

REQUEST FOR PROPOSALS

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF
ALPINE**

REGARDING:

RFP TITLE: INFORMATION TECHNOLOGY CONSULTING
GOODS AND SERVICES
RFP NUMBER: ALPINE-012023

PROPOSALS DUE:

January 23, 2023, NO LATER THAN 3:00 P.M. PACIFIC STANDARD TIME

TO: POTENTIAL PROPOSERS

FROM: The Judicial Council of California, on behalf of Alpine Superior Court of California.

DATE: December 30, 2022

SUBJECT / PURPOSE: The Judicial Council of California (JCC) is conducting this RFP on behalf of Superior Court of California, County of Alpine. Alpine Superior Court seeks to enter into a "Master Agreement" with a suitable vendor with expertise in small business, full service Information Technology Consulting Goods and Services. These services will include on-site and off-site consulting and managed services.

ACTION REQUIRED: You are invited to review and respond to this RFP as posted on the Alpine Superior Court's website.

Project Title: Information Technology Consulting Good and Services

RFP Number: ALPINE-012023

DUE DATE AND TIME FOR SUBMITTAL OF QUESTIONS: The deadline for submittal of questions pertaining to the solicitation document:

January 12, 2022, no later than 3:00 p.m. (PST)

PROPOSAL DUE DATE AND TIME: Proposals must be received by:

January 23, 2022, no later than 3:00 p.m. (PST)

INTERVIEWS/DEMOS (estimate only. May be requested if the court needs clarification): **February 1, 2023**
Meeting format to be provided. One hour will be allotted per vendor.

Attachments

- Attachment 1 Administrative Rules Governing RFPs
- Attachment 2 Judicial Council of California Standard Terms and Conditions
- Attachment 3 Proposer's Acceptance of Terms and Conditions
- Attachment 4 General Certifications Form
- Attachment 5 Small Business Declaration
- Attachment 6 Payee Data Record Form
- Attachment 7 Electronic Funds Transfer Authorization Form
- Attachment 8 Darfur Contracting Act Certification
- Attachment 9 Bidder Declaration
- Attachment 10 DVBE Declaration
- Attachment 11 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification

Exhibits

- Exhibit 1 Cost Proposal Sheet
- Exhibit 2 Proposer's Response Template

1.0 BACKGROUND INFORMATION

The Superior Court of California, County of Alpine (“Judicial Branch Entity” or “JBE”) is seeking Proposals from a qualified person or entity with expertise in small business, full-service Information Technology Goods and Services. These services will include on-site and off-site consulting and managed services. The JBE anticipates awarding one contract for an initial one-year term, with five consecutive one-year options for a potential maximum of six years. Each of the five option terms may be exercised at the JBE’s sole discretion.

2.0 DESCRIPTION OF GOODS AND/OR SERVICES

2.1 Below are the services that the proposer must be able to provide: Services will need to be provided Monday through Friday, 8 a.m. to 5 p.m., Pacific Time. Court size is estimated up to 20 users and 6 servers. Size is subject to change upon the needs of the court. The Services will need to be provided with Response and Resolution times outlined in Table 1. Additionally, be able to perform Services for Severity Level 1 outside normal business hours via predefined emergency point of contacts. Work is to be performed both on and off site depending on the Services needed in Markleeville, CA. Must be able to provide status reports summarizing findings if a task will require more than 72 hours to complete.

Collaborate with Court administrator to solve business problems by providing new technology solutions that are relevant to the JBE which will enhance public access and improve court operations. Additionally, perform related administrative tasks; prepare budget information for potential upgrades and new program purchases; create and maintain delivery reports; maintain program inventory information.

Deskside Services:

- Operating System Patching
- Antivirus Updates
- Proactive and preventative maintenance via remote management (e.g., disk space usage, memory, patch status, CPU)
- Deploy and maintain core and application software images
- Deploy and maintain network and locally attached peripherals
- Installs, Moves, Adds, Changes & Deletes (IMCD’s)
- Help Desk and 3rd party vendor support
- Maintain policies, standards, and procedures on site
- Break/Fix support
- Printer, fax, and copier support
- Incident Management

- Local Server Services and Monitoring
- Local server console monitoring via remote management (e.g., connectivity, disk space usage, memory, CPU, fan status, licensing)
- Operating System Patching (including emergency/critical and per schedule)
- Antivirus Updates
- Proactive and preventative maintenance via remote management (e.g., disk space usage, memory, patch status, CPU)
- Deploy and maintain core software images
- Help Desk and 3rd party vendor coordination
- Network attached device support
- Installs, Moves, Adds, Changes & Deletes (IMCD's)
- Job scheduling via remote management (e.g., scheduled server reboots, SQL DB maintenance jobs, patch installation, clearing temp files, backup jobs)
- System administration tasks (includes the following, but is not limited to)
 - Expanding disk drive
 - Ensuring backup jobs complete without error
 - Maintenance of Active Directory
 - Managing Share and Folder permissions
 - Troubleshooting server related issues
 - Printer installation and management
 - Group policy configuration and management
 - Be available to coordinate and assist with IT-based responsibilities during a Business Continuity or Disaster Recovery scenario.
 - Perform IT-related DR tasks in accordance with existing Court policies and systems.
 - Perform maintenance as necessary to any existing or future DR environments, whether in-person or remote.
 - Perform DR training and testing as required per Court policy.
 - Tape backups and handling
 - Exchange Email/Messaging Services
 - Internet Services
 - Court Application Support
 - Help Desk Support Court LAN/WAN Management and Monitoring
- LAN design and equipment provisioning
- Be available to coordinate and assist with IT-based responsibilities during a Business Continuity or Disaster Recovery scenario.
- Perform IT-related DR tasks in accordance with existing Court policies and systems.
- Perform maintenance as necessary to any existing or future DR environments, whether in-person or remote.
- Perform DR training and testing as required per Court policy.
- Installs, Moves, Adds, Changes & Deletes (IMACD's)

- Performance testing for capacity planning
- 24X7 management and monitoring
- QoS management
- Reporting from network monitoring system (e.g., bandwidth utilization, uptime)
- Documented procedures and diagrams
- Follow Network Security best practices
- Coordination with third party vendors

Table 1. Performance Timelines

Severity Level	Description	Resolution Hours	Response Period	Resolution Period
Severity Level 1	Severity Level 1 defect exists if: i. A critical component of a service, deliverable, licensed software or other item of work has stopped, or is so severely impacted that the work or component cannot reasonably continue to operate, or the JBE or user is prevented from performing a task critical to the normal operation of the JBE and there is no workaround available for the foregoing, or ii. Data is corrupted or data integrity issues related to security or confidentiality leads to noncompliance with legal requirements or regulations.	Standard maintenance and support hours and outside business hours via emergency contact.	No more than 30 minutes; Contractor shall advise the Court if Contractor is unable to respond within this time period	2 hours, if not dependent on 3 rd -party resolution and SLA's
Severity Level 2	Severity Level 2 defect exists if: i. A critical component of a service, deliverable, licensed software, or other item of work is unavailable or will not work but a workaround is available; or ii. A noncritical component of a service, deliverable, licensed software or other item of work is unavailable or will not work and there is no workaround.	Standard maintenance and support hours	30 minutes; Contractor shall advise the Court if Contractor is unable to respond within this time period	One business day
Severity Level 3	Severity Level 3 defect exists if the noncritical component result is not as expected but a workaround for the item of work is available and there is no significant impact to the end user.	Standard maintenance and support hours	2 hours; Contractor shall advise the Court if Contractor is unable to respond within this time period	Five business days
Severity Level 4	All defects other than Severity Level 1 defects, Severity Level 2 defects, and Severity Level 3 defects (e.g., minor or cosmetic defects). Workarounds are available.	Standard maintenance and support Hours	2 hours; Contractor shall advise the Court if Contractor is unable to respond within this time period	30 days

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	December 30, 2022
Deadline for questions submitted to TCSolicitation@jud.ca.gov	January 12, 2023, no later than 3:00 p.m. (PST)
Questions and answers posted at: www.Alpine.courts.ca.gov (<i>estimate only</i>)	January 16, 2023
Final proposal due date and time- Non-cost and Cost Proposals are submitted in different mailboxes, please see below: <ul style="list-style-type: none"> • Non-cost Proposal- Only must be submitted to- TCSolicitation@jud.ca.gov • Cost Proposal Only must be submitted to- TCAS-Alpine-012023-Cost-Proposals@jud.ca.gov 	January 23, 2023, no later than 3:00 p.m. (PST)
Evaluation of proposals (<i>estimate only</i>)	January 25, 2023
Anticipated interview dates, May be requested by the court if clarification is needed. (<i>Estimate only</i>)	February 1, 2023
Technical (Non-cost) scores posted at: www.Alpine.courts.ca.gov (<i>estimate only</i>)	February 8, 2023

EVENT	DATE
<p>Public cost opening may be viewed via Microsoft Teams at 1:00 p.m. (PST), using the following URL and Meeting number:</p> <p>Microsoft Teams meeting Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 277 592 704 03 Passcode: tWefZM Download Teams Join on the web Join with a video conferencing device 178332609@teams.bjn.vc Video Conference ID: 112 761 359 3 Alternate VTC instructions Or call in (audio only) +1 415-906-0569,,354819935# United States, San Francisco Phone Conference ID: 354 819 935# Find a local number Reset PIN Learn More Meeting options</p>	<p>February 10, 2023, 1:00 p.m. (PST)</p>
<p>Notice of Intent to Award (<i>estimate only</i>)</p>	<p>February 17, 2023</p>
<p>Master Agreement executed by this deadline (<i>estimate only</i>)</p>	<p>March 27, 2023</p>

3.1 NONEXCLUSIVE

Any contract awarded as a result of this RFP is nonexclusive. The JBE may have other contracts for the same or similar services, and the JBE reserves the right to provide or have others provide the same or similar services.

3.2 BACKGROUND CHECKS AND OTHER REQUIREMENTS

Proposer will conduct background checks on all of its employees or contractors that will provide services to JBE, at no cost to JBE. JBE may require Proposer to exclude any of its employees or contractors from providing services based on the background check results, or if an employee or contractor refuses to undergo a background check.

Proposer will need to access secure server rooms controlled by the County Sheriff’s Office, a non-JBE entity, which requires fingerprinting of Proposer and its employees or contractors, and attending mandatory training for those who access secure servers. There may be other security requirements as established by the Sheriff’s Office that Proposer must complete prior to providing any service for JBE. JBE will require at a minimum, confirmation that fingerprinting has been completed with the Sheriff’s Office.

4.0 RFP ATTACHMENTS

The following attachments 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: JBE Standard Terms and Conditions	If awarded the contract, the person or entity submitting a proposal (the “Proposer”) must sign this Judicial Branch Entity (JBE) Standard Form agreement.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions as specified immediately above. Note: Any material exceptions to the Terms and Conditions will result in a negative factor in the evaluation and could render the proposal nonresponsive.
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 and submit the completed form with its proposal.
Attachment 6: Payee Data Record Form	This form contains information the JBE requires in order to process payments and the Proposer must submit the completed form with its proposal.
Attachment 7: Electronic Funds Transfer Authorization	The Proposer must complete and submit this form only if it wishes to be enrolled in Electronic Funds Transfer Authorization program to receive electronic funds.
Attachment 8: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9: Bidder Declaration	The Proposer must complete the Bidder Declaration and submit the completed form only if the Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 10: DVBE Declaration	The Proposer must complete the DVBE Declaration and submit the completed form only if the Proposer wishes to claim the DVBE incentive associated with this RFP. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.
Attachment 11: Unruh Civil Rights and FEHA Certification	The Proposer must complete the Unruh Civil Rights and FEHA Certification and submit the completed certification with its proposal.
Attachments 3-11 must be signed by an authorized representative of the Proposer.	
Exhibit 1: Cost Proposal Sheet	The Proposer must complete and submit the Cost Proposal Form with its proposal.
Exhibit 2: Proposer Response Template	The Proposer must complete and submit the Proposer Response Template with its proposal.

5.0 PAYMENT INFORMATION

- 5.1 The JBE does not pre-pay for any goods and services.
- 5.2 The vendor will be paid at a fixed monthly rate to perform the Services described in RFP section 2.0 and at an hourly rate by classification for project-based work described in RFP section 2.0.
- 5.3 The method of payment to the contractor will be monthly in arrears, upon presentation of each invoice for any work completed.
- 5.4 For services performed and accepted, the vendor shall submit a monthly invoice to the JBE which will be paid within 30 days of the date of invoice.
- 5.5 All fees and charges proposed shall be inclusive of any and all anticipated clerical support, materials, fees, overhead, profits and other costs and/or expenses incidental to the performance of the specified requirements of this RFP.

6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposal Structure

Proposers should respond to every section of this RFP, all attachments and all exhibits. Proposers may download the original RFP documents from the JBE website www.Alpine.courts.ca.gov. These documents will be available in whole as the RFP and individually for your review and use.

A Proposer Response Template has been included (Exhibit 2) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 7.0, 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.

6.2 Proposal Copies

The Proposer must submit its proposal electronically in two parts, the non-cost portion and the cost portion, no later than the due date and time per Section 3.0, Proposed Procurement Schedule, in this RFP.

- a. **Non-Cost Portion of the Proposal:** The **non-cost portion** electronic files must be in searchable PDF, Word or Excel formats. 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 16.5. The Proposer must submit the **non-cost portion** to the TCSolicitation mailbox (link included in Table 3.0 Proposed Procurement Schedule).

- b. **Cost Portion of the Proposal:** The **cost portion** electronic files must be in searchable PDF, Word, or Excel format. The source Excel file used to prepare responses to Exhibit 1 must also be submitted. The Proposer must submit the **cost portion** to the TCAS-Alpine mailbox (link included in Section 3.0 Proposed Procurement Schedule).

6.3 Late Proposals

Late proposals will not be accepted.

7.0 PROPOSAL CONTENTS

NON-COST (TECHNICAL) PROPOSAL CONTENTS

The following information must be included in the **non-cost portion** of the proposal (Exhibit 2). A proposal lacking any of the following information may be deemed non-responsive.

7.1 Proposer Information

(Please respond in Exhibit 2, Section 1.0)

- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. The name, title, address, telephone number, and email address of the individual who will act as a Proposer's designated representative for purposes of this RFP.

7.2 Company Overview and Financial Information

(Please respond in Exhibit 2, Section 2.0 and 3.0)

- a. Company name, headquarters location, date founded, ownership (private/public, joint venture, etc.), organization structure, number of years providing information technology services and total number of employees.
- b. Audited financial statements for the last three years together with a current certification made by the chief financial officer stating that statements are current, accurate and complete with the exception of any materials adverse

changes specifically described that have occurred in the status and/or prospects of Proposer since the effective date of the most recent financial statements.

7.3 Business Disputes

(Please respond in Exhibit 2, Section 4.0)

Provide details of any disciplinary actions or other administrative action taken by any jurisdiction or person against Proposer. List and summarize all judicial or administrative proceedings involving your sourcing activities, claims of unlawful employment discrimination, and antitrust suits in which you have been a party within the last five years. If Proposer is a subsidiary, submit information for all parent companies. If the Proposer uses subcontractors, associated companies, and consultants that will be involved in any phase of this Agreement, include pertinent subcontractor information.

7.4 Overview of Proposer's Qualifications

7.4.1 Résumés

(Please respond in Exhibit 2, Section 5.1)

For each key staff member: a résumé of key staff members as outlined in Exhibit 2, Proposer Response Template, describing the individual's education and experience, as well as the individual's ability and experience related to the services described in RFP section 2.0.

7.4.2 Capabilities

(Please respond in Exhibit 2, Section 5.2)

Discuss the Proposer's ability to:

- a. Provide reports, as requested by the JBE, which evaluate the performance of the JBE's computer network and system.
- b. Provide the services described in RFP Section 2.0 within the Response Periods and Resolution Periods set forth in Table 1, Performance Timelines in RFP Section 2.0

7.4.3 Certifications

(Please respond in Exhibit 2, Section 5.3)

Proposer must provide a description of any certifications and honors that Proposer has received that are related to the requested services.

7.4.4 References

(Please respond in Exhibit 2, Section 5.4)

Names, addresses, and telephone numbers of a minimum of three customers for whom the Proposer has provided similar goods and services.

7.5 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.

If exceptions are identified, the Proposer must also submit (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.

The JBE prefers Proposers that will accept the Terms and Conditions without exceptions. Proposer’s Acceptance of Terms and Conditions (Attachment 3), including the Standard Form agreement in Attachment 2, shall be an affirmative factor in the evaluation of the Proposal. By contrast, significant exceptions to the Terms and Conditions shall be a negative factor in the evaluation.

Note: Any material exceptions to the Terms and Conditions will result in a negative factor in the evaluation and could render the proposal nonresponsive.

7.6 Certifications, Attachments and Other Requirements.

- a. *Proof of Good Standing.* If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- b. **Business License.** Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications or other credentials.
- c. **Certificate of Insurance.** Copy of the Proposer’s Certificate of Insurance.

- d. General Certifications. Proposer must complete and submit the General Certifications Form (Attachment 4).
- e. Small Business Declaration. Proposer must complete and submit 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 submit the Payee Data Record Form (Attachment 6).
- g. Electronic Funds Transfer Authorization Form (Attachment 7)
- h. Darfur Contracting Act Certification. Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 8).
- i. Bidder Declaration. Proposer must complete and provide the Bidder Declaration (Attachment 9).
- j. DVBE Declaration. Proposer must complete and provide the DVBE Declaration (Attachment 10). **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.
- k. 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 11).

8.0 COST PROPOSAL CONTENTS

- 8.1 The Proposers shall complete the Cost Proposal Sheet (Exhibit 1) accurately and completely.
- 8.2 The proposer must complete Exhibit 1 – Cost Proposal Sheet.
- 8.3 All pricing shall remain firm for each one (1) year term of the Master Agreement. Price increase requests shall be submitted sixty days prior to the Master Agreement anniversary date. Documentation from the manufacturer supporting any price increases may be requested by the Court. Any price increases will be set forth in an amendment to the Master Agreement.
- 8.4 Pricing must include all charges, including but not limited to, freight and delivery, cost of materials and product, overhead, profits, and other costs or expenses.

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.

9.0 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 JBE reserves the right to negotiate extensions to this period.

10.0 EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened via Microsoft Teams at the date and time noted in RFP Section 3.0.

The JBE 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 proposal.

If a contract will be awarded, the JBE will post an Intent to Award notice at www.Alpine.courts.ca.gov.

Category	Factors	Total Possible Points
Cost	Overall cost based on the fee structure described in the cost proposal (Exhibit 1)	50
Organizational capability	Evaluation of the Proposer’s ability, based on its organizational structure, to meet the requirements set forth in RFP Section 2.0	5
Performance monitoring plans and procedures	Evaluation of Proposer’s ability to provide reports regarding the performance of the JBE’s computer network and system.	5
Ability to deliver services on time	Degree to which Proposer can provide the services described in RFP Section 2.0 within the Response Periods and Resolution Periods set forth in Table 1, Performance Timelines in RFP Section 2.0	10
Experience on similar assignments	Degree to which the Proposer has performed work similar to the requirements set forth in RFP Section 2.0	10
Credentials of staff to be assigned to the project	Degree to which the Proposer’s staff has the necessary qualifications to perform the services set forth in RFP Section 2.0	10
Acceptance of Terms and Conditions	Level of Proposer’s acceptance of Terms and Conditions (Attachment 3)	5
DVBE Incentive	DVBE incentive points are available to qualified Proposers	3
References	Evaluation of the Proposer from current and/or past clients	2

11.0 INTERVIEWS

The JBE may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JBE's offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.

12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Except as required by law, the JBE 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," "copyright ©," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JBE's right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 12. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

Eligibility for and application of the DVBE incentive is governed by 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 10.0 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 9). 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 10) 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.

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.

14.0 SMALL BUSINESS PREFERENCE

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a proposal non-responsive.

Eligibility for and application of the small business preference 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 the Proposer receives the small business preference, the score assigned to its proposal will be increased by an amount equal to 5% of the points assigned to the highest scored proposal.

If a DVBE incentive is also offered in connection with this solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

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

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

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

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

FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

15.0 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.

Protests should be sent to:

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