of the Payee not identified on the Payee Data Record (STD 204). The Payee Data Record Supplement (STD 205) is available at the following link:
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>.

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

- A. Proposer shall provide a firm fixed price in the format provided in Attachment 11, “Cost Workbook.” Prices provided in any format or

according to any structure that differs in any respect from the requested format provided in Cost Workbook will disqualify Proposer's Proposal from consideration for an award.

- B. Proposer shall use Attachment 11, Cost Workbook, to propose all costs, fees, expenses, and pricing for this project. All tabs in the Cost Workbook must be completed. Any areas that require a cost in the Cost Workbook that are left blank will be considered to be valued at zero costs (\$0.00).
- C. Costs should include firm pricing for all procurement items and a schedule of costs, aligned with the proposed project plan, to deploy all functional areas/modules.

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.

10. 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.

11. EVALUATION OF PROPOSALS

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

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 <http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Technical Criteria	
Company Profile, Background, Experience, and References	10
Acceptance of the Terms and Conditions	7
Functionality	38
Implementation Approach	12
Disabled Veteran Business Enterprise (DVBE)	3
Cost Criteria	
Cost	30
Total Points Available	100

12. SELECTION PROCESS

- 12.1. Technical Scoring. An evaluation panel composed of Judicial Council staff will conduct an initial review of and score Consultants' Non-Cost Proposals (without considering Cost Proposals) based on the selection criteria given in the Proposal Evaluation of this RFP. Judicial Council in its reasonable discretion will establish a minimum scoring threshold for Non-Cost Proposals ("Well-Qualified SOQ") that identifies the Consultants determined to be well qualified to perform the Services of this RFP.
- 12.2. Shortlist. Judicial Council intends to establish a shortlist of at least three (3) Consultants with the highest scoring Well-Qualified SOQs, achieving a Technical Score of 70% or above. Judicial Council will post the shortlist on the website publishing this RFP.
- 12.3. Interviews. Judicial Council may, at its discretion, hold interviews of the Consultants with Well-Qualified SOQs that have been shortlisted. Judicial Council will notify Consultants on the shortlist of their interview date and time and any requirements therefor. Notifications will be sent to the email address provided as the Consultant's contact information. Interviews will be held remotely via video conference.
- 12.4. Cost Proposal Scoring. Following the shortlisted Consultants' interviews, the Judicial Council's evaluation panel will re-score those Consultants' Non-Cost Proposals based on the selection criteria given in the Proposal Evaluation of this RFP. Following the interviews and Non-Cost Proposals' re-scoring, the Judicial Council will then review and score the Cost Proposals of only the Consultants with Non-Cost Proposals that continue to meet or exceed the scoring threshold established for Well-Qualified SOQs for this RFP. Judicial Council's evaluation panel will review and score the applicable Cost Proposals based on the selection criteria given in the Proposal Evaluation of this RFP to determine a total, overall score of the Consultants' Proposals (i.e., a combined Non-Cost Proposal and Cost Proposal score). In the event that the Judicial Council chooses not to hold interviews and a Master Agreement is to be awarded under this RFP, Consultants' initial Non-Cost Proposal scores and Cost Proposal scores will be calculated to determine the highest-scoring Proposals and the Judicial Council will post on the website publishing this RFP a Notice of Intent to Award that lists the names of the selected Consultant(s), if any.
- 12.5. Award. After the interviews, if any, and the scoring of applicable Consultants' Cost Proposals, the ranking of the Consultants according to the Proposal Evaluation's selection criteria will be determined and adjusted accordingly. Judicial Council will contact the Consultants with the overall highest-scoring Proposals regarding contract award and execution. If a Master Agreement will be awarded under this RFP, the Judicial Council will post a Notice of Intent to

Award on the website publishing this RFP that lists the names of the selected Consultant(s).

- 12.6. Verification. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

13. INTERVIEWS

Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted via Webex or Microsoft Teams. Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. Judicial Council will notify eligible Proposers regarding interview arrangements.

14. 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 RFP 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.**

15. 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. The proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, the proposer has met all applicable requirements. If the Proposer receives the DVBE incentive, a number of points will be

added to the score assigned to the Proposer's proposal. The number of points that will be added is specified in Section 10.0 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, the Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If the Proposer wishes to seek the DVBE incentive:

- 15.1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 16.2). The proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- 15.2. The Proposer must submit with its proposal a DVBE Declaration (Attachment 16.1) 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 the 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.

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 the 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.

If using DVBE subcontractors, the Proposer must complete and return to the Judicial Council 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 Proposer's final invoice to the Judicial Council. If the Proposer fails to do so, the Judicial Council will withhold \$10,000 from the final payment or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the Judicial Council shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or 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 Proposer refuses to comply with the certification requirements, the Judicial Council shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

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.

16. 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 PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY
CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

17. 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 electronically to: Solicitations@jud.ca.gov. The subject line of any email must contain (1) the solicitation number, and (2) the name of your firm.