

INVITATION FOR BIDS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

Adobe License and Maintenance Renewal

IFB-IT23-151RB

BIDS DUE:

June 12, 2023, NO LATER THAN **3:00 P.M.** PACIFIC TIME

1.0 BACKGROUND INFORMATION

The Judicial Council of California (“Judicial Council” or JBE), chaired by the Chief Justice of California, is the chief policy making body of the California judicial system. The California Constitution directs the JBE 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. It also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. Staff assists both the council and its chair in performing their duties.

The JBE seeks to obtain offers for licensing for Adobe software. Bidder must submit a bid for the requested licenses and maintenance.

2.0 DESCRIPTION OF GOODS

The JBE seeks goods meeting the following specifications:

This IFB and competitive procurement is for a three-year agreement with annual true ups. Additionally, this will be billed on an annual basis.

Line #	Manufacturer	Part Number	Description	Qty
1	Adobe		Acrobat Pro Enterprise Term	1993
2	Adobe		Creative Cloud Pro Term (All Apps)	20
3	Adobe		Creative Cloud Single App Pro	22
4	Adobe		ColdFusion Builder Enterprise Term	5
5	Adobe		ColdFusion Enterprise Term	10
6	Adobe		Captivate Enterprise Term	9
7	Adobe		RoboHelp Office Enterprise Term	2

3.0 TIMELINE FOR THIS IFB

The JBE has developed the following list of key events related to this IFB. All dates are subject to change at the discretion of the JBE.

EVENT	DATE
IFB issued	5/31/2023 Wednesday
Deadline for questions to: solicitations@jud.ca.gov	6/5/2023 Monday No later than 9:00AM Pacific Time
Questions and answers posted (<i>estimate only</i>) https://www.courts.ca.gov/rfps.htm	6/6/2023 Tuesday
Latest date and time Bids may be submitted:	6/12/2023 Monday No later than 3:00 PM Pacific Time
Bids publicly opened Meeting Link: Meeting Number: Meeting password: Dial in Number:	6/13/2023 Tuesday At 3:00 PM (Pacific Time)
Notice of Intent to Award (<i>estimate only</i>) https://www.courts.ca.gov/rfps.htm	6/15/2023 Thursday
Execution of purchase order (<i>estimate only</i>)	6/22/2023

4.0 IFB Attachments

The following attachments are included as part of this IFB:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing IFBs (IT Goods)	These rules govern this solicitation.
Attachment 2: General Certification Form	Bidder must complete the General Certifications Form and submit the completed form with its bid.
Attachment 3: Payee Data Record Form	This form contains information the JBE requires in order to process payments and must be submitted with the bid.
Attachment 4: Small Business Declaration	Bidder must complete this form ONLY if bidder is a DGS certified Small Business and they wish to claim the small business preference associated with this solicitation.
Attachment 5 Bidder Declaration	Bidder must complete this form only if bidder is a DGS Certified DVBE or using a DVBE DGS Certified Subcontractor and they wish to claim the DVBE incentive associated with this solicitation
Attachment 6 DVBE Declaration	If Bidder completed any portion of Attachment 5, then bidder must also complete this form. A Bidder who provides incomplete or inaccurate information will not receive the DVBE incentive.
Attachment 7: Darfur Contracting Act Certification	Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its bid.
Attachment 8: Unruh and FEHA Certification	Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification with its bid.

5.0 SUBMISSIONS OF BIDS

- 5.1 Bids should provide straightforward, concise information that satisfies the requirements of the “Bid Contents” section below. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Bidder must submit its bid in two parts, the non-cost information and the cost information.
 - a. **Non-Cost Information** - The Bidder must submit their Non-Cost Information as an attachment to an email sent to: solicitations@jud.ca.gov.

- 1) Non-Cost Cover letter must be signed by an authorized representative of the Bidder. The Non-Cost information must include all components required in Section 6.1 of this IFB.
 - 2) The Bidder must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the bid attachments.
- b. **Cost Information** - The Bidder must submit their Cost Bid as an attachment to an email sent to:
- IFB-IT23-1501RB-COSTS@jud.ca.gov
- 1) The Cost Bid must include all components required in Section 6.2 of this IFB.
 - 2) The Bidder must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the Bid attachments.
- c. Submission acceptance will be based on the date and time the emails are received by the JBE. Both emails must be received prior to the due date and time, or the bid will not be accepted.

NOTE: Access to the Cost Proposals is only available on the day/time of the Public Cost Opening. This means the JBE will not be able to confirm email receipt of your Cost Proposal until the Public Cost Opening. It is the Bidder's responsibility to verify their submission.

6.0 BID CONTENTS

6.1 Non-Cost Information. The following must be included in the non-cost information. A bid lacking any of the following may be deemed non-responsive.

- a. Provide an authorized signed cover letter with bidder's name, address, telephone and fax numbers, and federal tax identification number. Note that if Bidder is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as Bidder's designated representative for purposes of this IFB.
- c. Model number(s), specifications, or other description of the goods Bidder proposes to supply to the JBE.

- e. Full written content of the End User Licensing Agreement (EULA) must be provided. A weblink for the EULA is not acceptable.
- f. Certifications, Attachments, and other requirements.
 - i. Bidder must include the following certifications in its bid:

Conflict of Interest: Bidder certifies that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities. Bidder must submit with its bid a copy of the General Certification Form (**Attachment 2**).

- ii. **Sellers Permit:** Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.
- iii. **Good standing:** If (i) Bidder is a corporation, limited liability company, or limited partnership, and (ii) the agreement resulting from this IFB will be performed in California, proof that Bidder is in good standing and qualified to conduct business in California. Bidder shall provide a copy of their Certificate of Status with the Secretary of State of California. The JBE may verify by checking with California's Office of the Secretary of State.
- iv. Bidder must complete the Payee Data Record form (**Attachment 3**) and submit with its bid.
- v. Bidder complete and submit with its bid the Small Business Declaration (**Attachment 4**) ONLY if bidder is a DGS certified Small Business and they wish to claim the small business preference associated with this solicitation.
- vi. Bidder complete and submit with its bid the Bidder Declaration (**Attachment 5**) only if bidder is a DGS Certified DVBE or using a DVBE DGS Certified Subcontractor and they wish to claim the DVBE incentive associated with this solicitation
- vii. If Bidder completed any portion of Attachment 5, then bidder must also complete the DVBE Declaration (**Attachment 6**). A Bidder who provides incomplete or inaccurate information will not receive the DVBE incentive.

- viii. **Darfur Contracting Act:** Bidder must complete the Darfur Contracting Act Certification (**Attachment 7**) and submit the completed certification with its bid.
- ix. **Unruh and FEHA Certification:** Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 8**) and submit the completed certification with its bid.
- x. **Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims, and as set forth in Attachments 1 and 2. *See Gov. Code Sections 4552-4554.*

6.2 Cost Information.

- i. The Cost Information must be submitted separately from the Non-Cost proposal.
- ii. The Cost Information requests pricing for a total of three (3) years as shown below. The contract terms are as follows:
 - **Year 1 – June 24, 2023 – June 23, 2024**
 - **Year 2 – June 24, 2024 – June 23, 2025**
 - **Year 3 – June 24, 2025 – June 23, 2026**
- iii. The below tables must be populated and included in the Cost Information:

Year 1

Line #	Manufacturer	Part Number	Description	Qty	Unit Cost	Extended Cost
1	Adobe		Acrobat Pro Enterprise Term	1993		
2	Adobe		Creative Cloud Pro Term (All Apps)	20		
3	Adobe		Creative Cloud Single App Pro	22		
4	Adobe		ColdFusion Builder Enterprise Term	5		
5	Adobe		ColdFusion Enterprise Term	10		
6	Adobe		Captivate Enterprise Term	9		
7	Adobe		RoboHelp Office Enterprise Term	2		

Year 2

Line #	Manufacturer	Part Number	Description	Qty	Unit Cost	Extended Cost
1	Adobe		Acrobat Pro Enterprise Term	1993		
2	Adobe		Creative Cloud Pro Term (All Apps)	20		
3	Adobe		Creative Cloud Single App Pro	22		
4	Adobe		ColdFusion Builder Enterprise Term	5		
5	Adobe		ColdFusion Enterprise Term	10		

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6	Adobe		Captivate Enterprise Term	9		
7	Adobe		RoboHelp Office Enterprise Term	2		

Year 3

Line #	Manufacturer	Part Number	Description	Qty	Unit Cost	Extended Cost
1	Adobe		Acrobat Pro Enterprise Term	1993		
2	Adobe		Creative Cloud Pro Term (All Apps)	20		
3	Adobe		Creative Cloud Single App Pro	22		
4	Adobe		ColdFusion Builder Enterprise Term	5		
5	Adobe		ColdFusion Enterprise Term	10		
6	Adobe		Captivate Enterprise Term	9		
7	Adobe		RoboHelp Office Enterprise Term	2		

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.

7.0 OFFER PERIOD

A Bidder's bid is an irrevocable offer for ninety (90) days following the bid 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.

8.0 EVALUATION OF BIDS

The Cost Information bids will be publicly opened at the date and time noted in Section 3.0.

The JBE will evaluate the bids as described in the Administrative Rules. Award, if made, will be to the lowest responsible bidder that is able to provide the following products:

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

9.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each bid will be retained by the JBE for official files and will become a public record. The Public Contract Code requires that bids be publicly opened and made available for public inspection. Accordingly, Bidder should not include confidential or proprietary information in its bid.

10.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

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

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Bidder will receive a **3%** DVBE incentive if, in the JBE's sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the calculated DVBE incentive amount will be equal to 3% of the lowest responsive net bid price and the Bidder's evaluated bid price will be the difference of the Bidder's net bid price and the calculated DVBE incentive amount.

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, Bidder may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Bidder wishes to seek the DVBE incentive:

1. Bidder must complete and submit with its bid the Bidder Declaration (**Attachment 5**). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Bidder must submit with its bid a DVBE Declaration (**Attachment 6**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Bidder 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 Bidder 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 Bidder not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive (including the maximum value 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 Bidder receives the DVBE incentive: (i) Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Bidder must use any DVBE subcontractor(s) identified in its bid unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its bid 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 MVC 999.9.

11.0 SMALL BUSINESS PREFERENCE

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a Bid non-responsive. 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 Bidder will receive a small business preference if, in the JBE's sole determination, the Bidder has met all applicable requirements. If the Bidder receives the small business preference, the score assigned to its bid will be given a 5% preference consistent with Public Contract Code Section 12012.2(c). If a DVBE incentive is also offered in connection with this solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

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

If the Bidder wishes to seek the small business preference, the Bidder must complete and submit with its bid the Small Business Declaration (**Attachment 4**). The Bidder must submit with the Small Business Declaration all materials required in the Small Business Declaration.

Failure to complete and submit the Small Business Declaration as required will result in the Bidder not receiving the small business preference. In addition, the JBE may request additional written clarifying information. Failure to provide this information as requested will result in the Bidder not receiving the small business preference.

If the Bidder receives the small business preference, (i) the Bidder will be required to complete a post-contract report; and (ii) failure to meet the small business commitment set forth in its bid 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.

12.0 PROTESTS

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

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The deadline for the JBE to receive a solicitation specifications protest is the proposal due date. Protests should be sent to:

Judicial Council of California
Branch Accounting and Procurement, Administrative Division
Attn: Protest Hearing Officer, IFB Number: IT23-1501RB
455 Golden Gate Avenue, 6th Floor San Francisco, CA 94102-
3688

Protests of an Intent to Award shall be filed with the JBE within five (5) working days after the Notice of Intent to Award is published. Authority to protest may be limited to participating bidders.