

RFP Title: Statewide Translation Services
RFP Number: TCAS-2024-02-TM

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

**PROPOSALS TO PROVIDE STATEWIDE TRANSLATION
SERVICES**

RFP: TCAS-2024-02-TM

PROPOSALS DUE:

NO LATER THAN AUGUST 23, 2024- 3:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (JCC or Judicial Council), chaired by the Chief Justice of California, is the chief policy-making body of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. Staff to the Judicial Council assists both the council and its chair in performing their duties.

The majority of cases in the California courts begins in one of the trial (superior) courts that reside in each of the state's 58 counties.

In order to leverage purchasing power among California judicial branch entities, and to standardize terms and conditions for similar purchases throughout the judicial branch, the Judicial Council solicits statewide master agreements for the benefit of judicial branch entities. The Judicial Council is conducting this request for proposal (RFP) for the benefit of all California judicial branch entities. Unless otherwise specifically set forth, any representations, warranties, or certifications made by a proposer or potential vendor pursuant to this RFP are deemed to be made to, and for the benefit of all California judicial branch entities.

- 1.2 The Judicial Council is responsible for the preparation and modification of Judicial Council forms for use by the courts, attorneys, and the public. Within the Judicial Council's Center for Families, Children, and the Courts, the Language Access Implementation (LAI) unit works on making the courts more language accessible by publishing translated resources, including court forms and web content, from English into other languages, providing funding for signage and technology, best practice guides, trainings, and conducting public outreach. Each year since the adoption of the branch's [*Strategic Plan for Language Access in the California Courts*](#) in January 2015, the Judicial Council and other judicial branch entities have increased their year-over-year spending on translations and maintenance of translated forms and web content. A total of 130 forms were translated by LAI in fiscal year (FY) 2022–23.
- 1.3 The Judicial Council intends to award one or more master agreements ("Master Agreements"), each with an initial term of two (2) years, commencing on the Effective Date set forth on the Master Agreement coversheet, with three (3) one-year options to extend the term, which option(s) may be exercised by the Judicial Council in its sole discretion any time prior to the expiration of the initial term or of any option term. Notwithstanding the foregoing, the Judicial Council in its sole discretion may decide to make no award.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Judicial Council seeks to facilitate the provision of translation services for the benefit of the following California judicial branch entities (JBEs): the fifty-eight (58) superior (trial) courts, the appellate courts, which include the Supreme Court of California, and the Habeas Corpus Resource Center. The Judicial Council seeks to enter into a leveraged procurement agreement, also referred to as “Master Agreement,” with (a) highly qualified vendor(s) with expertise in providing translation, Americans with Disabilities Act (ADA) compliance and accessibility features and formatting services.

ADA compliance and accessibility features are applied to translated content and include but are not limited to: tab order, tags, translated image alternative text, translated customized screen reader text, and screen reading order to allow access to translated content through the use of screen readers. The Proposer is required to follow the Web Content Accessibility Guidelines (WCAG), version 2.2 at the AA conformance level (<https://www.w3.org/TR/WCAG22/>).

- 2.2 The Judicial Council seeks proposals (Proposals) from vendors (Proposers) that can provide the following services: language translation, ADA compliance and accessibility features, formatting, and validation/testing of complete language translations of content, including ensuring the application of ADA compliance and accessibility features and formatting.

The content to be translated includes but is not limited to: Judicial Council and local court forms; web content; posters, brochures, and other informational materials; foreign legal documents and contracts; correspondence; and the text interface of software applications, including machine translation tools.

- 2.3 The Judicial Council seeks Proposals that provide translation services between English and the following languages (i.e., the most interpreted languages in the California courts according to the most recent five-year [*Language Need and Interpreter Use Study*](#)), among others:

- Arabic
- Armenian (Eastern)
- Armenian (Western)
- Chinese Simplified
- Chinese Traditional
- Farsi
- Hmong
- Japanese
- Khmer
- Korean
- Lao

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- Punjabi
- Russian
- Spanish
- Tagalog
- Vietnamese

2.4 The translation services specifications and related requirements are set forth in Attachment 2: Judicial Council Contract Terms and Conditions.

2.5 Under the Master Agreement, any JBE can establish a Participating Addendum with the successful Proposer for the provision of translation services. There is no guarantee of any minimum quantity of services to be ordered by any JBE from any Master Agreement that may result from this RFP.

3.0 PROCUREMENT SCHEDULE

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

EVENT	DATE
RFP issued	July 29, 2024
Deadline for Questions submitted to: TCSolicitation@jud.ca.gov	August 2, 2024 5:00 pm Pacific Time
Questions and Answers posted www.courts.ca.gov/rfps.htm (<i>estimate only</i>)	August 9, 2024
Proposal Due Date and time submitted to: TCSolicitation@jud.ca.gov	August 23, 2024 3:00 PM Pacific Time
Interview date, if required (<i>estimate only</i>) Meeting format to be provided.	August 28-30, 2024
Evaluation of Proposals (<i>estimate only</i>)	September 3-9, 2024
Notice of Intent to Award (<i>estimate only</i>)	September 10, 2024
Master Agreement(s) executed by this deadline (<i>estimate only</i>)	October 23, 2024

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation. Proposers shall follow the rules set forth in this attachment in preparing their proposals.
Attachment 2: Judicial Council Contract Terms and Conditions, including Participating Addendum	This attachment contains the Master Agreement for Services, which includes General Provisions, a detailed description of Services and Deliverables, Payment Provisions under the contract including the Participating Addendum.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, Proposers must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. Note: Any material exceptions to the Terms and Conditions will render a proposal non-responsive.
Attachment 4: General Certifications Form	Proposers must complete this form and submit the completed form with their Proposal.
Attachment 5: Darfur Contracting Act Certification	Proposers must complete this form and submit the completed form with their Proposal.
Attachment 6: Pricing Form	This form, when completed, contains the cost information Proposers must submit with their Proposal.
Attachment 7: DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DVBE status.
Attachment 8: DVBE Bidder Declaration	Complete and return this form with the Proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 9: Unruh and FEHA Certification	Proposers must complete and submit the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.

5.0 SUBMISSION OF PROPOSALS

- 5.1 Proposers must respond to every section of the RFP that calls for information from Proposers, including completed versions of the attachments/forms listed above. All completed forms included as part of a Proposal must be included in the appropriate section of the final submitted Proposal. Proposals should provide straightforward, concise information that satisfies the requirements stated in Section 6, Proposal Contents, below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, completeness, and clarity of content.
- 5.2 Proposals must be submitted to the email address identified in Section 3, Proposed Procurement Schedule, no later than the due date and time stated in that Section. To be considered, Proposals must be submitted with authorized

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signatures by the due date and time per Section 3. Proposers must write the RFP title and number in the subject line of the Proposal email:

Subject: Statewide Translation Services- RFP TCAS-2024-02-TM

Proposers should confirm that their Proposal are successfully emailed and received by checking their Junk folders for “Undeliverable” emails. Contact the JCC using the TCSolicitation email provided in Section 3 if issues arise.

Late Proposals will not be accepted.

6.0 PROPOSAL CONTENTS

The following information must be included in the Proposal. A Proposal lacking any of the following information may be deemed non-responsive.

- 6.1 Cover Letter. The Proposer must prepare a cover letter on its business letterhead to accompany the Proposal. The purpose of this letter is to transmit the Proposal; therefore, it should be brief. The cover letter should conform to the following requirements:
 - A. The letter must be signed by an individual who is authorized to bind the organization to all statements, including services and prices, contained in the Proposal.
 - B. The cover letter must state who the proposed prime contractor is, name the proposed subcontractors (if applicable), and provide the Proposer’s contact information, including its name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using an individual social security number, the social security number will be required before finalizing a contract.

- 6.2 Introduction. This section should include the following:
 - A. 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.
 - B. A short narrative description of the Proposer’s organization, including organization charts and identification of company officers where applicable. The description should include the total number of years in business and number of years providing services similar in size and scope to those requested in this RFP.

- C. 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.
- D. If subcontractors are proposed for this RFP, a description of the services to be provided by the subcontractor(s), their location(s), and the Proposer's contract management process and selection criteria for subcontractors. State the percentage of work to be performed by subcontractors (non-employees). Indicate whether or not translation services are available for each of the following languages:
- Arabic
 - Armenian (Eastern)
 - Armenian (Western)
 - Chinese Simplified
 - Chinese Traditional
 - Farsi
 - Hmong
 - Japanese
 - Khmer
 - Korean
 - Lao
 - Punjabi
 - Russian
 - Spanish
 - Tagalog
 - Vietnamese
- E. A list of certifications, credentials, and experience of staff members, contractors, and subcontractors who would provide language translation, ADA compliance and accessibility features, formatting, and validation/testing of complete translations, including copies of all relevant certifications and/or credentials. Indicate the language(s) each person would translate. If Proposer offers plain language editing as a service, include this information for staff members, contractors, and subcontractors involved in this work.

6.3 Knowledge and Experience with Legal Translation, ADA Compliance and Accessibility Features, Formatting, and Validation/Testing of Complete Translation. Proposer should include in its proposal the following:

- A. The approximate dollar amount of business Proposer received in the past year for translating and formatting all types of documents (not just legal) from English into the languages listed above.

- B. A description of Proposer’s knowledge and experience with language translation in the specified languages, ADA compliance and accessibility features, formatting, and validation/testing of complete language translations of materials including (but not limited to) the following: Judicial Council and local court forms; web content; posters, brochures, and other informational materials; foreign legal documents and contracts; correspondence; and the text interface of software applications, including machine translation tools.
 - C. The Proposer’s process, standards, and validation/testing to ensure ADA compliance and that accessibility features are applied to translated content, including but not limited to: tab order, tags, translated image alternative text, translated customized screen reader text, and screen reading order to allow access to translated content through the use of screen readers.
 - D. The Proposer’s knowledge and experience with following the Web Content Accessibility Guidelines (WCAG), version 2.2 at the AA conformance level (<https://www.w3.org/TR/WCAG22/>).
 - E. If offered, a description of the Proposer’s knowledge and experience with plain language editing.
 - F. A description of the Proposer’s knowledge of and experience with legal translation, including with the translation of legal terminology and concepts on Judicial Council and local court forms from English to the specified target languages, ADA compliance and accessibility features, and formatting of forms and other translated content.
 - G. A description of the Proposer’s knowledge and experience with legal translation, specifically the translation of legal terminology and concepts in web content from English to the specified target languages for public sector customers; and
 - H. A description of Proposer’s ability to meet scope requirements in Attachment 2: Judicial Council Contract Terms and Conditions.
- 6.4 Translation, Quality Assurance, and Customer Service Processes. Proposer should include in its proposal the following:
- A. A project plan that describes Proposer’s process for language translation, ADA compliance and accessibility features, formatting, and validation/testing of complete translated content, including Proposer’s use of any translation memory software.
 - B. A description of Proposer’s ability to adhere to the translation process contained in the approved [Translation Protocol](#) document.

- C. Proposer's plan for receiving orders for services and implementing projects, including:
- Communication process with members of the JBE, including designated contact persons for the JBE(s) and contact information for the person(s) who will be in direct communication with the JBE concerning requested services.
 - Process to establish an account for a JBE that may wish to purchase services under any Master Agreement that may result from this RFP, including how individual, separate JBE accounts would be linked together and identified as a statewide account associated with the Master Agreement.
 - Process for ordering services, including the various options available (e.g., online, telephone, etc.), and other ordering and acknowledgment requirements. See Attachment 2, Judicial Council Contract Terms and Conditions, Appendix A, 2. Services and Deliverables, 3. Ordering.
- D. Proposer should include the following information regarding its work quality and quality assurance process:
- A description of its quality assurance process, including internal levels of review of translations and qualifications of reviewers, in addition to the Proposer's policy on revisions based on customer feedback.
 - It is the intent of this RFP and any resulting agreement to promote consistency between translations of similar documents (e.g., consistency in terminology used on Judicial Council and local court forms and in informational materials, web content, etc.). The Judicial Council's Language Access Services website provides a [Translation Project Guide](#) with resources, such as a [Spanish-English glossary](#) of approved terms, and the branch makes previously translated resources publicly available. Proposer must describe its methodology for leveraging existing resources and other strategies it will employ to promote consistency among translated materials.
- E. Proposer should include the following information regarding its customer service process:
- Evaluation of the Proposer's services (i.e., on-time delivery, customer satisfaction, and issue resolution).

- Proposer’s ability to provide required quarterly reports. Attachment 2, Judicial Council Contract Terms and Conditions, Appendix A, 2. Services and Deliverables, 3.7 Reports.
- Level of customer service that Proposer will provide, including procedures that will ensure consistency, as well as procedures for problem escalation and resolution. See Attachment 2, Judicial Council Contract Terms and Conditions, Appendix A, 2. Services and Deliverables, 3.6 Customer Service. These customer service procedures should include, but should not be limited to: virtual or telephone customer service and onsite service organizational structure, contact process (phone, email, etc.), follow-up process, internal procedures to track customer service contact and resolution, escalation process to resolve outstanding customer service and maintenance issues, and remedies for not meeting the committed response time for a representative of a JBE;

6.5 Samples of prior translation and formatting work.

Proposer must provide samples of its work, including, if applicable, court forms, web content, and other informational materials containing translations, ADA compliance and accessibility features, and formatting work in Spanish, Tagalog, and other languages. Each sample must be numbered. Proposer must provide a list of the samples in the RFP response and indicate whether the sample is of general translation, legal translation, ADA compliance and accessibility features, and/or formatting (a sample can demonstrate more than one type of work). Each sample should include the original document that has been translated. Proposer should include any explanatory comments about the sample. If Proposer offers plain language editing, at least one sample should demonstrate Proposer’s work in this area.

6.6 Proposed Fees. Proposer must include a completed copy of Attachment 6, Pricing Form in the cost proposal.

6.7 Software capabilities. Proposer must include a description of the following:

- A. The Proposer’s ability to provide translations in a software application that’s approved by the JBE, including but not limited to: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Adobe Acrobat (read, amend, and create), Adobe Experience Manager, and Adobe InDesign;
- B. The Proposer’s ability to provide translated documents in native format, convert translated documents into PDF, and receive and transmit original and final versions electronically via email or web portal; and

- C. Any additional software Proposer utilizes, and the languages such software supports (if there are no restrictions as to what types of languages are supported for the named software, please state “supports all languages”). Include any additional comments or descriptions of software used.

6.8 Acceptance of the Terms and Conditions in the Master Agreement for Services.

- A. 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.
- B. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Master Agreement for Services that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.

6.9 Disabled Veteran’s Business Enterprise Incentive. If Proposer wishes to qualify for the Disabled Veteran’s Business Enterprise (DVBE) incentive, Proposer must submit a completed copy of Attachment 7, DVBE Declaration and Attachment 8, DVBE Bidder Declaration. See section 11 of this RFP for additional information on requirements for demonstrating eligibility for the DVBE incentive.

6.10 Certifications, Attachments, and other requirements.

- A. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
- B. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
- C. 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.
- D. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

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- E. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 9) and submit the completed certification with its proposal.

7.0 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.

8.0 EVALUATION OF PROPOSALS

- 8.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.
- 8.2 The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in this section. Each criterion is described in detail below. Awards, if made, will be to the highest-scored proposals.

CRITERION	MAXIMUM NUMBER OF POINTS	REFERENCED RFP SECTIONS
Knowledge and Experience with Legal Translation, ADA Compliance and Accessibility Features, and Formatting	22	Section 6.3 Section 8.2(A)
Translation, Quality Assurance, and Customer Service Processes	20	Section 6.4 Section 8.2(B)
Quality of Samples of Prior Translation, ADA Compliance and Accessibility Features, and Formatting Work	10	Section 6.5 Section 8.2(C)
Proposed Fees	30	Section 6.6 Section 8.2(D) Attachment 6: Pricing Form
Software Capabilities	5	Section 6.7 Section 8.2(E)
Acceptance of Contract Terms and Conditions	10	Section 6.8 Section 8.2(F) Attachment 2: Contract Terms and Conditions Attachment 3: Proposer's Acceptance of Terms and Conditions
Disabled Veteran Business Enterprise (DVBE) Incentive	3	Section 6.9 Section 8.2(G)

CRITERION	MAXIMUM NUMBER OF POINTS	REFERENCED RFP SECTIONS
		Section 11.0 Attachment 8

A. Knowledge and Experience with Legal Translation, ADA Compliance and Accessibility Features, and Formatting

Proposers will be evaluated on the amount of experience they have in the field of translation generally, and specifically with the translation of legal concepts and the production of translated legal content for the general public. Proposers will also be evaluated on their experience with ADA compliance and accessibility features and formatting translated documents, including Judicial Council and local court forms. The Judicial Council will consider the amount of business the Proposer conducted in these areas during the last year, and the specific knowledge, experience, and certifications of its staff and proposed subcontractors.

B. Translation and Quality Assurance Processes, Including Problem Escalation and Resolution

Proposers will be evaluated on their stated processes for translation, review, ADA compliance and accessibility features, formatting, quality assurance, and addressing and resolving problems. Proposers will be evaluated on their use of human and electronic resources, including permanent staff, subcontractors, and any translation memory or other software employed in the process. The Judicial Council will consider the qualifications of key personnel and subcontractors involved at each stage of the translation, review, accessibility feature, and formatting processes, and personnel tasked with dispute escalation and resolution.

C. Quality of Samples of Prior Translation and Formatting Work

Samples of translation and formatting work will be evaluated for overall quality of translation, preservation of register, and tone of the source text, inclusion of accessibility features, and adherence to the formatting and interface of the source text.

D. Proposed Fees

Proposers must submit a pricing proposal in the form attached hereto as Attachment 6, Pricing Form. Pricing is based on a per source word amount for translation and an hourly rate for formatting and field-testing work. The per word and hourly amounts are dependent on whether the turnaround time for the project is Regular (Non-Rush), Rush or Urgent. Each of these turnaround times is defined on the pricing form in Attachment 6.

E. Software Capabilities

Proposers will be evaluated on the range and depth of their expertise with Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Adobe Acrobat, Adobe Experience Manager, and Adobe InDesign. The Judicial Council will also consider other software programs employed by the Proposers for generating translations and languages supported.

F. Acceptance of Judicial Council Contract Terms and Conditions

The Judicial Council prefers Proposers that will accept the Judicial Council's Contract Terms and Conditions without exceptions. Acceptance of the Terms and Conditions in the form Master Agreement 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.

G. Disabled Veteran Business Enterprise (DVBE) Incentive

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, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified above. See section 11 of this RFP for additional information on requirements for demonstrating eligibility for the Disabled Veteran's Business Enterprise incentive.

8.3 If a contract will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

9.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify matters set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews will be conducted virtually or by phone. The Judicial Council will notify eligible Proposers regarding interview scheduling.

10.0 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 (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosures 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 (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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE (“DVBE”) INCENTIVE

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

Eligibility for and application of the DVBE incentive is governed by the JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 8.2 above.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 8). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Proposer must submit with its proposal a DVBE Declaration (Attachment 7) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

If using DVBE subcontractors, the Proposer must complete and return to the JBE a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer's final invoice to the JBE. If the Proposer fails to do so, the JBE will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Proposer refuses to comply with the certification requirements, the JBE shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

FRAUDULENT 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 MVC 999.9

12.0 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). However 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 or appeal electronically, will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is two days before the proposal due date.

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