



REQUEST FOR PROPOSALS

**JUDICIAL COUNCIL OF CALIFORNIA
AUDIT SERVICES DEPARTMENT**

**TITLE: Electronic Audit Working
Paper Software Solution (Non-Vendor
Hosted)**

RFP NO: RFP-AS-2022-37-DM

**PROPOSALS DUE: SEPTEMBER 2, 2022
NO LATER THAN
1:00 P.M. (PACIFIC TIME)**

1.0 BACKGROUND INFORMATION

The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system, and includes the superior courts, appellate courts and state supreme court. The California Constitution directs the Council to improve the administration of justice by surveying judicial business, recommending improvements to the courts and making recommendations annually to the Governor and the Legislature. The Judicial Council also adopts rules for court administration, practice and procedure, and performs other functions prescribed by law.

The Audit Services Department was established in 2001 at the request of the trial court presiding judges and court executives, in response to the Trial Court Funding Act of 1997 which made the Judicial Council responsible for financial oversight of the trial courts. Audit Services’ responsibilities include auditing all entities within the judicial branch (e.g. trial courts, appellate courts, etc.). This office primarily conducts fiscal and operational compliance audits of judicial branch entities and makes recommendations to court management. Audit Services also collaborates with external governmental audit organizations when those entities also audit the judicial branch. Audit Services also performs special projects and confidential investigations as requested by the Judicial Council’s executive management. Audit Services’ work supports the Judicial Council’s strategic goal of independence, accountability, and transparency for the judicial branch.

Audit Services currently has 20 licenses for an audit software application called *Pentana* through a vendor called *Ideagen, Inc.* The current licensing agreement expires in May 2023. The Pentana software is hosted internally on the Judicial Council’s servers and is then distributed to each auditor’s laptop. Auditors can either replicate a portion of the audit on their local laptops and then “check in” the updated work once they return to the office. Alternatively, auditors can access the entire audit’s workpapers remotely by accessing the council’s servers using a virtual private network (VPN).

This Request for Proposal (“RFP”) is being issued by the Judicial Council on behalf of the Audit Services department. At its discretion, the Judicial Council reserves the right to amend or cancel this RFP, and may decide to make no award.

2.0 DESCRIPTION OF AUDIT SOFTWARE

The Judicial Council is requesting proposals from highly qualified vendors with expertise in providing an **OFF THE SHELF AUDIT Non-Vendor Hosted Software solution** to the Audit Services Department that includes:

- A. Ongoing maintenance and support

- B. Providing all on-site services and off-site services necessary to install the Licensed Software and training to the Audit Services staff for the use and operation of the software.
- C. Given the confidentiality of Audit Services' work, the Judicial Council requires that the software and associated audit data be hosted on its own servers or managed through its existing cloud infrastructure. The software should be installable on a physical server, virtual or a cloud-based server.
- D. The vendor shall provide software documentation and instructions to Judicial Council IT staff for use in the event of an application failure so the software can be restored.
- E. Contractor shall respond to the JBE within **two (2) days** after the JBE reports a Technical Support Incident, as defined in **Attachment 2** (section 2 of Appendix F).
- F. The Judicial Council is not bound by and will not accept any "shrink-wrap," "click-wrap," or "click-thru" terms and conditions or any other terms and conditions, express or implied, that are contained in or on the software packaging, or terms and conditions that may accompany the software in any manner.

Audit Services intends to use this software to prepare, finalize, and archive its audit working papers, while also allowing audit staff to collaborate on audits that are in progress, regardless of whether audit staff are working in the field with auditees, are in the office, or are working remotely from home.

Contract Term: Audit Services is seeking a **5-year licensing agreement** (for **20 individual licenses that are interchangeable among Judicial Council personnel, allowing up to 20 Judicial Council concurrent users at any given time**), with one additional **three-year option** term for a potential maximum total of eight (8) years. Proposers must meet the mandatory criteria (**Attachment 6**) of this RFP to be considered under this solicitation.

Transition Period: When the licensing agreement expires or upon notice of termination of the licensing agreement, Contractor shall permit the Judicial Council to retain **two licenses** for the sole purpose of accessing previously completed and archived audit work. These two surviving licenses will last **five years** following contract termination expiration at **no cost** to the Judicial Council. If additional software updates and/or patches are needed to retain the ability to access archived data during the five years following contract termination or expiration, the Contractor will provide such updates and patches at no cost to the Judicial Council.

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued:	July 20, 2022
Deadline for questions to: solicitations@jud.ca.gov	August 10, 2022 1:00pm (Pacific Time)
Questions and answers posted (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	August 22, 2022
Latest date and time proposal may be submitted	September 2, 2022 1:00pm (Pacific Time)
Product demonstrations (Video Conference or In-Person, <i>mandatory</i>), <i>will schedule time with vendors who satisfy the mandatory requirements in Attachment 6. (estimate only)</i>	October 3-12, 2022 (specific dates & time to be set with individual bidders)
Evaluation of proposals (<i>estimate only</i>)	October 13 – 21, 2022
Non-Cost proposals scores posted at www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	October 25, 2022
Public opening of cost portion of proposals via WebEx Meeting Meeting Link: Join meeting Meeting Number (access code): 2594 773 2665 Meeting Password: bQ8G3XdqMW8 Dial in Number: 1-650-479-3208	October 27, 2022 at 10:00 am (Pacific Time)
Notice of Intent to Award (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	November 2, 2022
Negotiations and execution of contract (<i>estimate only</i>)	November 3 – December 5, 2022
Contract Start Date (<i>estimate only</i>)	March 1, 2023
Contract end date (initial term, <i>estimate only</i>)	February 29, 2028

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Judicial Council Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Judicial Council of California Standard Agreement containing these terms and condition (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a redlined version of the Terms and Conditions that clearly identified the benefit to the Judicial Branch from the proposed changes and provides a written explanation or rationale for each proposed change.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5A: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 5B: Payee Data Record Supplement (STD 205)	This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204.
Attachment 6: Mandatory Technical and Business Requirements (Response Template)	Proposer must complete the form indicating whether its software solution satisfies the mandatory technical and business requirements for Audit Electronic Working Paper Software (NON-VENDOR-HOSTED).
Attachment 7: Software Demonstration and Evaluation	For those Proposers that satisfy the mandatory requirements in Attachment 6, the Judicial Council will invite them to demonstrate user functionality and capabilities of their proposed “off the shelf” software. Proposers will be evaluated based on attributes listed in Attachment 7, which account for 37 out of 100 points.
Attachment 8: Pricing Sheet	The Proposer must complete this form and submit with its proposal. The pricing sheet constitutes 50 out of 100 points.

ATTACHMENT	DESCRIPTION
Attachment 9: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with the solicitation.
Attachment 10: Bidder Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 11: DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.
Attachment 12: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 13: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.

5.0 PAYMENT INFORMATION

See **Attachment 2:** Judicial Council Standard Terms and Conditions, Appendix B, Pricing and Payment.

The Judicial Council standard business payment terms are net sixty (60) days after receipt of correct invoice.

The Judicial Council may pay annual software subscription in advance upon receipt of an invoice for each authorized 12-month period.

6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

6.2 The Proposer must submit its proposal electronically in two parts, the technical proposal and the cost proposal.

6.2.1 **Technical Proposal.** The Proposer must submit their Technical proposal **as a separate attachment** from the Cost Proposal to an email sent to: solicitations@jud.ca.gov

1) The proposal must be signed by an authorized representative of the Proposer.

- 2) The Technical Proposal must include all components required in **Section 7.1-7.3.**
- 3) The Proposer must indicate on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.2.2 Cost Proposal. The Proposer must submit their Cost Proposal via email sent to: RFP-AS-2022-37-DM-COSTS@jud.ca.gov marked "COST PROPOSAL", separate from the technical proposal.

- 1) The Cost Proposal must be signed by an authorized representative of the Proposer.
- 2) The Cost Proposal must include all components required in **Section 7.4.**
- 3) The Proposer must indicate on the subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received no later than the due date and time.

Late proposals will be rejected. Only written proposals via email will be accepted. Proposals may not be transmitted by fax.

6.4 The Judicial Council 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 Judicial Council or the State of California responsible for the cost of preparing the proposal. Submitted proposals may be retained for official files and may become a public record.

7.0 PROPOSAL CONTENTS

7.1 **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.

7.1.1 Contact page that includes:

- i. 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.

- ii. 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.

7.2 Acceptance of the Terms and Conditions.

- i. On **Attachment 3**, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.
- ii. If exceptions are identified, the Proposer must also submit (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.

Note: A material exception, as determined by the Judicial Council in its absolute and sole discretion, to any of the Terms and Conditions may render a proposal non-responsive.

7.3 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. **The Contractor shall provide a copy of their Certificate of Status with the Secretary of State of California.** The Judicial Council may verify by checking with California's Office of the Secretary of State. 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. The Proposer must complete the Payee Data Record form (**Attachment 5A**) and submit the completed form with its proposal.
- iv. The Proposer must complete **Attachment 6: Mandatory Technical and Business Requirements (Response Template)** and submit with its proposal. Describe how the Proposer intends to meet project

requirements including implementation procedures/methodology and user training plan for the Audit Services Staff outlined in Attachment 6:

Section A: Details the mandatory technical system requirements desired in the Audit Electronic Working Paper software solution.

Section B: Requires the Proposers to provide information in its proposal describing its prior experience providing electronic audit working paper software to audit organizations. On Attachment 6, Section B, the bidder should reference the specific pages in the proposal where it addresses prior experience in providing similar software solutions.

During evaluation, the Judicial Council will review proposals for the attributes in Section A and Section B to determine if vendor's proposal is responsive. Those proposed solutions that are deemed by the JCC reviewers to be non-responsive to any of the mandatory criteria in Section A will not be given further consideration during the procurement evaluation.

- v. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 12**) and submit the completed certification with its proposal.
- vi. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 13**) and submit the completed certification with its proposal.

7.4 Cost Proposal. The following information must be included in the cost proposal:

- i. **Attachment 8:** Pricing Sheets must be completed and included as part of the RFP proposal.
- ii. Proposer pricing must include all anticipated charges of the Audit Software and support maintenance, including, but not limited to: cost of materials and product, installation and implementation, software update and other setup cost, training, all applicable taxes, overhead, profit, travel expenses, and cost of providing insurance must be itemized to explain anticipated cost.
- iii. Judicial Council will pay for any applicable State of California or local sales or use taxes on the products provided or the services rendered. Proposer must indicate if it collects State of

California taxes on the products provided or the services rendered. All tax must be included as a separate line item on vendor's invoice.

iv. The Proposer's pricing proposal (**Attachment 8**) must cover the total cost of:

a) The initial 5-year term (**billed annually**)

Year 1: March 1, 2023 – February 29, 2024

Year 2: March 1, 2024 – February 28, 2025

Year 3: March 1, 2025 - February 28, 2026

Year 4: March 1, 2026 – February 28, 2027

Year 5: March 1, 2027 – February 29, 2028

b) The optional 3-year renewal (**billed annually**).

Year 6: March 1, 2028 – February 28, 2029

Year 7: March 1, 2029 – February 28, 2030

Year 8: March 1, 2030 – February 28, 2031

c) If multi-year pricing is not available, please provide the maximum annual percentage of increase for the initial 5-year term and the optional 3-year renewal.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code.

8.0 OFFER PERIOD

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

9.0 EVALUATION OF PROPOSALS

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

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

CRITERION	MAXIMUM NUMBER OF POINTS
Cost/Pricing (Attachment 8 and supporting documents)	50
Software Demonstration and Evaluation by Auditor Panel (Attachment 7)	37
Acceptance of the Terms and Conditions (Attachment 3)	10
(“DVBE”) Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3

10.0 INTERVIEWS & DEMONSTRATION (Video Conference or In-Person)

The Judicial Council will conduct interviews (in-person or video conference) with Proposers who satisfy the mandatory requirements in Attachment 6, to provide a software demonstration to demonstrate user functionality and capabilities of their proposed “off the shelf” software and to clarify aspects set forth in their proposals. Demonstrations will be scored based on attributes listed in Attachment 7, which accounts for 37 out of 100 points. The demonstration can be in-person or via video conference. If conducted in person, interviews will likely be held at the Judicial Council’s offices in Sacramento. The Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Proposers regarding interview arrangements.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.

https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500

Except as required by law, the JBE 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 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 JBE’s right to disclose information in the proposal, or (b) requiring the JBE 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.**

12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

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

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

If Proposer wishes to seek the DVBE incentive:

1. 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.
2. Proposer must submit with its proposal a DVBE Declaration (**Attachment 11**) 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.

Failure to complete and submit these forms as required will result in Proposer 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 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 JBE's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JBE 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 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 Proposer's final invoice to the JBE. If the Proposer 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 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 JBE 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 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.

13.0 SMALL BUSINESS PREFERENCE

Eligibility for and application of the small business preference are governed by the JBE'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 JBE'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.

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

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 9**). 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 JBE may request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.

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

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

14.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California
Branch Accounting and Procurement
ATTN: Protest Hearing Officer, RFP #AS-2022-37-DM
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94103

(Indicate Solicitation Number and Name of Your Firm on lower left corner of envelope.)