

RFP Title: Statewide Limited Telephonic and Remote Interpreter Services
RFP Number: TCAS-2022-02-MS

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

RFP# - TCAS-2022-02-MS

**TITLE: Statewide Limited Telephonic and Remote
Interpreter Services**

**PROPOSALS DUE: MAY 2, 2022, NO LATER THAN 3:00 P.M.
(PACIFIC TIME)**

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1. BACKGROUND INFORMATION

1.1 Judicial Council of California

The Judicial Council of California (Judicial Council) is the policymaking body of the California court system, which includes 58 superior courts, the courts of appeal, and the Supreme Court. Under the authority of the state's Constitution and with the leadership of the Chief Justice of the California Supreme Court, the Judicial Council is responsible for ensuring the fair, impartial, and consistent administration of justice. The Judicial Council recommends improvements to the courts, adopts rules and procedures for court administration, and makes recommendations annually to the Governor and the Legislature. Judicial Council staff assist the Judicial Council with implementing policies and supporting court operations.

Within the Judicial Council's Center for Families, Children, & the Courts (CFCC), the Language Access Services Program (LASP) works to develop policies and provide services to ensure equal access to justice for court users who are limited English proficient (LEP) or deaf/hearing-impaired. LASP is comprised of the Language Access Implementation Unit (LAI) and the Court Interpreters Program (CIP). LAI works on making the courts more language accessible via resources such as signage, technology, and translated forms, and CIP works on addressing court interpreter issues and developing court interpreter services.

The Court Interpreters Advisory Panel (CIAP) assists the council in performing its duties through promoting access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. The Language Access Subcommittee, under the Advisory Committee on Providing Access and Fairness (PAF), assists the Judicial Council with language access policy recommendations for the California courts. Under Gov. Code § 68563, the Judicial Council conducts a study of language need and interpreter use in the California superior courts every five years and reports these findings to the Governor and the Legislature (see [2020 Language Need and Interpreter Use Study](#)). This study is used to inform the policy recommendations of CIAP and the Language Access Subcommittee and the development of services and resources for LEP or deaf/hearing-impaired court users and the courts.

The Judicial Council is the credentialing body for California certified or registered court interpreters. To become a California certified or registered court interpreter, an interpreter must pass the requisite exams and complete enrollment for the Judicial Council's Master List. The following languages have been designated for certification: American Sign Language, Arabic, Armenian (Eastern), Armenian (Western), Cantonese, Farsi, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. All other languages are designated as registered languages. More information about the [court interpreter exams](#) can be found on the Judicial Council website.

1.2 Objectives and Process

In order to gain economies of scale and to leverage purchasing power among California judicial branch entities, the Judicial Council is conducting this RFP to

facilitate the provision of Limited Telephonic and Remote Interpreter Services (as defined in Section 2 below) for the benefit of the following California judicial branch entities: the 58 Superior Courts of California (collectively, “Superior Courts” or “trial courts”), the California Courts of Appeal, the Supreme Court of California, the Habeas Corpus Resource Center, and the Judicial Council (collectively referred to as judicial branch entities (JBEs) and individually as a “JBE”).

Through this RFP, the Judicial Council intends to award one (1) and up to five (5) leveraged procurement agreements, also referred to as “Master Agreements.” Each Master Agreement awarded as a result of this RFP is expected to have an initial term of five (5) years, followed by three (3) one-year options to extend the term at the Judicial Council’s discretion.

Unless otherwise specifically set forth, any representations, warranties, or certifications made by the person or entity submitting a proposal (Proposer) or potential vendor pursuant to this RFP are deemed to be made to all of the entities in the immediately preceding paragraph. Through a Participating Addendum, substantially in the form of the sample Participating Addendum provided in Attachment 2, each JBE may elect, but is not required, to purchase services under any Master Agreement that may be awarded as a result of this RFP.

If multiple Master Agreements are awarded, each JBE may select the vendor that best meets the JBE’s individual requirements and provides the best value to the JBE. Each Participating Addendum will incorporate and be subject to the terms and conditions of the respective Master Agreement that has been awarded as a result of this RFP. Based on the terms and conditions of the Master Agreement, each Participating Addendum will set forth the specific services, schedules, and fees. Each Participating Addendum will constitute a separate independent contract between the vendor and the JBE signing the Participating Addendum.

2. DESCRIPTION OF SERVICES

2.1 Scope

The Judicial Council seeks to identify and retain up to five qualified vendors to provide the JBEs with on-demand Telephonic and Remote Interpreter Services, in compliance with the requirements set forth in Section 2.2 below, (Interpreter Services) on a limited basis when the applicable JBE is unable to secure a California certified or registered court interpreter to provide interpretation.

For purposes of this RFP, “Interpreter Services” are competent language interpretation services (as defined in Section 2.2), including “Remote Interpreter Services” for American Sign Language (ASL) Interpreter and Certified Deaf Interpreter (CDI) services. In this RFP, Interpreter Services are only accessible using a telephone number, with the exception of Remote Interpreter Services for ASL and CDI services, which by necessity require the use of video and audio.

These Interpreter Services may be utilized in such settings as, courtroom proceedings, court services and programs, self-help centers, public counters, and other court-related settings where Interpreter Services are needed by the public. Use of Interpreter Services shall be consistent with applicable law, including but not limited to, the Trial Court Interpreter Employment and Labor Relations Act ([Gov. Code §§ 71800-71829](#)) and applicable memoranda of understanding between the court interpreter collective bargaining regions and recognized employee organizations.

2.2 Requirements

The following table provides further information on the services being sought in this RFP.

#	Requirement	Description
1.0	Spoken Language Interpretation	Vendor must provide on-demand telephonic Interpreter Services in multiple spoken languages, including but not limited to the following fourteen (14) most interpreted spoken languages according to the 2020 Language Need and Interpreter Use Study : <ol style="list-style-type: none"> 1. Arabic 2. Armenian (Eastern) 3. Cantonese 4. Farsi 5. Hmong 6. Khmer 7. Korean 8. Lao 9. Mandarin 10. Punjabi 11. Russian 12. Spanish 13. Tagalog 14. Vietnamese
2.0	Remote Interpretation Languages	Vendor must provide on-demand Remote Interpreter Services, including video and audio for American Sign Language (ASL) and Certified Deaf Interpreters (CDI).
3.0	Requirements: Limited Telephonic Interpreter Services	<ul style="list-style-type: none"> ➤ Access to spoken language Interpreter Services set forth in Requirement 1.0 of this table must be provided telephonically on-demand. Vendor must provide a single, toll-free number to access all said Interpreter Services, as well as conference-calling services and capabilities for interpreted calls. ➤ Vendor must also provide JBEs with the ability to reserve or schedule a telephonic interpreter in advance

#	Requirement	Description
		<p>of the actual time needed.</p> <ul style="list-style-type: none"> ➤ Vendor must provide interpreters for the list of languages offered, the time frame when the interpreter can be available, and what percent of the time that this commitment can likely be achieved (see Exhibit 1, Payment Provisions).
4.0	Requirements: Limited Remote Interpreter Services for ASL and CDI	<ul style="list-style-type: none"> ➤ Vendor must provide on-demand access to Remote Interpreter Services, including Video Remote Interpreting, for individuals who are deaf or hard of hearing (Hearing-Impaired), including ASL and CDI. For purposes of this RFP, Video Remote Interpreting is a service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing individuals and Hearing-Impaired individuals. ➤ Vendor must also provide JBEs with the ability to reserve or schedule a remote interpreter in advance of the actual time needed. ➤ Proposals must include whether Vendor intends to use a third-party video conferencing technology platform or its own proprietary platform to deliver access to its Remote Interpreter Services and information or instructions regarding the manner in which a JBE and/or Hearing-Impaired individual will access the platform and Vendor’s Remote Interpreter Services. ➤ Solutions must have the capability for breakout rooms that allow confidential conversations between the Hearing-Impaired individual, attorney, and court interpreter before, during, and after the hearing. ➤ Solutions must also meet the following performance standards: <ul style="list-style-type: none"> ○ real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags; choppy, blurry, or grainy images; or irregular pauses in communication; ○ a sharply delineated image that is large enough to display the interpreter’s face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language,

#	Requirement	Description
		<p>regardless of his or her body position;</p> <ul style="list-style-type: none"> ○ a clear, audible transmission of voices; and ○ adequate staff training to ensure quick set-up and proper operation. <p>➤ Vendor may also provide additional options for remote access to ASL interpreter and CDI services, such as Video Relay Service interpreter services or other such services.</p> <p>➤ Proposals must include minimum technology and equipment specifications necessary for JBEs and Hearing-Impaired individuals to ensure each has the equipment and technology necessary to access the Remote Interpreter Services.</p>
5.0	Interpreter Credential and Certification Requirements	<p>➤ Vendor must provide the list of languages for which it offers interpreters, the time frame when the interpreter can be available, and what percent of the time that this commitment can likely be achieved (see Exhibit 1, Payment Provisions).</p> <p>➤ Vendor must provide training, assessment, and ongoing monitoring of interpreters' compliance with standard court interpreter protocols and ethical canons as stated in California Rule of Court 2.890 and the Professional Standards and Ethics for California Court Interpreters.</p> <p>➤ Vendor must verify the competency of interpreters (see Knowledge, Skills, and Abilities Essential for Court Interpretation) and maintain on file documentation of the credentials and/or qualifications of each interpreter, to be made available at the JBE's request. Documentation should include:</p> <ul style="list-style-type: none"> ○ Verification of California-credentialed court interpreter status (or otherwise qualified); ○ The language(s), level, and type of competency tested and verified (e.g., general conversational, legal, etc.); the score or rating assigned to identify the interpreter's level of competency, including listening comprehension and interpreting skills in English and the foreign language; and the date the interpreter's competency was tested and verified; ○ Information that provides how the interpreter's competency is tested and verified; information

#	Requirement	Description
		<p>that provides how the interpreter’s knowledge, skills, and abilities are monitored and how the vendor can ensure the quality of interpretation;</p> <ul style="list-style-type: none"> ○ That the interpreter has a minimum of two (2) years of professional interpreting experience; in the case of languages of lesser diffusion, this requirement may be waived by agreement of both parties to this Agreement before services begin; ○ That the interpreter has engaged in continuing education and training to maintain or improve the interpreter’s knowledge, skills, and abilities. ○ Verification of the following certifications from the Registry of Interpreters for the Deaf (RID) for ASL and deaf interpreters: <ul style="list-style-type: none"> ▪ The Specialist Certificate: Legal (SC:L), specified by the Judicial Council for ASL court interpreters ▪ Generalist certificate, Certified Deaf Interpreter (CDI) for deaf interpreters
6.0	Reporting Services	<ul style="list-style-type: none"> ➤ At no further cost, Vendor must provide the Judicial Council with quarterly reports in conjunction with invoicing, indicating services provided for that quarter. Reports should include, at a minimum: the language of the service provided; the name of the requesting court; the length of the proceeding or service provided; and the credentials and/or qualifications of the interpreter provided.
7.0	Other Requirements	<ul style="list-style-type: none"> ➤ Vendor may not charge the JBEs a minimum use fee for the non-usage of services. ➤ The JBEs will have the right to affirm or decline the usage of a particular interpreter. ➤ The JBEs will not pay or reimburse for any expenses incurred by the vendor for scheduled quarterly meetings or for any meetings relating to unsatisfactory performance issues. ➤ Solutions (telephonic and remote) need to support both consecutive interpretation (in open court when the speaker pauses after one or two sentences and allows the interpreter to interpret from the source language to the target language before the speaker continues on

#	Requirement	Description
		with their speech) and simultaneous interpretation (when the interpretation from the source language to the target language happens in real time), allowing the interpreter to toggle back and forth between consecutive and simultaneous interpretation modes as necessary.

3. WARRANTY

The Services Warranty under any awarded Master Agreement must comply with the Judicial Council’s Standard Terms and Conditions (Attachment 2).

4. TIMELINE FOR THIS RFP

The following is a list of key events related to this RFP. All times correspond to the Pacific Time Zone, and all times and dates are subject to change at the discretion of the Judicial Council.

EVENT	DATE
Judicial Council, on behalf of the JBEs, issues RFP	April 4, 2022
Deadline for questions submitted to TCsolicitation@jud.ca.gov	April 11, 2022 at 3:00 PM PT
Questions and Answers posted at www.courts.ca.gov/rfps.htm (estimate only)	April 15, 2022 at 1:00 PM PT
Final proposal due date and time – Technical and Cost Proposals are submitted in different mailboxes, please see below: Technical Proposal Only must be submitted to - TCsolicitation@jud.ca.gov Cost Proposal Only must be submitted separately to TCAS-2022-02-MS-Cost-Proposals@jud.ca.gov	May 2, 2022 at 3:00 PM PT
Evaluation of proposals (estimate only)	May 3, 2022

EVENT	DATE
Technical scores posted on the Judicial Council website <i>(estimate only)</i>	May 13, 2022
<p>Public cost opening may be viewed via Microsoft Teams at 2:00 p.m. (PT), using the following URL and meeting number:</p> <p>Microsoft Teams Meeting</p> <p>Join on your computer or mobile app</p> <p>Click here to join the meeting</p> <p>Join with a video conferencing device</p> <p>178332609@teams.bjn.vc</p> <p>Video Conference ID: 112 832 208 1</p> <p>Alternate VTC instructions</p> <p>Or call in (audio only)</p> <p>+1 415-906-0569, 268313452# United States, San Francisco</p> <p>Phone Conference ID: 268 313 452#</p> <p>Find a local number Reset PIN</p> <p>Learn More Meeting options</p>	May 17, 2022 at 2:00 PM PT
Notice of Intent to Award <i>(estimate only)</i>	May 20, 2022
Master Agreement(s) start date <i>(estimate only)</i>	July 1, 2022

4.1 Nonexclusive

Any Master Agreement awarded as a result of this RFP is nonexclusive. The Judicial Council may have other agreements for the same or similar services, and each JBE reserves the right to provide or have others provide the same or similar services. The Judicial Council reserves the right to reject any and all proposals, in whole or in part, and to award or not award any contracts based on submitted proposals. Each JBE is free to conduct its own solicitation not connected with this RFP or any resulting contract.

5. RFP ATTACHMENTS AND EXHIBITS

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 Standard Terms and Conditions	If selected, the Proposer must sign a Judicial Council Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”).
Attachment 3: Contractor’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions. Note: Any material exception, as determined by the Judicial Council in its sole discretion, to any of the terms and conditions (in Attachment 2) may render a proposal non-responsive.
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: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 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 completed 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: Bidder DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DVBE status.
Attachment 11: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Exhibit 1	Payment Provisions
Exhibit 2	List of Judicial Branch Entities (JBEs)

Attachments 3-11 must be signed by an authorized representative of the Proposer.

6. PAYMENT INFORMATION

6.1 Method of Payments

- a. The method of payment to the vendor will be monthly in arrears, after presentation of each invoice per services delivered.
- b. All fees and charges proposed should be inclusive of any and all anticipated materials, fees, and other costs and/or expenses incidental to the performance of the specified requirements of this RFP.

6.2 Milestone Payment Schedule

- a. The Judicial Council does not make advance payments for services.
- b. Payment is normally made based on completion of services as provided in the agreement between the JBE and the selected Proposer.
- c. Payments shall be made according to milestone payment schedules. The milestone payments must be based on key deliverables identified in the JBE's Participating Addendum.

6.3 Retention or Withholding

The JBE may withhold 10 percent of each invoice until receipt and acceptance of the final deliverable. The amount withheld may depend on the length of the services and the payment schedule provided in the agreement between the JBE and the selected Proposer.

7. SUBMISSIONS OF PROPOSALS

7.1 Proposal Structure

Proposers should respond to every section of this RFP and all attachments and exhibits. Vendors may download the original RFP documents from our bid website, <https://www.courts.ca.gov/rfps.htm>. These documents will be available in whole as the RFP and individually for your review and use.

Proposals should provide straightforward, concise information that satisfies the requirements of Section 8, Non-Cost Proposal Contents, below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements and completeness and clarity of content.

7.2 Proposal Copies

The Proposer **must** submit its proposal electronically in two parts, the **non-cost portion** and the **cost portion**.

Non-Cost Portion of the Proposal: When sending electronically, the **non-cost portion** electronic files must be in searchable PDF, Word, or Excel formats. When

submitting proposals electronically, an electronic signature by an authorized representative of the Proposer must be included. Electronic signatures may be digital or a scanned image of a handwritten signature that is attached to an electronic document and delivered by electronic means. All electronic signatures shall comply with [California Civil Code, title 2.5, sections 1633.1-1633.17](#) (Uniform Electronic Transactions Act), [title 2, sections 22000-22005](#), and [Government Code section 16.5](#). The Proposer must submit to the TCSolicitation mailbox (link provided in Section 4) no later than the due date and time per Section 4, Timeline of This RFP.

Cost Portion of the Proposal: When sending electronically, the **cost portion** electronic files must be in searchable PDF, Word, or Excel format. The Proposer must submit to a separate Cost Proposal mailbox (link provided in Section 4) no later than the due date and time per Section 4, Timeline of This RFP. See special notes regarding the cost portion opening details in Section 11.4.

7.3 Late Proposals

Late proposals will not be accepted.

8. NON-COST PROPOSAL CONTENTS

The following information must be included in the order listed in the **non-cost portions** of the proposal. A proposal lacking any of the following information may be deemed nonresponsive.

8.1 Cover Letter

The Proposer must prepare a cover letter on the Proposer's business letterhead to accompany the proposal. The purpose of this letter is to transmit the proposal; therefore, it should be brief. The letter must be signed by an individual who is authorized to bind the vendor to all statements, including services and prices, contained in the proposal. The cover letter must state who the Proposer is, provide Proposer's point of contact, including name, title, physical and electronic addresses, and phone numbers.

8.2 Proposer Information

- a. A short narrative description of the Proposer's organization, including organization charts and indication of company officers where applicable.
- b. Total number of years in business.
- c. Number of years providing services similar in size and scope to those requested in this RFP.
- d. Provide the company/organization names, contact persons, and contact information of three (3) of Proposer's present customers of like size and scope for whom Proposer is providing telephonic and remote interpreter services.
- e. Annual contract value of the Proposer's three (3) largest contracts for similar services in the past three (3) years.

- f. An audited profit and loss statement and balance sheet for the Proposer's last three (3) fiscal years.
- g. Significant transactional events in the past five (5) years such as: bankruptcies, mergers, acquisitions, and initial public offerings.
- h. Complete and submit Attachment 6, Payee Data Record Form. Note that if an individual or sole proprietorship is awarded a contract, the social security number used for tax recording purposes will be required prior to finalizing a contract.
- i. Current insurance certificates and business licenses.

8.3 Qualifications and Experience

- a. A description of the Proposer's experience in providing the services required in this RFP (Section 2, Description of Services), preferably within the state of California. Description should be no longer than three (3) pages.
- b. Provide current representative resumes of interpreters that reflect the credentials and/or qualifications of interpreters to be used for services for the JBEs. If staff have not been hired for these positions, include job descriptions that clearly describe the positions' essential functions and employment standards. Interpreters must adhere to [California Rule of Court 10.103](#) and [California Rule of Court 10.104](#).
- c. Provide detailed descriptions of minimum testing, training, and continuing education requirements for interpreters. Descriptions should include credentialing and/or qualification requirements, initial and ongoing training, and mechanisms for monitoring performance. To the extent possible, interpreters in designated languages should be certified by the state of California in accordance with [Government Code sections 68560-68566](#).

8.4 Equipment, Methods, and Procedures

Describe the equipment, methods, and procedures that Proposer will use to fulfill the requirements of this contract, as generally set out in Section 2, Description of Services.

8.5 Acceptance of Terms and Conditions

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.

The Judicial Council prefers Proposers that will accept the Judicial Council Standard Terms and Conditions without exceptions. Acceptance of the Standard Terms and Conditions (Attachment 3), including the form Master Agreement and form Participating Addendum, shall be an affirmative factor in the evaluation of the proposal. By contrast, significant exceptions to the Standard Terms and Conditions shall be a negative factor in the evaluation of the proposal.

Any material exception to any of the terms and conditions (in Attachment 2), as determined by the Judicial Council in its sole discretion, may render a proposal non-responsive.

8.6 Certifications, Attachments, and Other Requirements

- a. *California Seller's Permit.* Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (1) a California seller's permit issued under [Revenue and Taxation Code section 6066](#) et seq. or (2) a certificate of registration issued under [Revenue and Taxation Code section 6226](#).
- b. *Proof of Good Standing.* If Proposer is a corporation, proof that Proposer is in good standing and qualified to conduct business in California.
- c. *Business License.* Copies of current business licenses, professional certifications, or other credentials.
- d. *General Certifications.* Proposer must complete and provide the General Certifications Form (Attachment 4).
- e. *Small Business Declaration.* Proposer must complete and provide the Small Business Declaration (Attachment 5) only if it wishes to claim the small business preference associated with this solicitation.
- f. *Payee Data Record.* Proposer must complete and provide the Payee Data Record Form (Attachment 6).
- g. *Iran Contracting Act.* Proposer must complete and provide the Iran Contracting Act Certification (Attachment 7).
- h. *Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.* Proposer must complete and provide the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8).
- i. *Darfur Contracting Act Certification.* Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 9).
- j. *Bidder DVBE Declaration.* Proposer must complete and provide the Bidder DVBE Declaration (Attachment 10) only if it wishes to claim the DVBE incentive associated with this solicitation.
- k. *Bidder Declaration.* Proposer must submit a Bidder Declaration (Attachment 11) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

8.7 Negotiations

The Judicial Council reserves the right to award a leveraged procurement agreement for statewide limited telephonic and remote interpreter services, if any,

without negotiations. If the Judicial Council desires to enter into negotiations, it will do so with one or more Proposers, at its discretion.

Judicial Council of California Negotiation Rules and Procedures for Participating Addendum: Negotiations between the individual JBE and the Proposer will take place when a JBE is ready to enter into a Participating Addendum. The following rules and procedures will apply to such negotiations:

a. Proposer's Negotiation Team

The Proposer will deploy a senior negotiation team for the contract negotiations. The Proposer's negotiation team will be led by its proposed program executive, who would be responsible for day-to-day management of the engagement. The negotiation team must be empowered to make decisions on all aspects of the project and the Participating Addendum.

The Proposer agrees to honor the spirit of this process by limiting contact to the JBE team members authorized to conduct the process. Any deviation from authorized points of contact will be grounds for rejection.

If it is determined that the Proposer's negotiation team is not empowered to negotiate, or if substitutions are made or if additional members are added to the team, the net effect of which is to delay the negotiations, then the JBE has the right to cease negotiations. The Proposer may be required to reimburse the JBE for expenses incurred in connection with the Proposer's failure to comply with the above procedures.

b. Control of Documents

The JBE will retain revision control of the final version of the Participating Addendum, including all exhibits and attachments.

c. Meetings

Negotiations will be conducted electronically (via email, video, or phone) at times to be determined by the JBE.

d. Costs and Expenses

Proposer will be responsible for its own costs and expenses in negotiating the Participating Addendum with the JBE.

9. COST PROPOSAL CONTENT

The Proposer must complete the Payment Provisions document (Exhibit 1) accurately and completely.

10. OFFER PERIOD

A proposal is an irrevocable offer for 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.

11. EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened on May 17, 2022 at 2:00 PM PT.

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

If a contract will be awarded, the Judicial Council will post an Intent to Award notice on its bid website at www.courts.ca.gov/rfps.htm on May 20, 2022 (estimate only).

11.1 Minimum Qualifications

To be considered for full evaluation and possible award, Proposers must first meet the minimum qualification requirements listed in the following table. Subject to the Judicial Council's right in its complete and sole discretion to waive deviations or defects it deems immaterial, only those proposals that meet all of the foregoing minimum qualifications will be considered for a full evaluation and a possible award of a leveraged purchasing agreement.

#	Minimum Qualifications
1.0	Proposer has three (3) or more years of experience providing interpreter services to government and/or public sector entities, preferably for courts.
2.0	Proposer must supply resumes of Proposer's principals, as well as three (3) resumes that reflect standard interpreter's qualifications.
3.0	Proposer must describe the minimum qualifications it requires for interpreters and must differentiate between categories of interpreter levels or classifications (e.g., tested languages, non-tested languages, or tested for bilingual skills). Proposer must submit any ranking criteria or selection protocols it uses in assigning its ranking or deploying interpreters to fill assignments.
4.0	Interpreters must comply with the California Rules of Court, including but not limited to: 2.890 , 10.103 , and 10.104 .
5.0	Proposer is not currently under suspension or debarment by any state or federal government agency and is not tax delinquent with the state of California (Attachment 4).
6.0	Proposer has all required licenses and permits in the state of California for interpreter services.
7.0	Proposer does not take material exceptions to the Judicial Council Standard Terms and Conditions (Attachment 2).

11.2 Evaluation Criteria

Proposals will be evaluated based upon the following criteria. Although some factors are weighted more than others, all are considered necessary, and proposals must be technically acceptable in each area to be eligible for award.

Category	Factors	Total Possible Points
Technical Understanding and Approach	<ul style="list-style-type: none"> ➤ A Proposer will be evaluated on its ability to fulfill the requirements outlined in Section 2.2 and implement reliable, effective, and efficient telephonic and remote interpreter services using credentialed and/or qualified interpreters. ➤ The technical proposal should include detailed information regarding security plans and infrastructure to ensure confidentiality of data and communications for telephonic and remote interpreter services. ➤ The technical proposal should also include details pertaining to testing, training, continuing education, and performance evaluation requirements for interpreters, as well as resumes or information regarding the credentials and/or qualifications of current or proposed interpreters. 	28
Experience	<ul style="list-style-type: none"> ➤ A Proposer will be evaluated on its experience performing the requirements outlined in Section 2.2, as well as its staffing qualifications, company size, and success in providing like services in a reliable, effective, and efficient manner to groups with similar requirements to the JBEs. The Judicial Council may contact a local Chamber of Commerce, the Better Business Bureau, the Federal Trade Commission, the California State Attorney General-Public Inquiry Unit, or other references as part of its reference check. 	25
Cost/Pricing Factors	<ul style="list-style-type: none"> ➤ A Proposer must submit a pricing proposal in the form attached hereto as Exhibit 1, Payment Provisions. The evaluation will be based on a cost proposal that demonstrates reasonable fees and a plan to work with contingencies. The proposal should demonstrate fiscal controls necessary for collection and management of fees. The proposal should include a clear, well-defined budget, justifications, and a breakdown of per minute usage charges per language. A 	22

Category	Factors	Total Possible Points
	description should be provided if usage costs per language differ based on volume, peak/non-peak times, or credentials and/or qualifications of interpreters.	
Contract Terms and Conditions	<ul style="list-style-type: none"> ➤ Compliance with contract terms: complete and submit Attachment 3, Contractor’s Acceptance of Terms and Conditions. A material exception to a minimum term will render a proposal non-responsive. 	17
Small Business Incentive	<ul style="list-style-type: none"> ➤ Small Business incentive points 	5
DVBE Incentive	<ul style="list-style-type: none"> ➤ DVBE incentive points 	3

11.3 Non-Cost Portion

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The scores for the non-cost portion of the responsive proposals will be posted on the date listed in Section 4, Timeline for This RFP on the Judicial Council bid website at www.courts.ca.gov/rfps.htm.

11.4 Cost Portion

Following the publication of the **Non-Cost Portion** scores, the **Cost Portions** will be opened. The **Cost Portion** of the proposals will be publicly opened via Microsoft Teams on the date and time noted in Section 4, Timeline of This RFP. The cost portion will only be opened and evaluated if the Proposer’s non-cost portion is determined to be responsive.

Proposals containing false or misleading statements may be rejected if, in the opinion of the Judicial Council, the information was intended to mislead the state regarding a requirement of the solicitation document.

If a Master Agreement is awarded, Judicial Council staff will post notice of an Intent to Award on the Judicial Council bid website at www.courts.ca.gov/rfps.htm.

12. RIGHTS

The Judicial Council reserves the right to seek clarification or additional information from any Proposer throughout the solicitation process. The Judicial Council reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract, and in no way is the Judicial Council or the state of California responsible for the cost of preparing the proposal. One copy of a submitted proposal will be retained for official files

and becomes a public record.

13. CONFIDENTIAL OR PROPRIETARY INFORMATION

Proposals are subject to disclosure pursuant to applicable provisions of the California Public Contract Code and [rule 10.500 of the California Rules of Court](#). The Judicial Council will not disclose (1) social security numbers, or (2) balance sheets or income statements submitted by a Proposer that is not a publicly traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (1) purporting to limit the Judicial Council’s right to disclose information in the proposal or (2) 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

14. SMALL BUSINESS PREFERENCE

14.1 Small Business Participation Not Mandatory

Failure to qualify for the small business preference will not render a proposal nonresponsive.

14.2 Small Business Enterprise (SBE) Incentive

Eligibility for and application of the small business preference is governed by the JBE’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Proposer will receive a small business preference if, in the JBE’s sole determination, the Proposer has met all applicable requirements. If Proposer receives the small business incentive, five (5) points will be added to the score assigned to Proposer’s 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.

14.3 Qualification

To receive the small business preference, the Proposer must be either (1) a Department of General Services (DGS) certified small business or microbusiness performing a commercially useful function, or (2) a DGS-certified small business nonprofit veteran service agency.

14.4 Process

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.

14.5 Failure to Complete Forms

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 Judicial 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.

14.6 Meeting SBE Commitments

If the Proposer receives the small business preference, (1) the Proposer will be required to complete a post-contract report, and (2) 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](#).

15. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE

15.1 Qualification Not Mandatory

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

15.2 DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, three (3) points will be added to the score assigned to Proposer's proposal.

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").

15.3 Process

If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the Bidder DVBE Declaration (Attachment 10). Proposer must also submit all materials required in the Bidder DVBE Declaration
- Proposer must submit with its proposal a Bidder Declaration (Attachment 11) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must also complete and sign the Bidder Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder

Declaration. *Note:* The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a business utilization plan on file with the Department of General Services.

15.4 Failure to Complete Forms

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

15.5 Application of DVBE Incentive

If this solicitation is for information technology goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

15.6 Meeting DVBE Commitments

If Proposer receives the DVBE incentive: (1) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (2) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (3) 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, click this link for details: (<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 Contractor 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 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.](#)

16. PROTESTS

Any protests will be handled in accordance with chapter 7 of the [Judicial Branch Contracting Manual](#); however, in light of the state of emergency related to the COVID-19 pandemic, electronic submissions will be permitted. Failure of a Proposer to comply with the protest procedures set forth in that chapter, with the exception of being permitted to submit a protest electronically, will render a protest inadequate and nonresponsive and will result in rejection of the protest.

Protests must be sent electronically to: TCsolicitation@jud.ca.gov.