



# REQUEST FOR PROPOSALS

*JUDICIAL COUNCIL OF  
CALIFORNIA*

**REGARDING:**  
*JUDICIAL BRANCH DATA  
WAREHOUSE AND DATA  
INTEGRATION SERVICES*

**RFP NO: IT-2023-58-DM**

**PROPOSALS DUE:**  
*April 19, 2024*, NO LATER THAN **1:00 P.M.**  
(PACIFIC TIME)

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## **1. BACKGROUND**

### 1.1 Judicial Council of California and Superior Courts of California

The Judicial Council of California (the “Council”) is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice, and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Council staff help implement the council’s policies and provide services to the following Judicial Branch Entities (JBE):

- The Supreme Court of California,
- The Courts of Appeal,
- The 58 Superior Courts of California located in each of the 58 counties,
- The Habeas Corpus Resource Center (HCRC),
- The Commission on Judicial Performance (CJP), and
- The COUNCIL. There are two locations for the Council: San Francisco and Sacramento

### 1.2 Judicial Branch Data Analytics-Data Integration Program (DA/DI)

The Judicial Council and the Courts of California are looking to modernize use of data analytics in the judicial system. In 2021, a Data Analytics Pilot Program (“Pilot Program”) was established to demonstrate the use of data analytics to help the courts and the judicial branch obtain better insight to improving access and services for the citizens of California. Through the Pilot Program, the Council was able to develop a common, centralized data warehouse platform (the “Platform”) unifying data from several different case management systems into a single, cloud-based warehouse that could be used for analytical purposes. The Pilot Program was designed to help courts use data more effectively to understand business practices and obtain better insight into improving access and services for the citizens of California. The Platform enables the Council and the courts to collect, analyze, and report data to support multiple initiatives and meet legislative and other reporting requirements.

The program’s goals include:

- Build on the established Pilot Program and successfully onboard six (6) new court participants onto the Platform. Additional courts may be added at the Council’s election.
- Build on the established Pilot Program and successfully onboard the remaining four (4) Courts of Appeal to the Platform.
- Create new CARE Act and Community Mental Health datasets, dashboards, and reports.
- Add data from two additional datasets: the CARE Act and Community Mental Health, as described further below.
- Load case-level data for the onboarding courts and the new datasets into the Platform for analytics and business intelligence dashboards. Incorporate the new court participants into existing dashboards.

- Onboarding of Courts

Onboarding is the connection of California courts to the Platform so that the courts can take advantage of the functions and features of the Platform for their reporting and management needs. The Platform combines data from various case management systems into a central repository for data analysis. Onboarding provides courts with timely access to business data dashboards for leadership decision making and to easily compare certain statistics for trial and appellate courts.

At a high level, onboarding is achieved by:

1. Establishing a connection between the courts and their new Platform.
2. Mapping of case management data to a common data dictionary.
3. Testing and validating the courts' data submissions to ensure sufficient data quality.

### 1.3 Judicial Branch Statistical Information System (JBSIS)

The Superior Courts report aggregate counts of filings, dispositions, and other workload indicators using the Judicial Branch Statistical Information System (“JBSIS”). JBSIS fulfills the Council’s requirement to report on the business of the Courts and is used as the basis for workload models that allocate resources to courts based on the number of and type of matters heard in courts. Courts are required to submit reports to JBSIS on a monthly basis. Because of the connection to funding, it is critical that the data submitted are accurate, timely, and auditable. The specific data elements required to be collected are specified in the JBSIS manual and in data matrices that are used to map the Court Statistics Report and the workload models that are used for allocations of staff and judicial officers.

### 1.4 Community Assistance Recovery and Empowerment (“CARE”) Act

Community Assistance Recovery and Empowerment (CARE) will require data collection and reporting to meet legislative guidelines. The CARE Act (SB 1338) creates a new pathway to deliver mental health and substance use disorder services to the most severely impaired Californians who too often suffer in homelessness or incarceration without treatment. The CARE Act moves care and support upstream, providing the most vulnerable Californians with access to critical behavioral health services, housing, and support.

CARE recognizes that to serve those with the most complex behavioral health conditions, we must do the hard work of prioritizing those who need help the most, providing a comprehensive CARE plan that

honors self-determination to the greatest extent possible, and holding ourselves accountable to delivering services and housing that are key to long term stability and recovery.

### 1.5 Community Mental Health Services

The Council provides State Department of Health Care Services (“DHCS”) with data from each Superior Court annually to support the Community Mental Health Services (“CMHS”) program’s legislatively mandated data collection and reporting. The court data includes the number and outcomes of certification review hearings held pursuant to Welfare and Institutions Code section 5256, petitions for writs of habeas corpus filed pursuant to Welfare and Institutions Code section 5275, judicial review hearings held pursuant to Welfare and Institutions Code section 5276, petitions for capacity hearings filed pursuant to Welfare and Institutions Code section 5332, and capacity hearings held pursuant to Welfare and Institutions Code section 5334 in each Superior Court.

### 1.6 The Request for Proposals (RFP)

The Council seeks information technology (IT) data analytics, data migration, integration, and implementation, and data warehouse support (Data Services) to address the evolving data analytic needs of the Council. Accordingly, this RFP seeks proposals from interested vendors (Proposers) that can provide Data Services support by meeting the needs identified in the **Statement of Work (Exhibit 1)**.

The goal of this RFP is to establish an agreement for an initial **three (3) year term**, with **three (3) additional consecutive one-year option terms** for a potential maximum term of **six (6) years**. The initial term of the Agreement is anticipated to cover the period of **6/30/2024** through **6/29/2027** (estimated).

The Council reserves the right to reject all proposals, to amend or cancel this RFP, to award an Agreement in whole or in part and/or negotiate any or all items with individual Proposers if it is deemed in the Council’s best interest, or to not award any Agreements based on submitted proposals.

## 2. DESCRIPTION OF SERVICES

### 2.1 Scope

The Council seeks to contract with a single organization to provide Data Services associated with cloud-based data warehousing, data visualization and reporting, and automated data integration capabilities to support the Council and the courts of California. The scope of the RFP is to select a service provider that can provide analysis, design, development, and rollout of data integration services associated with the Platform.

## **Preferred Requirements**

Proposer shall have:

1. Five (5) years of experience with Snowflake data warehouse/data share-house technology.
2. Five (5) years of experience in architecting and implementing end-to-end, large scale Data Integration projects with proven track record in ETL/ELT (Extract, transform, and load/extract, load, and transform) processes using Talend Data Fabric.
3. Five (5) years of experience in designing and developing descriptive and predictive analytics dashboards and reports using Power BI.
4. Five (5) years of experience in designing and implementing secure, enterprise grade cloud infrastructure using MS-Azure, preferably in a Government Cloud environment.
5. Three (3) years of experience in design and execution of security implementations using Azure AD.

### 2.2 Business and Technical Requirements

The **Business and Technical Requirements (Exhibit 2)** describes in detail the requirements for areas of design and development, cloud data warehousing, automated data integration, automated data collection and processing platform, data analytics, visualization and reporting platform, implementation and testing.

### 3. TIMELINE FOR THIS RFP

The Council has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the COUNCIL. It shall be the sole responsibility of prospective Proposers to monitor the Courts Website at: [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) to ascertain whether the Council has issued an addendum changing any element of the RFP, including events or key dates.

EVENT	KEY DATES
RFP issued:	March 8, 2024
Deadline for questions submitted in Attachment 10 to: <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b>March 22, 2024 1:00 pm PST.</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>	March 29, 2024
Latest date and time proposal may be submitted	<b>April 19, 2024 by 1:00 pm PST.</b>
Interview (Video Conference or In-Person), <i>specific dates and time to be set with individual bidders (estimate only)</i>	April 22 - 26, 2024
Evaluation of proposals ( <i>estimate only</i> )	April 29 – May 3, 2024
Non-Cost proposals scores posted at <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> ( <i>estimate only</i> )	May 8, 2024
Public opening of cost portion of proposals via Teams Meeting  Meeting Link: <a href="#">Click here to join the meeting</a> Meeting ID: 255 753 998 92 Meeting Password: SAzPQr Dial in Number: +1 415-906-0569 Phone Conference ID: 126 831 551#	May 10, 2024, 10:00 am PST
Notice of Intent to Award posted at <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> ( <i>estimate only</i> )	May 15, 2024
Negotiations and execution of contract ( <i>estimate only</i> )	May 22 - June 30, 2024
Contract Start Date ( <i>estimate only</i> )	June 30, 2024

**4. RFP ATTACHMENTS AND EXHIBITS**

4.1 The following attachments and Exhibits 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 Terms and Conditions	<p>The selected Bidder must have an authorized representative sign a Judicial Council Standard Agreement containing these terms and condition (the “Terms and Conditions”). If any exceptions to the Judicial Council Standard Agreement are identified or additional provisions proposed, the Proposer <b>must</b> also submit a redlined version of the Terms and Conditions with its Proposal that clearly identifies all proposed changes and provides a written explanation or rationale for each proposed change.</p> <p>Notwithstanding any other provision in this RFP, the Council reserves the right at its discretion to negotiate any or all items with individual Proposers, including the right to propose or require additional terms and conditions for the agreement prior to agreement execution.</p>
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 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: DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.

Payee Data Record Form (STD 204) at: <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 Council requires in order to process payments and must be submitted with the proposal.
Payee Data Record Supplement (STD205) at: <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 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 STD 204.
Attachment 7: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 8: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the complete certification with its proposal.
Attachment 9: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 10: Proposer Submission Questions Form	The Proposer must submit any questions regarding the RFP on this form by email to <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>
Attachment 11: Bidder’s Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.
Attachment 12: Qualifications Reference Sheet	The Proposer must submit this form in the non-cost portion of its proposal.
Exhibit 1: Statement of Work	Describes the various aspects of what work, services, tasks, and other performance activity is required of the Proposer. The Proposer must respond yes or no to each requirement under the Responsibility Matrixes in Tables 1 through 9 of Exhibit 1 and submit with its proposal.
Exhibit 2: Business and Technical Requirements	The Proposer must submit the complete Business and Technical Requirements response form (in the provided .xlsx format) with its non-cost proposal.
Exhibit 3: Cost Workbook	The Proposer must fill out the various tabs in the Cost Workbook and submit the cost portion of the proposal to: <a href="mailto:RFP-IT-2023-58-DM-COSTS@jud.ca.gov">RFP-IT-2023-58-DM-COSTS@jud.ca.gov</a>

Exhibit 4: Proposer Response Template	The Proposer must submit the completed Proposer Response Template with its non-cost proposal.
Exhibit 5: DA/DI Data Dictionary	Detailed Data Dictionary for the DA/DI data warehouse

**5. PAYMENT INFORMATION**

Payments shall be made in accordance with the terms and conditions contained in Appendix B, Pricing and Payment of **Attachment 2: Judicial Council Terms and Conditions**.

The Judicial Council standard business payment terms are **net sixty (60)** days after receipt of correct invoice. **No Travel Reimbursement is allowed.**

**6. 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 their proposal electronically in two (2) separate parts. Part One is the Technical Proposal, which covers the qualifications for the Proposers corresponding to Section 2 above, and Part Two is the Cost Proposal.
  - 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)
  - b. The Technical Proposal must be signed by an authorized representative of the Proposer and comply with the requirements of Section 7.1 below.
  - c. The Proposer must indicate the RFP title and number on the subject line of the submission email and ensure that the RFP title and number are on the Proposal attachments.
  - d. **Cost Proposal** - The Proposer must submit their Cost Proposal as an attachment **separate from the Technical Proposal** to the Solicitations Mailbox at: [RFP-IT-2023-58-DM-COSTS@jud.ca.gov](mailto:RFP-IT-2023-58-DM-COSTS@jud.ca.gov)

- e. The Cost Proposal must be signed by an authorized representative of the Proposer and comply with the requirements of Section 7.2 below.
  - f. The Proposer must indicate the RFP title and number on the subject line of the submission email and ensure that the RFP title and number are on the Proposal attachments.
- 6.3 Submission acceptance will be based on the date and time the emails are received by the Council. Both emails 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.
- 6.4 **Late proposals will not be accepted.** However, as necessary, the Council may request clarification from Proposers after the submission of proposals.
- 6.5 The 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 or contract, and does not create any obligation to form a contract. The Council and/or the State of California shall not be responsible for the cost of preparing a proposal. Submitted proposals may be retained for official files and may become a public record.

## 7. PROPOSAL CONTENTS

- 7.1 **Technical (Non-Cost) Proposal.** The following information must be included in the Technical, 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 contact person for purposes of this RFP.
  - c. Proposer must submit a response to the Statement of Work, **Exhibit 1**. Proposer will respond yes or no to each requirement under the Responsibility Matrixes in Tables 1 through 9 of Exhibit 1. If the response is no, then the Contractor shall provide a reason for why the requirement cannot be met and shall propose an alternative approach for the Council's written approval.
  - d. Proposer must submit a response to the Technical and Business Requirements, **Exhibit 2**. Proposer must provide responses under each of the services if the requirement can be met. If the requirement cannot be met, the proposal must explain how the requirement will be delivered.

- e. Proposer must complete and submit **Exhibit 4** (Proposer Response Template) and submit with its proposal.
- f. Acceptance of the Council’s 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 and provide (b) a written explanation or rationale for each exception that clearly identifies the benefit to the Council from the proposed exception.

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.**

- iii. Notwithstanding any other provision in the RFP, the Council reserves the right at its discretion to negotiate any or all items with individual Proposers, including the right to propose or require additional or different terms and conditions for the agreement prior to agreement execution.
- g. 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 Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. The Proposer shall provide a copy of their Certificate of Status with the Secretary of State of California. The Council may verify by checking with California's Office of the Secretary of State. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer 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 – even indirectly – “doing Business” in California, proposers 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/>

- iii. Copies of the Proposer's, including any subcontractors', current business licenses, professional certifications, or other credentials.
- iv. 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>
- v. Data Record Supplement STD 205 (if applicable). STD 205 is optional, and it is required only if the remittance address information is different than the mailing address on the STD 204 form. Form and instructions are in fillable PDF format available in the following link: <https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>
- vi. The Proposer must complete the Iran Contracting Act Certification (**Attachment 7**) and submit the completed certification with its proposal.
- vii. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 8**) and submit the completed certification with its bid.
- viii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 9**) and submit the completed certification with its proposal.
- ix. The Proposer must complete the Qualification Reference Sheet (**Attachment 12**) and submit the completed copy with its proposal.
- x. By submitting a proposal, the Proposer certifies that: (i) it is in compliance with economic sanctions imposed pursuant to applicable laws by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law (collectively, "Economic Sanctions"); and (ii) it is not a target of Economic Sanctions. If the Council determines that Proposer is not in compliance with Economic Sanctions or is a target of Economic Sanctions, that shall be grounds of rejection of its proposal.

## 7.2 Cost Proposal.

The following information must be included in the cost proposal.

- i. Proposer must submit Cost Response Workbook, **Exhibit 3**. Costs provided in any other format than the template provided may disqualify the Proposer's cost proposal from consideration for an award.

- ii. Proposer will provide hourly rates for each of the areas identified within **Exhibit 3**.
- iii. By submitting a Cost Proposal, Proposer certifies that if awarded a contract, it agrees that the hourly rates specified in the Cost Response.
- iv. List any and all assumptions in the sections provided in the Cost Response Workbook.
- v. Proposer may provide an alternative cost model; provided, however, that to have the Cost Proposal scored, Proposer must first complete the other areas (including the other pricing sheets in **Exhibit 3**).

**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. OFFER PERIOD**

A Proposer’s proposal is an irrevocable offer for 120 days following the proposal due date. In the event a final contract has not been awarded within this period, the Council reserves the right to negotiate extensions to this period.

**9. EVALUATION OF PROPOSALS**

The cost portion of proposals will be publicly opened at the date and time noted in Section 3, or if such date and time are changed at the discretion of the Council, an addendum will be posted at: <https://www.courts.ca.gov/rfps.htm> for the new date and time.

The COUNCIL will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Awards, if made, will be to the highest-scored proposal. If the COUNCIL decides to issue an intent to award, the Council will post an intent to award notice at [www.courts.ca.gov](http://www.courts.ca.gov).

<b>Category</b>	<b>Factors</b>	<b>Total Possible Points</b>
Cost	Overall cost based on the fee structure described in <b>Exhibit 3</b> .	50
Quality of proposal	Completeness and inclusion of required information in conformance with the RFP submission requirement; and clarity of the proposal content	3

Methodology; business and technical aspects.	Methodology for providing services as set forth in Exhibit 1, 2 and 4. The extent to which the Proposer meets the business and technical requirements set forth in the RFP.	15
Organization Experience	Experience of the proposing organization based upon similar programs provided in your Proposal.	12
Acceptance of Terms and Conditions	Level of Proposer’s acceptance of Terms and Conditions.	12
Viability of Firm	Must demonstrate the existence of a stable, long-term viable business entity that provides IT Data Services utilizing similar expertise and experience	5
DVBE Incentive	DVBE incentive points.	3
	<b>Total Possible Points</b>	<b>100</b>

**10. INTERVIEWS**

The Council may conduct interviews with Proposers that meet the requirements. This is 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, by phone, or remotely. If conducted in person, interviews will likely be held at the Council’s offices. The Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Council will notify eligible Proposers regarding interview arrangements.

**11. 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 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 the 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 Council’s right to disclose information in the proposal, or (b) requiring the 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 11. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12. 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 Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Council's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, several 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 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 11**). The 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 6**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If the Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If the Proposer uses 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 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 Council'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 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 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 Council. If the Proposer fails to do so, the 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 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 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 MILITARY AND VETERANS CODE SECTION 999.9.**

### **13. 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 are governed by the 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 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 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

#### **14. 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 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).