

RFP Title: Phoenix SAP S4HANA 1909 Extended Maintenance  
RFP Number: BAP-2024-02-DM

# REQUEST FOR PROPOSALS

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**RFP-BAP-2024-02-DM**

**REGARDING: PHOENIX SAP S4HANA 1909 EXTENDED  
MAINTENANCE**

**PROPOSALS DUE:**  
**December 5, 2024, NO LATER THAN 1:00 P.M. PACIFIC TIME**

## 1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California, chaired by the Chief Justice of California, is the policy-making agency of the California judicial branch. 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.
- 1.2 The Judicial Council’s Phoenix Program manages an SAP system and requires support for the 58 California Trial Courts. The Program manages an SAP S4HANA on premise solution with license for HCM for HANA and as such requires maintaining license for the SAP S4HANA. The Phoenix Program is currently running version 1909 (SKU#7009111), for which maintenance expires December 31, 2024. The Program has begun an upgrade to S4HANA version 2023, schedule for “go-live” completion in May of 2025. The software vendor SAP has stated in its new maintenance strategy as of version 2023 that extended maintenance will be offered to customers on prior version as long as they plan to perform said upgrade. Further, SAP has stated that the cost of extended maintenance will be waived for customers that plan to utilize its RISE solution to migrate to the SAP Cloud platform. The Program is currently in discussion and discovery of the RISE solution and SAP Cloud platform, and while this appears the most likely path for the Program after the current upgrade, no agreements for RISE or SAP Cloud are currently in place. The extended maintenance of the SAP S4HANA version 1909 (SKU#7009111) is required at least through the first six months of 2025.
- 1.3 **Contract Term:** The Judicial Council intends to award one Agreement for extended maintenance of SAP S4HANA version 1909, beginning January 1, 2025. The agreement is expected for up to one year, ending December 31, 2025.

## 2.0 DESCRIPTION OF GOODS AND/OR SERVICES

The Judicial Council seeks the extension of maintenance for its Phoenix SAP S4HANA version 1909 license:

MFR PART NO.	DESCRIPTION	QTY
SKU#7009111	S4HANA VERSION 1909 Enterprise Support Renewal (extended maintenance)	1

## 3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	November 15, 2024
Deadline for questions <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b>November 22, 2024 1:00 pm (Pacific Time)</b>
Questions and answers posted. (estimate only) <a href="https://beta.courts.ca.gov/policy-administration/bidders-solicitations">https://beta.courts.ca.gov/policy-administration/bidders-solicitations</a>	November 26, 2024
Latest date and time proposal may be submitted	<b>December 5, 2024 1:00 pm (Pacific Time)</b>
Evaluation of proposals (estimate only)	December 6-9, 2024
Non-Cost proposals scores posted at <a href="https://beta.courts.ca.gov/policy-administration/bidders-solicitations">https://beta.courts.ca.gov/policy-administration/bidders-solicitations</a> (estimate only)	December 11, 2024
Public opening of cost portion of proposals via Teams Meeting  Meeting Link: <a href="#">Join the meeting now</a>  Meeting ID: 293 271 783 459 Meeting Password: FyCKdz Dial in Number: +1 415-906-0569 Phone Conference ID: 856922968#	December 12, 2024 at 10:00 am (Pacific Time)
Notice of Intent to Award (estimate only) <a href="https://beta.courts.ca.gov/policy-administration/bidders-solicitations">https://beta.courts.ca.gov/policy-administration/bidders-solicitations</a>	December 16, 2024
Negotiations and execution of contract (estimate only)	December 23 - 31, 2024
Contract start date (estimate only)	January 1, 2025
Contract end date (estimate only)	December 31, 2025

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
<b>Attachment 1:</b> Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
<b>Attachment 2:</b> Judicial Council Standard Terms and Conditions	If selected, the 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 identifies the benefit to the Judicial Branch from the proposed changes and provides a written explanation or rational for each proposed change.
<b>Attachment 3:</b> 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.
<b>Attachment 4:</b> General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
<b>Attachment 5:</b> Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with the solicitation.
<b>Payee Data Record Form (STD204) at:</b> <a href="https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf">https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf</a>	This form contains information the Judicial Council requires in order to process payments and <b>must be submitted with the proposal.</b>
<b>Payee Data Record Supplement (STD205) at:</b> <a href="https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf">https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf</a>	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.
<b>Attachment 6</b> Unruh Civil Rights Act and California Fair Employment and Housing Act	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act and submit the completed certification with its proposal.
<b>Attachment 7</b> Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
<b>Attachment 8:</b> Bidder Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.

ATTACHMENT	DESCRIPTION
<b>Attachment 9:</b> DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.

## 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, **quarterly invoices are expected.**

## 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 portion and the cost portion.

A. 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](mailto:solicitations@jud.ca.gov)

- 1) The proposal must be signed by an authorized representative of the Proposer. To fulfill this requirement, the proposer may include a signed cover letter for the Technical Proposal.
- 2) The Technical Proposal must include all components required in Section 7.1.
- 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.

B. Cost Proposal. The Proposer must submit their Cost Proposal via email sent to: [RFP-BAP-2024-02-DM-COSTS@jud.ca.gov](mailto:RFP-BAP-2024-02-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. To fulfill this requirement, the proposer may include a signed cover letter for the Cost Proposal
  - 2) The Cost Proposal must include all components required in Section 7.2 below.
  - 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 the Technical and Cost Proposals must be received prior to the due date and time, or the proposal will not be accepted. Due to the potential for email transmission delays, which may cause late receipt and non-acceptance of proposals, **it is recommended that Proposers email their proposals well in advance of the due date and time.**

Late proposals will be rejected. However, as necessary, the Judicial Council of California may request clarification from Proposers after the submission of proposals.

- 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 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.
- 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. Model number(s), specifications, or other description of the goods the Proposer proposes to the JBE, including warranty information.
- d. A copy or link of the terms and conditions or End User's License Agreement (EULA) related to the SAP S4HANA Maintenance Renewal.

- e. 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 (addition, deletion, or other modification) to any of the Terms and Conditions may render a proposal non-responsive. The JBE, in its sole discretion, will determine what constitutes a material exception.

- f. 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. The Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) if applicable, a **California seller's permit** issued under Revenue and Taxation Code section 6066 et seq. or (ii) if applicable a certificate of registration issued under Revenue and Taxation Code section 6226.
  - iii. 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.

**Note:** Proposer may be required to register with the California Secretary of State if it meets the definition of transacting intrastate business or “doing business” under the California Corporations Code. As there is no easy definition for what constitutes “doing business”, it is important for Proposer to carefully evaluate their own connections—even indirect—to California. Proposer with concerns regarding

the Secretary of State registration requirements are encouraged to consult with their legal counsel.

You can find out information regarding the steps on how to register a business with the California Secretary of State at:

<https://bizfileonline.sos.ca.gov/>

- iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- v. The Proposer must complete the Payee Data Record Form and submit the completed form with its proposal. Form and instructions are in fillable PDF format available in the following link:  
  
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>
- vi. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 6**) and submit the completed certification with its proposal.
- vii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 7**) and submit the completed certification with its proposal

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

Table 1:

DESCRIPTION	QTY	Unit Cost	Total Cost
S4HANA VERSION 1909 (SKU#7009111) Enterprise Support Renewal (extended maintenance), <b>Billed Quarterly</b> <b>Start Date: 1/1/2025.</b> <b>End Date: 12/31/2025</b>	1		

**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 JBE 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, or if such date and time are changed at the discretion of the JCC, an addendum will be posted at: <https://beta.courts.ca.gov/policy-administration/bidders-solicitations> for the new date and time.

The JCC 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 the JCC decides to issue an intent to award, the JCC will post an intent to award notice at <https://beta.courts.ca.gov/policy-administration/bidders-solicitations>

<b>CRITERION</b>	<b>TOTAL POSSIBLE POINTS</b>
Completeness and inclusion of required information in conformance with the RFP submission requirement, and clarity of the proposal content	32
Cost	50
Acceptance of the Terms and Conditions	15
DVBE Incentive	3
<b>Total Possible Points</b>	<b>100</b>

## 10.0 INTERVIEWS

The JBE 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 interviews may be conducted in person or by phone or remotely. If conducted in person, interviews will likely be held at the JBE's offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.

## 11.0 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 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 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 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. 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 11. 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 8**). 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 9**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use

DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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**

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 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.

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 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE 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](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest.

The deadline for the JUDICIAL COUNCIL to receive a solicitation specifications protest is the proposal due date.

In order to be considered valid, all such protests: Must be submitted by email to: [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov) and must indicate the Solicitation Number and Name of Your Firm in the subject line of your email.