

# REQUEST FOR PROPOSALS

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**JUDICIAL COUNCIL OF CALIFORNIA  
CENTER FOR JUDICIAL EDUCATION & RESEARCH**

**REGARDING:  
Updating Civil Proceedings Benchbooks**

**RFP NO: CJER-2023-07-LV**

**PROPOSALS DUE:  
September 8, 2023 NO LATER THAN 1:00 P.M. PACIFIC TIME**

## 1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policymaking body of the California judicial system, which 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.
- 1.2 The Judicial Council of California’s Center for Judicial Education and Research (CJER) educates the state’s justices, judges, subordinate judicial officers, and court staff. CJER provides mandatory and elective in-person and distance education including written publications.
- 1.3 CJER’s publications include the series *California Judges Benchbook: Civil Proceedings*. This four-volume series of treatises on civil proceedings is published annually on a staggered schedule. The volumes are *Before Trial*, *Discovery*, *Trial*, and *After Trial*. These publications are written from a judge’s point of view. A grant from the Foundation for Judicial Education, established by the late Bernard E. Witkin, Esq., funds the annual updates to these four benchbooks:
  - i. *California Judges Benchbook: Civil Proceedings–Before Trial* (2022 edition is 2022 pages)
  - ii. *California Judges Benchbook: Civil Proceedings–Discovery* (2022 edition is 670 pages)
  - iii. *California Judges Benchbook: Civil Proceedings–Trial* (2022 edition is 1211 pages)
  - iv. *California Judges Benchbook: Civil Proceedings–After Trial* (2021 edition is 841 pages)

## 2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

### 2.1 Description of Services

The Judicial Council is requesting proposals from an Attorney (a person with a law degree and experience practicing law), or an entity comprised of such individuals, to update a series of civil law legal books. Proposers should have experience and expertise in legal research, legal writing, civil law, and civil procedure before, during, and after trial.

The Attorney will update each volume of the *Civil Proceedings Benchbook* to reflect the year’s new, amended, and repealed legal authority including cases, rules, and statutes. Each

update will have clear and concise legal writing, legal analysis, and structure and organization. California’s judicial officers are the intended audience of these publications. The Attorney who updates these publications must write for this audience and must produce writing that matches the benchbooks’ high-quality.

For each publication, the Attorney will:

- produce clear, high-quality, well-analyzed, and well-organized writing that is tailored to the perspective and needs of California’s judicial officers, the books’ audience;
- review publication to become familiar with its content, coverage, and organization;
- research the subsequent history of all legal authority (cases, statutes, court rules, etc.) to determine accuracy and currency;
- use Microsoft Word’s Track Changes feature to:
  - revise the legal authority and the associated sentence, paragraph, and/or section as necessary;
  - determine if new sections should be added and/or existing sections should be reorganized or deleted;
  - draft any new sections and/or reorganize existing sections as appropriate;
  - update the comprehensive index for each volume, including adding new subjects and removing deleted subjects; and
- collaborate with the project manager to determine if certain revised sections should be submitted to judicial officers experienced in presiding over civil cases for review;
- respond to, consider, and incorporate into the benchbooks any judicial reviewers’ comments;
- respond to editorial questions after submitting the benchbook manuscript;
- rewrite portions of manuscript upon request; and
- for project planning purposes, track the number of hours dedicated to updating each volume and include this information when submitting the revised manuscript.

**2.2 Contract Term:** The services are to be performed for **18 months and 20 days**, from **December 11, 2023** to **June 30, 2025** (“Initial Term”) with **three (3) additional one-year option terms** for a potential maximum total of **four and a half (4.5) years and 20 days**. The three one-year option terms maybe exercised at the discretion of the Judicial Council:

- 1. Initial Term: December 11, 2023–June 30, 2025**
- 2. First Option Term: July 1, 2025–June 30, 2026**
- 3. Second Option Term: July 1, 2026–June 30, 2027**
- 4. Third Option Term: July 1, 2027–June 30, 2028**

**2.3 Description of Deliverables.** The Attorney will be provided with access to an electronic database of legal resources and will complete the work off site. Contractor shall perform the services and deliver to the Judicial Branch Entity (“JBE”) the following work products (“Deliverables”) according to the stated timeline. If requested, the contractor must submit **progress reports** describing work performed, work status, any difficulty encountered, remedial actions, and anticipated activity.

**A. Initial Term: December 11, 2023 – June 30, 2025**

Table 1

<b>Deliverables</b>	<b>Due Date</b>
<b>#1 Update to Trial (2024 edition*)</b>	
Manuscript provided from JBE on December 15, 2023	
Updated manuscript due to JBE	March 26, 2024
<b>#2 Update to Discovery (2024 edition*)</b>	
Manuscript provided from JBE on April 1, 2024	
Updated manuscript due to JBE	June 14, 2024
<b>#3 Update to After Trial (2024 edition**):</b>	
Manuscript provided from JBE on June 15, 2024	
Updated manuscript due to JBE	August 27, 2024
<b>#4 Update to Before Trial (2025 edition**):</b>	
Manuscript provided from JBE on August 28, 2024	
Updated manuscript due to JBE	December 13, 2024
<b>#5 Update to Trial (2025 edition)</b>	
Manuscript provided from JBE on December 15, 2025	
Updated manuscript due to JBE	March 21, 2025
<b>#6 Update to Discovery (2025 edition)</b>	
Manuscript provided from JBE on April 7, 2025	
Updated manuscript due to JBE	June 17, 2025

*\*Law will need to be updated for the previous two years for these two volumes (instead of one year).*

*\*\*Law will need to be updated for the previous three years for these two volumes (instead of one year).*

**B. First Option Term: July 1, 2025 – June 30, 2026**

Table 2

<b>Deliverables</b>	<b>Due Date</b>
<b>#7 Update to After Trial (2025 edition):</b>	
Manuscript provided from JBE on July 1, 2025	
Updated manuscript due to JBE	August 28, 2025
<b>#8 Update to Before Trial (2026 edition):</b>	

Manuscript provided from JBE on September 9, 2025	
Updated manuscript due to JBE	December 15, 2025
<b>#9 Update to Trial (2026 edition)</b>	
Manuscript provided from JBE on December 16, 2025	
Updated manuscript due to JBE	March 23, 2026
<b>#10 Update to Discovery (2026 edition)</b>	
Manuscript provided from JBE on April 7, 2026	
Updated manuscript due to JBE	June 17, 2026

**C. Second Option Term: July 1, 2026 – June 30, 2027**

Table 3

Deliverables	Due Date
<b>#11 Update to After Trial (2026 edition):</b>	
Manuscript provided from JBE on July 1, 2026	
Updated manuscript due to JBE	August 28, 2026
<b>#12 Update to Before Trial (2027 edition):</b>	
Manuscript provided from JBE on September 9, 2026	
Updated manuscript due to JBE	December 14, 2026
<b>#13 Update to Trial (2027 edition)</b>	
Manuscript provided from JBE on December 15, 2026	
Updated manuscript due to JBE	March 23, 2027
<b>#14 Update to Discovery (2027 edition)</b>	
Manuscript provided from JBE on April 7, 2027	
Updated manuscript due to JBE	June 17, 2027

**D. Third Option Term: July 1, 2027 – June 30, 2028**

Table 4

Deliverables	Due Date
<b>#15 Update to After Trial (2027 edition):</b>	
Attorney receives manuscript from JBE on July 1, 2027	
Updated manuscript due to JBE	August 27, 2027
<b>#16 Update to Before Trial (2028 edition):</b>	
Attorney receives manuscript from JBE on September 9, 2027	
Updated manuscript due to JBE	December 14, 2027
<b>#17 Update to Trial (2028 edition)</b>	
Attorney receives manuscript from JBE on December 15, 2027	
Updated manuscript due to JBE	March 22, 2028
<b>#18 Update to Discovery (2028 edition)</b>	
Attorney receives manuscript from JBE on April 7, 2028	
Updated manuscript due to JBE	June 16, 2028

**2.4 Acceptance Criteria.** The Services and Deliverables must meet the following acceptance criteria or the JBE may reject the applicable Services or Deliverables:

- **Timeliness:** The Attorney must complete all work for each contract term no later than **June 30th**, the end of the fiscal year.
- **Completeness:** The content of the Deliverables is legally current, correct, and thorough as required by the resulting Agreement.
- **Technical accuracy:** The Deliverables are accurate as measured against commonly accepted standards. The final draft of the Civil Proceedings benchbooks submitted by the Attorney must be technically and legally accurate, thorough, well-written, and well-organized. The project manager will be available for questions during the project.

**2.5 Resources.** Contractor is responsible for providing any and all facilities, materials, and resources (including personnel, equipment, and software) necessary and appropriate for performance of the Services and to meet Contractor's obligations under this RFP.

**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 JBE.

EVENT	DATE
RFP issued	August 1, 2023
Deadline for questions to: <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b><i>August 16, 2023</i></b> <b><i>No later than 1:00 pm (Pacific Time)</i></b>
Questions and answers posted ( <i>estimate only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	August 23, 2023
Latest date and time proposal may be submitted <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b><i>September 8, 2023</i></b> <b><i>No later than 1:00 p.m. (Pacific Time)</i></b>
Anticipated interview dates ( <i>estimate only</i> )	September 18, 2023 to September 20, 2023
Evaluation of proposals ( <i>estimate only</i> )	September 18, 2023 to September 29, 2023
Notice of Intent to Award ( <i>estimate only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	September 22, 2023
Negotiations and execution of contract ( <i>estimate only</i> )	September 22, 2023 to September 29, 2023
Contract start date ( <i>estimate only</i> )	December 11, 2023
Contract end date ( <i>estimate only</i> )	June 30, 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 (Non-IT Services)	These rules govern this solicitation.
<b>Attachment 2:</b> JBE 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 <b>redlined version</b> 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> Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal
<b>Attachment 6A</b> Payee Data Record Form (STD 204)	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
<b>Attachment 6B</b> 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.
<b>Attachment 7:</b> Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
<b>Attachment 8:</b> DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.
<b>Attachment 9:</b> Bidder Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.

## 5.0 PAYMENT INFORMATION

Subject to the terms in Attachment 2, Appendix B, Payment Provisions, the selected provider will be paid a firm fixed Amount per Deliverable. The estimated funds available for the Initial Term (18 months and 20 days) will be within the range of **\$131,087.00** to the not-to-exceed amount of **\$203,913.00** and the estimated funds available for each one-year Option Term will be within the range of **\$90,000.00** to the not-to-exceed amount of **\$140,000.00**.

- The resulting contract will be comprised of pricing for satisfactory completion of each deliverable listed in RFP **Section 2.3**. Contractor shall submit invoices upon satisfactory completion of services.
- No other expenses, including travel expenses, will be reimbursed by the Judicial Council.
- The payment term is Net 60 from date of receipt of acceptance of Deliverable(s).

## 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.

- a. Technical Proposal - The Proposer must submit their Technical Proposal as an attachment to an email sent to: [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov)
  - 1) The Technical Proposal must be signed by an authorized representative of the Proposer.
  - 2) 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 **as a separate attachment** to the email sent to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). To clarify, Proposer may send a single email to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov), with two (2) attachments, clearly marked Technical Proposal (RFP #) and Cost Proposal (RFP #).



- 1) The Cost Proposal must include all components required in **RFP Section 7.2**.
  - 2) 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. Emails must be received prior to the due date and time, or the bid will not be accepted. It is the Proposer's responsibility to verify their submission was received.
- 6.4 Late proposals will not be accepted.

## 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.
- 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 Proposer's designated representative for purposes of this RFP.
  - c. For each key staff member:
    - i. A resume describing the individual's background and experience;
    - ii. A legal writing sample, preferably in civil law, not to exceed 10 pages; and
    - iii. A brief statement describing the individual's ability and experience in performing legal research and writing, and engaging with civil law concepts, and any other information relevant to the qualifications for updating the benchbooks.
  - d. Names, addresses, and telephone numbers of a minimum of **two (2)** clients who are familiar with Proposer's legal research and writing. The JBE may check references listed by the Proposer.

- 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 (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) 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 complete the Payee Data Record form (**Attachment 6A**) and submit the completed form with its proposal.
  - iii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 5**) and submit the completed certification with its proposal.
  - iv. 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.
  - v. 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.

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

- i. The proposed total yearly fee, broken down by deliverable, inclusive of all expenses, must be included in the cost portion of the proposal. **Cost proposals that exceed the estimated funds available for each fiscal year will be deemed non-responsive.**

**A. Initial Term: December 11, 2023 – June 30, 2025**

<b>Deliverable</b>	<b>The estimated funds available</b>	<b>Proposed Firm Fixed Amount</b>
#1 Update to Trial (2024 edition)	\$25,435.00–\$39,565.00	
#2 Update to Discovery (2024 edition)	\$15,652.00–\$24,348.00	
#3 Update to After Trial (2024 edition)	\$17,608.00–\$27,390.00	
#4 Update to Before Trial (2025 edition)	\$31,305.00–\$48,697.00	
#5 Update to Trial (2025 edition)	\$25,435.00–\$39,565.00	
#6 Update to Discovery (2025 edition)	\$15,652.00–\$24,348.00	
	<b>\$131,087.00–\$203,913.00 TOTAL</b>	

**B. First Option Term: July 1, 2025 – June 30, 2026**

<b>Deliverable</b>	<b>The estimated funds available</b>	<b>Proposed Firm Fixed Amount</b>
#7 Update to After Trial (2025 edition)	\$17,608.00–\$27,390.00	
#8 Update to Before Trial (2026 edition)	\$31,305.00–\$48,697.00	
#9 Update to Trial (2026 edition)	\$25,435.00–\$39,565.00	
#10 Update to Discovery (2026 edition)	\$15,652.00–\$24,348.00	
	<b>\$90,000.00–\$140,000.00 TOTAL</b>	

**C. Second Option Term: July 1, 2026 – June 30, 2027**

<b>Deliverable</b>	<b>Amount</b>	<b>Proposed Firm Fixed Amount</b>
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#11 Update to After Trial (2026 edition)	\$17,608.00–\$27,390.00	
#12 Update to Before Trial (2027 edition)	\$31,305.00–\$48,697.00	
#13 Update to Trial (2027 edition)	\$25,435.00–\$39,565.00	
#14 Update to Discovery (2027 edition)	\$15,652.00–\$24,348.00	
	<b>\$90,000.00– \$140,000.00 TOTAL</b>	

**D. Third Option Term: July 1, 2027 – June 30, 2028**

<b>Deliverable</b>	<b>Amount</b>	<b>Proposed Firm Fixed Amount</b>
#15 Update to After Trial (2027 edition)	\$17,608.00–\$27,390.00	
#16 Update to Before Trial (2028 edition)	\$31,305.00–\$48,697.00	
#17 Update to Trial (2028 edition)	\$25,435.00–\$39,565.00	
#18 Update to Discovery (2028 edition)	\$15,652.00–\$24,348.00	
	<b>\$90,000.00–\$140,000.00 TOTAL</b>	

**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

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

The JBE 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 JBE will post an intent to award notice at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm)

CRITERION	MAXIMUM NUMBER OF POINTS
Experience performing legal research and writing	20
Knowledge of, and experience writing about civil procedure and civil law, including evaluation of writing sample	32
Cost	30
Responses to interview questions; references	5
Acceptance of the Terms and Conditions	5
Ability to meet timing requirements to complete the project	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3
<b>Total Maximum Number of 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 **Zoom**. If conducted in person, interviews will likely be held at 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 9**). 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 8**) 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 PROTESTS**

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

Judicial Council of California  
Branch Accounting and Procurement  
Attn: Protest Hearing Officer, RFP-CJER-2023-07-LV  
455 Golden Gate Avenue, Sixth Floor  
San Francisco, CA 94102-3688