

RFP Title: **On-Site Catering Sacramento**
RFP Number: **LSS-2023-04-LV-On-Site-Catering**

REQUEST FOR PROPOSALS

**JUDICIAL COUNCIL OF CALIFORNIA
LEADERSHIP SUPPORT SERVICES**

**TITLE:
On-Site Catering Sacramento**

RFP NO: LSS-2023-04-LV

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

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial branch. The California Constitution directs the Judicial 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. This Request For Proposal (“RFP”) is being issued by the Judicial Council, on behalf of itself, and other judicial branch entities, which include but may not be limited to the Courts of Appeals (collectively, “Judicial Branch Entities,” or “JBEs”).
- 1.2 The Judicial Council seeks the services of entities with expertise in the day-to-day business of catering.

As an internal services organization, the Conference Center & Reception Services Unit (located within the office of Conference & Print Production) is tasked with placing catering orders in conjunction with meetings taking place in the conference rooms that are located within the buildings at 2850 Gateway Oaks Drive, Sacramento, and orchestrating the logistical needs of meetings, conferences, trainings, etc. taking place on site.

Occasionally a JCC catering order will be required for delivery to another location within Sacramento – please indicate your ability/willingness to fulfill catering orders within the greater Sacramento area. If there is an additional delivery fee it should be noted in your cost proposal.

- 1.3 The Judicial Council seeks to identify and **retain one or more qualified Proposers** to prepare, deliver, set-up and tear-down catered meals, in a professional manner with the utmost attention to detail. This RFP is the means for Proposers to submit their qualifications and request selection as a Proposer for these services.
- 1.4 The Judicial Council anticipates awarding one or more master agreements for a **two-year term**. The term of the awarded master agreement(s) is anticipated to commence on or about **July 1, 2023** and run for two years.
- 1.5 The Judicial Council does not guarantee that the Proposer(s) will receive a specific volume of work, a specific total amount, or a specific order value under the awarded master agreement(s) for these services. Additionally, there will be no limit on the number of orders the Judicial Council may issue under the Master Agreement(s), nor will there be any specific limitation on the quantity, and

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maximum value of individual orders.

1.6 Background information on historic catering needs and expenditures (for reference only; not a guarantee of future expenditures):

1.6.1	Fiscal year 2020/2021:	\$0*
1.6.2	Fiscal year 2021/2022:	\$7,908.00**
1.6.3	Fiscal year 2022/2023:	\$37,480.20***

* (shut down of services due to COVID)

** (partial-year due to COVID interruption)

*** (YTD as of March 2023)

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

Meetings are catered within the greater Sacramento area, on an average ranging from 0-2 catering orders per week, which amounts to some weeks having no orders, alternated by weeks with multiple orders and with the occasional week of 5 or more catering orders. **One catering order is meals served for one day's meeting.** One catering order may contain just coffee, or breakfast and lunch. Peak numbers of meals served is Tuesday through Friday. The meals served most often are either some variation of a continental breakfast and/or a morning coffee service, and lunch. The average breakfast per catering order covers **35 people** and the average lunch per catering order covers **25 people**. Receptions and dinners are rarely to never served.

2.1 Scope of Services

The successful Proposer(s) will be asked to provide the JBE with the following work:

2.1.1 Order Placement Process

- 2.1.1.1 Catering orders may be placed Monday through Friday until 3:00 pm, at least one day prior to the event.
- 2.1.1.2 Menu selection changes may be made to a previously placed order up to 24 hours in advance of the event time/date.
- 2.1.1.3 Change in the number of meals (increase or decrease) specified in an order may be made by 3:00 pm on the business day preceding the scheduled delivery without penalty.
- 2.1.1.4 Full cancellation of orders previously placed may be made up to one (1) business day in advance of event time/date, without charge.

- 2.1.1.5 Orders should be placed by the JBEs to successful Proposer(s) using the **Catering Menu Form** which can be customized by each JBEs based on their service needs. Each JBE and in the case of the Judicial Council, is responsible for submission of their own Catering Menu Order form to place orders. The Authorized JBEs personnel will work with the successful Proposer(s) on each order.
- 2.1.1.6 Upon receipt of a Catering Menu Order Form, the successful Proposer(s) shall email a sales order to be confirmed by the JBEs' authorized user before the order is considered authorized.
- 2.1.1.7 A set list of authorized Judicial Council personnel that may place catering orders will be provided after the award of the contract(s).

2.1.1.8 Any JBE shall have the right to request goods and services by entering into a Participating Addendum under the Leveraged Procurement Agreement ("LPA") that results from this RFP, in the form attached to Attachment 2 ("Participating Addendum"). Pricing for goods and services shall be in accordance with the prices and fees set forth in any executed LPA. After a Participating Addendum has been presented to the successful Proposer by a JBE, the successful Proposer shall acknowledge, sign, and perform under the Participating Addendum in a timely manner. Each Participating Addendum will constitute and will be construed as a separate, independent contract between successful Proposer and the JBE signing such Participating Addendum, subject to the following: each Participating Addendum shall be governed by the LPA and the terms of the LPA are incorporated into each Participating Addendum; (ii) the Participating Addendum may not alter or conflict with the terms of the LPA; and the (iii) the term of the Participating Addendum may not extend beyond the expiration date of the LPA. The JBEs may provide their own list of authorized personnel to the successful Proposer(s) after the Participating Addendum is signed. The successful Proposer(s) shall not work with any non-authorized personnel, and the JBE will not be financially responsible for orders the successful Proposer accepts by non-authorized personnel.

2.2 Delivery, Set-up and Pick-up

2.2.1 All orders are to be delivered and set-up by the specified "Delivery Time" on the **Catering Menu Order Form (Attachment 7A)** provided by the authorized user. The delivery schedule is:

- Breakfast is before 8:00 am
- Coffee only before 10:00 am
- Lunches around 11:30 am
- Dinner is very rare, and around 5:00 pm

2.2.2 **Any orders delivered late by 30 minutes or more will be at no charge to the JBE.**

- 2.2.3 If the successful Proposer(s) anticipates a late delivery, they will immediately call the JBE's authorized representative with an estimated time of arrival.
- 2.2.4 Prior to room set-up, the Successful Proposer(s) will always check in at the Reception desk upon arrival at the JBE location, to receive any last-minute information or instructions (i.e., room changes).
- 2.2.5 All catering equipment (serving utensils, etc.) must be cleared from the building no earlier than 3:30 pm and no later than 6:00 pm on day of delivery (with the exception of days when late afternoon or early evening receptions are scheduled to take place).
- 2.2.6 All meals must be delivered fully prepared and ready to serve (there are no onsite kitchen facilities).

2.3 Presentation

- 2.3.1 The display of catered items will be placed on JBE-provided tables and must include at a minimum all the following items:
 - 2.3.1.1 Carafes are used for orange juice service
 - 2.3.1.2 Linen tablecloths are used on buffet surfaces.
 - 2.3.1.3 Professionally printed food labels are used on buffets for indication of coffee type, and vegetarian and gluten-free selections.

2.4 Inventory

- 2.4.1 The Successful Proposer(s) agrees to keep an inventory of a minimum of the following in a supply closet at the Judicial Council
 - 2.4.1.1 100 paper plates, 100 sets of eating utensils (plastic forks, knives, spoons, and paper napkins, etc.)
 - 2.4.1.2 Supply of seasonings, teas, sweeteners.
 - 2.4.1.3 Successful Proposer will be responsible for monitoring and replenishing inventory as necessary

2.5 Problem Resolution

- 2.5.1 The JBE requires direct access to a management representative with the Successful Proposer(s), in order to gain immediate and accurate information and problem resolution.

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2.5.2 The Successful Proposer(s) will ensure prompt problem resolution, with appropriate and concise follow-up to the JBE’s Project Manager within **7 business days** of receiving the JBE’s request for problem resolution.

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	April 26, 2023
Deadline for questions to solicitations@jud.ca.gov	May 12, 2023 by 1:00 pm Pacific Time
Questions and answers posted (estimate only) www.courts.ca.gov/rfps.htm	May 15, 2023
Latest date and time proposal may be submitted to solicitations@jud.ca.gov	Thursday, June 1, 2023 by 1:00 pm Pacific Time
Anticipated interview dates and Menu Tasting (estimate only)	June 12, 2023 – June 15, 2023
Evaluation of proposals (estimate only)	June 5, 2023 – June 15, 2023
Notice of Intent to Award (estimate only) www.courts.ca.gov/rfps.htm	June 19, 2023
Negotiations and execution of contract (estimate only)	June 26, 2023 – June 30, 2023
Contract start date (estimate only)	July 1, 2023
Contract end date (estimate only)	June 31, 2025

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

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ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JBE Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
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: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form (STD 204)	This form contains information the JBE requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Form (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 7: Pricing Form and Menu Options	Pricing Form and Menu Options
Attachment 7A: Catering Menu Order Form	Catering Menu Order Form
Attachment 8: DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9: Bidders Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.

5.0 BILLING AND PAYMENT INFORMATION

- 5.1 On weeks in which there’s an order, all invoices must be emailed to the JBE’s Project Manager on no less than a weekly basis in arrears.
- 5.2 Each invoice must have its own specific invoice number for tracking

purposes.

- 5.3 Each invoice must include the following information:
- Cost per meal, inclusive of preparation, set-up, tear-down of catered meals and use of linen tablecloth and service charge
 - Ancillary cost such as flatware and paper products
 - Delivery charge, if any
 - Number of meals served
 - Date of Service
 - Name of meeting
 - Room name
 - Sales tax
- 5.4 For multiple day events within the same week, a single Master Invoice with a single unique invoice number may be utilized to cover the range of the event's orders
- 5.5 Any questions or concerns regarding payment of bills should be directed to the JBE's Project Manager
- 5.6 Successful Proposer(s) must provide the JBE with a monthly statement listing all outstanding (unpaid) invoices.
- 5.7 Any orders delivered **late by 30 minutes** or more will be at no charge to the JBE.
- 5.8 The Service and Deliverables must meet the following acceptance criteria or the JBE may reject the applicable Services or Deliverables:
- Timeliness: timely delivery of the catering as requested on the Catering Menu Order Form
 - Edibility of the food or drink: the catering is delivered as measured against commonly accepted standards.
- 5.9 The JBE will make every effort to ensure each correct, itemized invoice received from the Successful Proposer is paid promptly but is unable to pay any late fees or interest payments on invoices past due.

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" **section 7** 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 in two parts, the Technical Proposal and the Cost Proposal.
- a. The Proposer must submit **an electronic copy** of the Technical Proposal. The original must be signed by an authorized representative of the Proposer. The Technical Proposal must be submitted via email to

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<mailto:Solicitations@jud.ca.gov>. The Technical Proposal must include all components required in Section 7.1. The Proposer must indicate the RFP title and number in the subject line of the email.

- b. The Proposer must submit **an electronic copy** of the Cost Proposal. The Cost Proposal can be submitted in the same email as the Technical Proposal above, (via email to <mailto:Solicitations@jud.ca.gov>) but must be a separate attachment marked “**COST PROPOSAL**” from the Technical Proposal. The Cost Proposal must include all components required in Section 7.4. The Proposer must type the RFP title and number in the subject line of the email.
- 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 proposal will not be accepted.
 - 6.4 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:
Solicitations@jud.ca.gov
Subject: On-Site Catering Sacramento
 - 6.5 For the purposes of this RFP, proposals shall be transmitted only by email.
 - 6.6 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 of 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.
 - a. The Proposer’s name, address, telephone and fax numbers, and federal tax identification number. Provide the physical address of the location where catering service meals will be prepared for delivery to the JBE.
 - b. Provide a brief history of your company. Include management philosophy, length of years in the catering business, annual volume of catering business, and industry associations to which your company belongs.
 - c. Indicate staffing level and an organization chart identifying the members of your team, their roles, responsibilities, lines of authority and knowledge necessary to complete this project.

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- d. 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.
- e. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- f. Names, addresses, and telephone numbers of a minimum of four (4) clients for whom the Proposer has conducted similar services. The Judicial Council may check references listed by the Proposer.

7.1.1 **Methods and Plans**

7.1.1.1 **Method.** Describe your proposed method to complete the work including catering order placement & order confirmation methods, as well as your proposed delivery and pick-up procedures.

For example:

The Proposer receives an order for catering services from the Judicial Council for an all day, on-site event with 40 attendees. Describe the method you would use to complete the work.

7.1.1.2 **Customer Satisfaction Plan.** Describe the plan you will implement to ensure continued customer satisfaction throughout the engagement. Include items such as guarantees, client surveys, problem escalation procedures, and periodic meetings with the Judicial Council Project Manager.

7.1.1.3 **Invoice process.** Describe you proposed invoicing process.

7.1.1.4 **Menu options.** Submit an assortment of several cold lunch menu options, as well as any hot lunch menu options several cold and hot breakfast menu options, coffee service options(s), Appetizer/Hors D'Oeuvre and dinner and/or evening reception hors d'oeuvres menu options. Menus should be creative and flexible. They should have the potential to **rotate every 6 to 12 months** if the JBE opts for a fresh menu.

7.1.1.5 **Minimum Order.** The Proposer will clearly state in their proposal any and all minimum ordering and delivery requirements (e.g. The minimum order for delivery is \$60)

7.1.1.6 **Dietary restrictions.** Packaged menu options must include selections that can accommodate dietary restrictions (e.g., diabetic, vegetarian, gluten-free, vegan, nut allergies, etc.)

7.2 Acceptance of the Terms and Conditions.

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- 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 Microsoft Word 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.
- iii. Note: Proposed replacement of Attachment 2, JBE Standard Terms and Conditions in its entirety with Proposer’s terms and conditions is not allowed and 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. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
- iii. The Proposer must complete the Payee Data Record form (Attachment 6A) and submit the completed form with its proposal.
- iii. 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. 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.
- iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- v. Proof of financial solvency or stability (e.g., balance sheets and income statements).

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

7.4.1 **Pricing**

7.4.1.1 Current meals prices (for use as reference) are listed below:

7.4.1.1.1. \$8.00 per person for continental breakfast options.

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- 7.4.1.1.2 \$8.00 per person for hot breakfast entrees options.
- 7.4.1.1.3 \$3.00 per person for coffee service.
- 7.4.1.1.4 \$12 per person for lunch sandwich or salad options
- 7.4.1.1.5 \$12 per person for lunch hot entrée options
- 7.4.1.1.6 \$20 per person for dinner options

7.4.1.2 The above pricing includes preparation, set-up tear down of catered meals, use of linen tablecloths, service charge and sales tax.

7.4.1.3 Though the above pricing structure represent the current meal pricing utilized by the Judicial Council, lower cost option will be viewed favorably for the purpose of this RFP.

In the event that the above pricing cannot be met, all interested proposers are encouraged to submit their best available proposed pricing for consideration.

7.4.1.4 Delivery fees will be paid as a separate item. Proposer will clearly state in their proposal any and all delivery fees and their specifics.

7.4.1.5 Ancillary costs such as flatware and paper products will be paid separately.

7.4.1.6 Sales tax will be paid separately from cost per meal per person.

7.4.2 **Attachment 7, Pricing Form and Menu Options.** Complete this form to include descriptive examples each of the packaged menu items specified in section **7.1.2.4, Menu Options** above; packaged menu items provided in Attachment 7 should include an assortment of beverages. Beverages should not include bottled water. All baked good items served (with the exception of sliced breads for sandwiches) should be fresh and not consist of pre-packaged or mass marketed/branded items (e.g., Kirkland brand from Costco).

7.4.3 Provide a detailed line item budget showing the total cost per person of the proposed services for each packaged menu item on Attachment 7.

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 INTERVIEWS AND NEGOTIATIONS

9.1 The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals to finalize the contract terms and conditions, including cost, or to assist in finalizing the ranking of top-ranked proposals. Interviews may be conducted in person or by phone. If conducted in person, interviews will be held at the Judicial Council's office 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 if an interview is requested.

9.2 **MENU TASTING:** The Judicial Council may conduct a Menu Tasting. If a Menu Tasting is necessary, it will be for the **top 3 ranked proposers only**, to present in person at the Judicial Council, a tasting of several items from the proposed breakfast and lunch menus. Delivery presentation, and food quality and portion size will be assessed by the project management staff and this time.¹ All expenses associated with the tasting shall be borne by the proposer. The Judicial Council will notify the top-ranked Proposers regarding the tasting arrangements according to the scheduled date specified in Section 3.0, Timeline for this RFP.

¹Note: Evaluators may request to taste samples of the menu examples described in Attachment 7, *Pricing Form and Menu Options (7.2.2)*

10.0 EVALUATION OF PROPOSALS

10.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents specified in **Section 7.0, Proposal Contents** above.

10.2 The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. As one or more Proposers may be selected, Awards, if made, will be to the highest scored proposals. Although some categories are weighted more than others, all are

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considered necessary, and a proposal must be technically acceptable in each area to be eligible for award.

CRITERION EVALUATION CRITERIA	MAXIMUM NUMBER OF POINTS
Cost	30
Ability to meet timing and delivery requirements to complete the project, i.e., fulfill catering orders, minimum order requirements, and flexibility	20
Appealing menu selections	15
Experience on similar assignments and positive feedback from references	10
Compliance with requirements of the RFP and acceptance of Judicial Council Master Agreement Terms and Conditions	7
Proximity of catering operation relative to the Judicial Council's building	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3
Total Evaluation Points before Menu Tasting	Total evaluation points are 90 points with 10 points reserved for the interview/tasting. 90

Top-ranked candidates only if interview/Menu Tasking is conducted

Presentation and quality of Menu Tasting (to be scheduled)	10
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11.0 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. If conducted in person, interviews will likely be held at the Judicial Council's office 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.

12.0 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 Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or

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income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, pursuant to this Section 12.0. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

13.2 The Proposer will receive a DVBE incentive if, in the sole determination of the Council’s staff, 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 as specified in section 9 above.

13.3 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”).

13.4 If Proposer wishes to seek the DVBE incentive:

- a. The Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). The Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- b. The 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 the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration. If the Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration.

NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

13.5 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, Judicial Council staff may request additional written clarifying

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information. Failure to provide this information as requested will result in Proposer not receiving the DCBE incentive.

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

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.

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 JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

**Judicial Council of California
Branch Accounting and Procurement | Administrative Division
Attn: Protest Hearing Officers, RFP Number: LSS-2023-04-LV
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688**

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