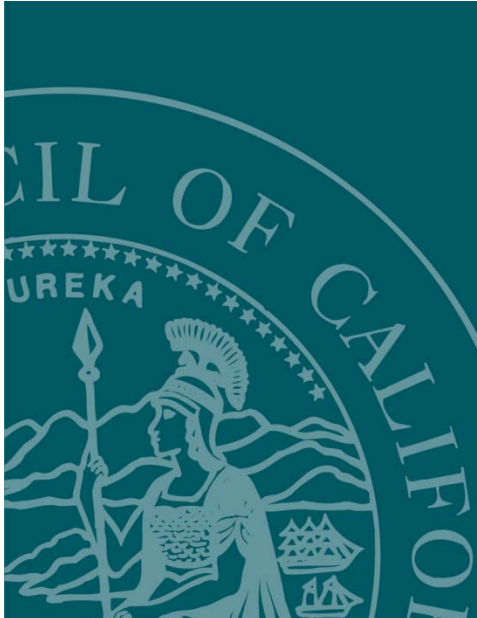


Request for Proposal



Hosted Call Center Service

The Office of Court Construction and Management, a Division of the Administrative Office of the Courts, is seeking Proposals from qualified companies to provide hosted call center services. These services will include a flat rate for services to include but not limited to Interactive Voice Response (IVR), Automatic Call Distribution (ACD), Voice Mail, Call Queuing, Agent/Supervisor connectivity/Application Software, Security and Reporting integration, Technical Support, and Training.

RFP Number: OCCM-2009-11-JMG



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

Hosted Call Center Service
RFP Number: OCCM-2009-11-JMG

Date
December 11, 2009

To
Hosted Call Center Companies

From
Administrative Office of the Courts,
Office of Court Construction and Management

Project Title
RFP number: OCCM-2009-11-JMG

Send Proposal to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102

Contact
OCCM_Solicitations@jud.ca.gov

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1.0 BACKGROUND INFORMATION

The Judicial Branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California and the Supreme Court. The Judicial Council is authorized by the California Constitution and is the policy-setting body for the Judicial Branch. It is chaired by the Chief Justice of California. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council. The Office of Court Construction and Management (OCCM) is the division of the AOC responsible for the planning, design,

construction, real estate and asset management of facilities that support the provision of services by the California Courts.

2.0 PURPOSE OF THIS RFP

The Office of Court Construction and Management is seeking Proposals from qualified Service Providers for Hosted Call Center services. These services will include Interactive Voice Response (IVR), Automatic Call Distribution (ACD), Voice Mail, Call Queuing, Agent/Supervisor connectivity/Application Software and Security and Reporting integration.

The services will also include routing calls over regular telephone networks to a landline with the ability to use the internet with VOIP as an option. The services must also include live technical support 24/7 with service level established by agreement between the Customer Service Center (CSC) and Service Provider. Included services shall also encompass agent, supervisor and maintenance training, implementation of pre and post schedules, related queuing to include music on hold/commercial on hold, chat via instant messenger and email, website chat integration, inbound email and fax via email, call recording, reporting, over-night agents, outbound messaging blasts, and after hours voice call routing to on-call service providers based on designated call routing criteria by client.

The term of the awarded contract will be for two years with an option exercisable by the State for an extension of an additional two years. Bidders will submit fixed pricing that will apply throughout both years.

This RFP establishes a general scope of work and description of services that should form the basis of each bidder's Proposal, and the state will select a single successful bidder on the basis of the submitted Proposals.

This RFP is the means for prospective Contractors to submit their Proposals to the AOC for the services necessary to provide a complete hosted call center service program as described in this document. The RFP and all addenda will be posted at <http://www.courtinfo.ca.gov/reference/rfp/>.

3.0 STATEMENT OF SERVICES BEING SOLICITED

The services the AOC is seeking include the following:

- Interactive Voice Response
- Automatic Call Distribution
- Voice Mail
- Queuing and Related Services
- Agent & Supervisor Connectivity/Application Software
- Service Level

- Security / Reporting
- Technical Support
- Agent, Supervisor & Maintenance Training
- Implementation Scheduling

All prospective Service Providers submitting Proposals must demonstrate that they are fully capable of providing the complete range of Services as specified below. The use of subcontractors and/or partnership(s) will suffice to fulfill this requirement. For further details, see Section 8.2.2 of this RFP.

3.1 Interactive Voice Response (IVR)

Provide IVR services (routing tree setup, programming, & implementation) to allow all callers to choose a desired path to either listen to information or input information for an output – example, “For Facility related emergencies”. The IVR service also includes standard, seasonal or event driven greetings and announcements (where the Customer would like to prompt callers with a special greeting that notifies the caller of a particular event, such as a service outage, product recall, moving etc...) along the IVR routing tree.

- a) Customer Premises Equipment Integration. Service Provider can integrate with legacy PBX equipment with some inherent IVR capabilities at certain locations, and possibly can be included with overall IVR planning, depending on complexity of request.
- b) Complex IVR. Complex IVR project programming, such as e-commerce, and multi-query database Input/Output processing, can be provided by the Service Provider

3.2 Automatic Call Distribution (ACD)

Service Provider can provide call distribution to all desired end users on the basis of least number of caller connections, round robin or skill based routing.

- a) Customer Premises Equipment Integration. Service Providers can integrate with legacy PBX equipment with ACD capabilities at certain locations, and possibly can be included with overall ACD planning – example, Service Provider can be used as an overflow to route callers to a remote or home agent, when corporate ACD is fully employed or under a certain event, such as call spikes, after hours or disaster recovery.

3.3 Voice Mail

Service Provider provides voice mailbox(s) feature for callers that deliver such voice messages to the Customer from Service Provider via email access. Any and all voice mails left for the Customer by callers (could be at any point in the IVR caller routing options) will be transformed into a .WAV format and immediately sent to a Customer defined predetermined

email address. Received and sent voice mail messages will be archived by the Service Provider for 48 hours upon receipt. Service Provider would also be able to simulate corporate voice mail systems.

3.4 Queuing & Related

Service Provider provides the service of queuing callers, announce greetings, and place on hold until an agent becomes available or given the option to leave a message after the Customer Service Center (CSC) defined threshold. The CSC and Service Provider will define queue definitions, queue routing and other related activities in joint implementation planning session(s). All queue setup, installation and testing will be performed by the Service Provider.

a) Music On Hold / Commercial On Hold. Service Provider will support CSC supplied MOH/COH content.

3.5 Agent & Supervisor Connectivity/Application Software

Service Provider will provide agents supervisors and monitors to maintain connectivity to callers from any pre-specified location including the office, remote offices or agent residence. Any number of agents, supervisors and monitors can share one or more hosted call center “seat” – usage is based on number of concurrent seats used at any one point.

a) Long Distance. Unless otherwise stated in “Services Agreement”, any and all long distance charges incurred by the Service Provider that are processed by the Service Provider for remote agent/supervisor connectivity will be charged back to the CSC at the agreed upon rate with no administration charges.

b) Service Provider will provide the CSC with connectivity requirements for remote agent/supervisor connectivity including home agent connectivity.

c) Service Provider will describe in detail their fail over system plan should first devices fail including carrier, hardware, and notification to the CSC.

d) Telephone. Any regular analog or digital telephone that is connected to the Public Switched Telephone Network - PBX extensions will be supported by the Service Provider, as well as DID or direct connections.

d) Service provider will support System Requirements. *Agent/Supervisor Workstation:
Minimum Recommended:

- Pentium III, 500Mhz +
- 128 MB RAM
- 8 Giga bytes HD
- Operating system W98, NT4, WME, W2K, WXP
- Microsoft .Net Framework 2.0

3.6 Service Level

Service Provider will be available to agents, supervisors and callers on a 24/7/365 basis as delineated in an agreed-upon Service Level Agreement. Service Provider system maintenance will be performed without service

interruptions due to multiple redundant nodes.

3.7 Security and Reporting

- i) Service Provider should be protected by firewall access and multi-layer login definitions. Service Provider facility should be protected by 24/7/365 security guard access, power back up, surge suppressors, redundant switching fabrics and building contingencies for fire/water disasters.
- ii) CSC Firewall. Service Provider will work with CSC installation that may require some configuration modifications to allow for each party's connectivity. Service Provider will allow firewall configuration for CSC to use bluecoat proxy servers with no configuration issues, outbound traffic on port 57000 and proxied traffic.
- c) Service Provider will provide real time reporting or customized reporting through use of the supervisor application,
 - ii) Service Provider will provide detail and summary or customized Reporting on caller/agent metrics (on-demand, real time, end of day/week/month; time/date range; by agent/agent group etc). CSC Agents and Supervisor will have ability to view their call details real time at each monitor.
 - iii) Service Provider will provide "ticker tape" functionality across all agent and designated monitors which include the ability to update messages real time and archive for future use.
 - iv) Report Engines. Service Provider will also export Call Detail Records to CSC and provide customized reporting if desired

3.8 Technical Support

Service Provider will provide a technical support phone number to Customer administration personnel. Service Provider will respond in the following manner:

- a) Phone & Email Service. Service Provider will ~~first~~ respond to Customer service requests via phone. The Service Provider will send the CSC a email after each call similar to a trouble ticketing method. These kinds of service calls and emails are at no charge to the CSC and the CSC can make an unlimited amount of service requests. The technical support team must be available live 24/7.

3.9 Agent, Supervisor & Maintenance Training

Service Provider will provide all application training for agents and supervisors. Service Provider will provide training during installation as part of the implementation plan.

3.10 Implementation Schedule

Service Provider will provide an implementation schedule to the CSC pre and post appropriate post-RFP implementation meeting(s) are held to determine best timing for all parties.

Implementation will include:

- a) Schedule implementation meeting(s)
- b) Determine current call flow
- c) Determine Customer desired call flow
- d) Identify any special requirements or projects outside the Service Provider offering
- e) Fulfill any special requirement at appropriate time
- f) Record greetings/announcements
- g) Schedule training
- h) Perform agent/supervisor application installation and log-in definitions
- i) Perform testing
- j) Forward appropriate Customer call centre access telephone numbers
- k) Go live

3.11 CRM (Customer Relationship Management) & CTI (Computer Telephone) Integration

- a) Service Provider will provide optional basic CRM application and can also be integrated with the CSC CRM applications. Management of the Service Providers CRM application and database associated with the CRM application is maintained by the Service Provider.
- b) Application Program Interface for Customer Database Management System. Service Provider will provide API/OCX interconnectivity should the CSC choose to provide Computer Telephony Integration (screen pops) with corporate CRM to their agents/supervisors.

4.0 RFP PROCESS

- 4.1 This RFP process and the RFP Schedule are subject to change at any time. Changes will be posted to the RFP website, and no other notifications of changes will be provided. Prospective participants are urged to consult the website in a timely manner to remain apprised of any changes. Staying abreast of changes in the RFP is the sole responsibility of the prospective Service Provider.
- 4.2 On the date specified in the RFP Schedule provided in this solicitation, a teleconference will be held to review the published RFP requirements and procedures, and to answer any questions regarding the RFP or the proposed Statement of Work proposers may have. The AOC will make all reasonable efforts to respond to the questions raised during the teleconference, but if a prospective Service Provider seeks a definitive and binding answer to a question, it must be submitted in writing as detailed below. If as a result of this teleconference, the AOC deems it necessary to modify this RFP, the AOC will post clarifications and addenda to this RFP on the website.
- 4.3 Following the teleconference, prospective Service Providers may submit written questions to the AOC via e-mail to OCCM_Solicitations@jud.ca.gov. Questions must be submitted no later than the date and time specified in the RFP Schedule. Utilize the "Form for Questions" provided as Attachment 4 of this RFP as the format for submission of questions. The AOC will post on the website for this solicitation on or before the date specified in the RFP Schedule answers to the

questions submitted as well as any necessary clarifications and addenda to this RFP.

- 4.4 Proposals to be submitted may be sent by US mail, express mail, courier service of the prospective Service Provider's choice, or by hand delivery to the AOC. E-mail submissions are not acceptable.
- 4.5 Proposals are due on or before the date and time specified in the RFP Schedule or as said schedule is subsequently modified via changes posted to the website. It is the sole responsibility of the submitting prospective Service Provider to ensure that the Proposal reaches the AOC on or before the date and time specified. Submittals received after the deadline will be rejected without review. With the exception of Proposals delivered by hand, the AOC provides no receipts nor will it provide any notification of its receipt of, or failure to receive, any Proposal.
- 4.6 Submissions must be sent to:

Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102
*(Indicate RFP Number, Name of Your Firm, and RFP Name
at lower left corner of envelope)*

*If a Proposal is to be submitted by hand, it **must** be submitted to the **reception desk of the AOC on the 7th floor 455 Golden Gate Avenue, San Francisco, CA 94102.** Service Providers are advised to request and retain a handwritten receipt from the AOC receptionist when submitting.*

- 4.7 As provided for in the Section of this RFP entitled "Selection Process", after an initial evaluation of the received Proposals for compliance with the requirements of this RFP, a single qualified firm will be selected.
- 4.8 Following selection, the AOC's assigned project manager will contact the firm and proceed with the execution of the contract. No work may commence until execution of the contract.
- 4.9 If a satisfactory contractual agreement cannot be reached between the AOC and the first selected Service Provider within a reasonable, period after notification of the Service Provider selection, the AOC reserves the right to assign the project to another qualified Service Provider, according to the results of the final ranking of firms.

- 4.10 With regard to the subject matter of this RFP, prospective Service Providers and their sub-consultants **must not contact any AOC personnel or any individuals in the California Courts.** Violation of this restriction may disqualify a firm from consideration.

5.0 ADMINISTRATIVE RULES GOVERNING THIS RFP

This RFP is governed by the AOC's Administrative Rules Governing Requests for RFPs, which are provided as Attachment 1 to this RFP. Prospective Service Providers who choose to submit Proposals will be governed by these rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, said objections may and must be raised in accordance with the provisions of Section B of the rules.

6.0 CONTRACTS AND PAYMENT FOR SERVICES

Contracts with selected Service Provider will be subject to a written and signed State contract. A draft copy of the agreement for professional services that will be utilized is included in this RFP posting. Prospective Service Providers are advised to familiarize themselves with the Agreement terms and condition as they will form the basis of their legal and business relationship with the AOC.

Be advised that in accordance with the budget laws of the State of California no payments for the Services provided under this Agreement will be made during the period beginning on July 1 of any calendar year and lasting until the State Legislature passes a new budget.

7.0 SELECTION PROCESS

- 7.1 An evaluation panel composed of OCCM staff will be assigned by the AOC.
- 7.2 The evaluation team will initially determine if the Proposal submitted conforms to the requirements of this RFP. Prospective Service Providers that have submitted Proposals failing to meet the RFP requirements will, as soon as practicable, be notified in writing by e-mail. Such Proposals are ineligible for further consideration.
- 7.3 The evaluation team will evaluate and grade the remaining Proposals, each qualification to be weighted as indicated. In the process of grading the Proposals submitted, OCCM Staff may contact the references cited in the Proposals to verify the experience and performance of the prospective Service Provider, their key personnel, and their key sub-consultants, as appropriate.
- 7.4 The qualifications to be evaluated and their respective weights are:

Weight	Qualification to be Evaluated 100 points maximum
40	<p><u>Qualifications:</u> Company’s capability to provide for Hosted Call Center services performing all functions as outlined in Section 3.0 of this RFP for a Statewide organization like the AOC at a flat rate.</p>
20	<p><u>Experience of Company:</u> Demonstrated experience of the company in relation to the scope and quality of service provided to customers in the past.</p>
40	<p><u>Cost:</u> The cost of the proposed services will be evaluated and will be rated using the pricing spreadsheets from Exhibit A-1.</p>

7.5 Based upon the scorings and the assigned weights given above, the highest ranking prospective Service Provider will be selected for this project.

8.0 SUBMITTING A RESPONSIVE PROPOSAL

In order for a Proposal to be considered responsive and acceptable for evaluation by the AOC, the Proposal must contain the following information and materials and be submitted according to the following guidelines:

Proposals to be submitted shall consist of, and be organized into the following 3 parts, prepared and submitted as described in more detail below:

- 1) Service Provider Information;
- 2) Technical Proposal;
- 3) Price Proposal.

Provide five (5) individually bound paper copies consisting of the three parts detailed in 8.1 through 8.3 below:

8.1 Part 1: Service Provider Information must include:

8.1.1 Written overview describing the proposer’s organization.

8.1.2 Names, addresses, and telephone numbers of five (5) client references for whom the proposer has provided similar services at some point in the last 12 months. By virtue of submission of the prospective Service Provider’s Proposal identifying said clients, the prospective Service Provider

thereby releases the AOC and said clients from any liability for any and all claims of harm caused to Service Provider's reputation by virtue of said discussions.

- 8.2 Part 2: Technical Proposal must include:
 - 8.2.1 Review Section 3 of this RFP and respond point-by-point, describing the prospective Service Provider's organization's ability to meet or exceed each of the requirements.
 - 8.2.2 If a prospective Service Provider cannot provide the complete range of Services with in-house facilities, it must provide, in its Technical Proposal, details regarding the partnership(s) or subcontracting relationship(s) (already existing or promised contractual relationships) that it agrees to commit to provide the full range of Services. The Proposal should be specific regarding the identity and qualifications of any partnerships/subcontractors which will be providing services and shall identify those services to be provided. The Proposal shall also describe what Services arrangements would apply and, if applicable, in what location(s).
 - 8.2.3 In particular, identify branches or partnerships/subconsultants the proposer intends to use near the metropolitan areas of: Los Angeles, San Francisco, Sacramento, Fresno, and Redding.
 - 8.2.4 Provide any additional information you believe should be considered in the evaluation of your Proposal.
- 8.3 Part 3: Submitted Price Proposals must include:
 - 8.3.1 The proposed fee schedule for the Hosted Call Center Services as specified in RFP Section 3.0 (Scope of Services). Use the form provided in Attachment C to submit your fee schedule. Do not use other formats or propose your fees in any other way.
 - 8.3.2 The prices you offer must be firm fixed prices applicable to all years of the contract should the State select to extend the contract. Prices shall not be subject to change during the term of the contract.
- 8.4 Submit one (1) compact disk or flash drive containing one file consisting of all of the Proposal materials noted above. This single file must be in PDF format. On this same disk, submit a second file which includes a separate copy of the proposer's Price Proposal in MS Word format, using the format provided in Attachment D. Place a label on the disk with the name of proposer's

organization and the AOC's RFP number for this solicitation (OCCM-2009-11-JMG). Name the PDF file and the MS Word file submitted on the disk with this same title.

- 8.5 In addition to the above, submit one (1) completed and signed original of the Payee Data Record form posted as Attachment E of this RFP. The Payee Data Record Form must be completed in the exact legal name of the business entity under which the prospective Service Provider proposes to do business with the AOC, and must be signed by an authorized representative of said entity. Do not include the Payee Data Record Form in the PDF file you submit.
- 8.6 Provide a written letter identifying the individual who will serve as the proposer's point of contact for this RFP including their telephone and e-mail contacts. Any official communication of the AOC with regard to this procurement will be sent to that individual at the e-mail address you specify. Do not include a copy of this letter in the PDF file you submit.
- 8.7 NOTE: The AOC has a Disabled Veterans Business Enterprise (DVBE) participation goal. The AOC does not require that your DVBE forms be submitted with your Proposal. Submission of your DVBE forms will be required following notification of selection but prior to the signing of a contract with the AOC. Forms are provided here to familiarize you with this requirement and for your later convenience.
- 8.8 Proposals should provide straightforward, concise information that satisfies the requirements noted above and the criteria for point ranking provided. Extensive color displays, and/or graphics are not necessary. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFP, as well as the completeness and clarity of content.

9.0 RFP MANAGEMENT

Other than the opportunity for questions specified as part of the RFP process, please refrain from submitting additional questions. The AOC cannot provide information to one vendor that is not available to all. Use the formal RFP Questions process for submitting **all** of your questions, including those with regard to the nature of the Services being requested, the RFP process, and the content of your Proposal,

Should the need to ask a question outside the RFP Process arise, send all questions by email to:

OCCM solicitations@jud.ca.gov and

SUBJECT: CALL CENTER SERVICE RFP OCCM-2009-11-JMG

10.0 RIGHTS

The AOC has the right to reject any and all Proposal(s) that are not provided on or before the due date and time or that do not conform to the requirements of this RFP.

The AOC has the right to issue RFPs for the same or similar projects, in the future.

If, prior to the signing of the contract for an awarded project, the proposing entity changes its business ownership or the AOC determines that the prospective Service Provider's proposed personnel or the subcontractors specified in the Proposal or subsequently agreed to during the interview process have substantially changed, the AOC reserves the right to terminate the selected Service Provider.

This RFP and the transmission of a Proposal shall in no way act to form an agreement, obligation, or contract. In any event, and regardless of circumstances, in no way shall the AOC or the State of California be held responsible for any loss of profit or any costs or expenses incurred or experienced as a result of a prospective Service Provider's preparation or transmission of a Proposal, or its participation or non-participation in interviews.

One copy of each Proposal submitted will be retained for official files.

11.0 MANAGEMENT OF CONFIDENTIAL OR PROPRIETARY INFORMATION

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Service Provider's Proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a prospective Service Provider is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its Proposal or Proposal.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBE's). The AOC is subject to this participation goal. Upon selection of a Service Provider for the project assignment under this RFP, the AOC will require, prior to signing a contract, that the selected Service Provider demonstrate DVBE compliance. At that time the Service Provider selected will be required to demonstrate its DVBE commitment by completing a DVBE Compliance Form. For your convenience, the DVBE Compliance Form is provided with this RFP, DVBE Compliance Forms are not to be submitted with your Proposal.

DVBE participation is highly desirable; however, if it would be impossible for the selected Service Provider to comply with the DVBE goals, an explanation of why compliance with these goals is not possible and demonstration of written evidence of the good faith effort made to achieve participation may suffice to fulfill this requirement. This explanation should be provided on the DVBE Compliance Form submitted.

Information about DVBE resources you may wish to utilize to meet your DVBE commitment can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/default.htm>. or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

**ATTACHMENT A
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B.
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Service Providers must adhere to all instructions provided in the RFP when submitting Proposals.

B. Errors in the RFP or Administrative Rules

1. If a prospective Service Provider who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Service Provider must, at least 2 full AOC business days before the due date of the Proposals, provide the AOC with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Service Provider is of the opinion that the RFP or the Administrative Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective Service Provider’s right to raise such issues later in the solicitation process.
2. Without disclosing the source of the request, the AOC will evaluate the request and will, prior to the date established for submission of the Proposals,

at its sole discretion determine if it chooses to modify the RFP. Any modification is made it will be published by the AOC to the AOC's website advertising the solicitation.

3. If a prospective Service Provider submitting a Proposal knows of (or if it can be reasonably demonstrated should have known of) an error in the RFP but fails to notify the AOC of the error as prescribed above, the prospective Service Provider is submitting a Proposal at its own risk, and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the AOC.

C. Questions and Confidentiality

1. Prospective Service Providers are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the AOC's responses to questions submitted shall be published to the public website for the procurement.
2. Any material that a prospective Service Provider considers to be confidential but that does not meet the disclosure exemption requirements of the California Public Records Act may in fact be made available to the public as a public record, and prospective Service Providers are hereby advised not to include such information in their Proposals.
3. If a prospective Service Provider's question or a reasonably expected AOC response would reveal information that the prospective Service Provider considers to be proprietary, the prospective Service Provider should submit the question in writing, conspicuously marking it as "CONFIDENTIAL". Accompanying the question, the prospective Service Provider must submit a written statement explaining how the publishing of said question or the reasonably expected AOC response would damage the prospective Service Provider. If the AOC concurs that the disclosure of the question or the AOC's response would expose proprietary information, the question will be answered, but only to that prospective Service Provider, and both the question and answer will otherwise be kept in confidence. If the AOC does not concur that such information or its response would reveal information of a proprietary nature, the question will not be answered and the prospective Service Provider will be notified.

D. Addenda

1. In response to questions raised, or at its sole discretion, the AOC may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such

modification shall be made via a posting of such change(s) to the AOC's website.

E. Withdrawal and Resubmission of Proposals

1. A prospective Service Provider may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the AOC in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective Service Provider who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the AOC no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered, and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

F. Evaluation Process

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received, to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.
2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.
3. The AOC, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The AOC's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse that prospective Service Provider from material compliance with any other RFP requirement. The AOC's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse other prospective Service Provider(s) from material compliance with that same requirement.

5. Proposals that make false or misleading statements or contain false or misleading information may be rejected, if, in the AOC's sole opinion, the AOC concludes that said statements and/or information were intended to mislead the AOC.
6. During the evaluation of the Proposal's, the AOC has the right to require a prospective Service Provider's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

G. Proposals: Rejection, Negotiation, Selection Rights

1. In accordance with the provisions of the RFP, the AOC may reject any or all Proposals.
2. The AOC reserves the right to negotiate the content of the Proposal proposed with individual prospective Service Providers if it is deemed in the AOC's best interest.
3. The AOC reserves the right to make no selection if Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

H. Award of Contract

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the AOC.
2. The actual execution of contracts is subject to availability of the funds necessary to pay for the good and services by the State of California through its budgeting and appropriations methods. The AOC makes no guarantee of funding through its solicitation for goods and/or services via an RFP.

I. Execution of contracts

1. The AOC will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP, or, if no time has been specified in the RFP, thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are raised by a prospective Service Provider may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as

specified above (unless otherwise extended in writing by the AOC), the AOC, at its sole discretion, shall have the right to disqualify the award made.

2. By submitting a Proposal, a prospective Service Provider consents to the use of the form of contract posted with the RFP rather than its own contract form. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and not following notification of an award. The AOC will make reasonable attempts to answer such questions, however, the contract will not be negotiated until after the award is made, and prospective vendors shall not construe the AOC's responses to questions as the AOC's final position on a question raised, nor rely on the AOC's answers as a guarantee of a later successful negotiation of terms.

J. Protest procedure

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Service Provider to comply with any of the requirements of the protest procedures set forth in this Section K will render a protest inadequate and will result in rejection of the protest by the AOC. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Service Provider to continue the protest, and is not appealable under this protest procedure.
3. A protest may only be based upon allegedly restrictive requirement in the RFP or upon alleged improprieties in regard to the AOC's execution of its responsibilities with regard to receipt and evaluation of the Proposals, or grant of award(s) but only as such responsibilities are specified in the RFP document.

A. Protests Based On Allegedly Restrictive Requirements:

Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the AOC, and the prospective Service Provider shall have no further recourse under this procedure, including no further right of appeal.

B. Protests Based on Alleged Improprieties in Regard to the AOC's Execution of its Responsibilities:

A prospective Service Provider who has actually submitted a Proposal may protest the AOC's rejection of its RFP for failure to comply with the requirements of the RFP, or upon the basis of an allegation of

improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the RFPs and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:

- a. If a Proposal is rejected because of an alleged failure to provide the Proposal to the AOC on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective Service Provider may file a protest. Said protest must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.
- b. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or is in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.
- c. If a Proposal fails to win an award or qualify the prospective Service Provider for a short listing for further evaluation and the prospective Service Provider alleges that said failure was due to a failure of the AOC to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) full AOC business days following the date of posting of award notices to the AOC website for the RFP.

In order to be considered valid, all such protests to be submitted:

1. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
2. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
3. Must provide the title of the solicitation document under which the protest is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** protests that the prospective Service Provider intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the AOC and the prospective Service Provider shall have no further recourse under this procedure, including any right of appeal.

If the course of investigation of a protest and when the AOC deems necessary, the AOC may request and protestor shall make best efforts to provide further evidence or documentation as requested by the AOC.

The existence of a protest will in no way act to restrict the right of the AOC to proceed with the procurement. The AOC, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

K. Protest Decisions

The protest will be forwarded to the appropriate Contracting Officer at the AOC, who will assess the protest submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.

If the protest submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.

The Contracting Officer will endeavor to provide the protesting prospective Service Provider with a written judgment within ten (10) AOC business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.

If awarding a remedy, the AOC shall, at its sole discretion, choose to employ any or a combination of the following remedies:

- Award the contract consistent with the RFP
- Extend an additional award to the protesting prospective Service Provider
- Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Service Provider
- Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP
- Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned
- Other such remedies as the AOC may deem necessary and appropriate.

While the AOC will endeavor to investigate the protest and provide a written response to the prospective Service Provider within ten (10) AOC business days, if the AOC requires additional time to review the protest and is not able to provide a response within said period of time, the AOC will notify the prospective protesting Service Provider of the expected time within which it shall provide a response.

L. Appeals Submission

The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Service Provider thereafter seeks an appeal of the ruling or relief prescribed.

All appeals are subject to, and shall follow, the process provided below.

The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the AOC's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the AOC within five (5) AOC business days following the date of issuance of the AOC Contracting Officer's decision.

The justification for an appeal is specifically limited to the following.

- a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
- b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
- c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.

Appeals raising other justifications for appeal shall be rejected as non-compliant and the prospective Service Provider shall have no further recourse under this procedure, including any further right of appeal.

In order to be considered valid, all requests for appeal must be:

1. Submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the AOC's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.

2. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
3. Must provide the title of the solicitation document under which the appeal is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.
5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** appeals that the protesting prospective Service Provider intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

M. Appeals Decisions

The AOC's Senior Manager, Business Services will assess the appeal submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply the Administrative Rules.

If the appeal submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy,

The AOC Senior Manager Business Services will endeavor to provide the appealing prospective Service Provider with a written judgment within ten (10) AOC business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.

While the AOC will endeavor to investigate the appeal and provide a written response to the prospective Service Provider within ten (10) AOC business days, if the AOC requires additional time to review the appeal and is not able

to provide a response within said period of time, the AOC will notify the appealing prospective Service Provider of the expected time within which it shall provide a response.

The judgment of the AOC Senior Manager Business Services and any relief or remedy specified shall be final and are not subject to further appeal.

N. News Releases

News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the AOC Senior Manager, Business Services.

O. Disposition of Proposal Materials Submitted

All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the AOC's option and at the expense of the prospective Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

P. Payment and Withholding

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective Service Providers are hereby advised that AOC payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the AOC and the selected Service Provider.
2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withhold may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded Service Provider.

End of Attachment A

ATTACHMENT B

DVBE PARTICIPATION FORM

Proposer Name: _____

RFP Project Title: _____

RFP Number: _____

The State of California Judicial Branch's goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprise (DVBE) has been achieved for this Project. *Check one:*

Yes _____ *(Complete Parts A & C only)*

No _____ *(Complete Parts B & C only)*

"Contractor's Tier" is referred to several times below; use the following definitions for tier:

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

PART A – COMPLIANCE WITH DVBE GOALS

Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION
FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS
SOLICITATION

PRIME CONTRACTOR

Company Name: _____

Nature of Work _____ Tier: _____

Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

SUBCONTACTORS/SUBCONTRACTOR/PROPOSERS/SUPPLIERS

1. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

2. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

3. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

GRAND TOTAL: DVBE _____%

I hereby certify that the " Contract Amount," as defined herein, is the amount of \$_____. I understand that the " Contract Amount" is the total dollar figure against which the DVBE participation requirements will be evaluated.

<i>Firm Name of Proposer</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

PART B – ESTABLISHMENT OF GOOD FAITH EFFORT

Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION

1. List contacts made with personnel from state or federal agencies, and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

2. List the names of DVBEs identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

3. If an advertisement was published in trade papers and/ or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

4. Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/ or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

5. List the available DVBEs that were considered as subcontractors or suppliers or both. (*Complete each subject line.*)

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
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<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

PART C – CERTIFICATION *(to be completed by ALL Proposers)*

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations. In making this certification, I am aware of section 10115 *et seq.* of the Public Contract Code that establishes the following penalties for State Contracts:

Penalties for a person guilty of a first offense are a misdemeanor, civil penalty of \$5,000, and suspension from contracting with the State for a period of not less than thirty (30) days nor more than one (1) year. Penalties for second and subsequent offenses are a misdemeanor, a civil penalty of \$20,000 and suspension from contracting with the State for up to three (3) years.

IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY;
FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.

<i>Firm Name of Proposer:</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

ATTACHMENT C**FORMAT FOR SUBMISSION OF PRICE PROPOSALS****Proposer Name:** _____

Description of Service	Price Submitted Years 1 & 2	Unit of Measure
Contact Center Services		
IVR Services(Standard or Customized)		/Per Month
ACD Services		/Per Month
Queuing & Related Services		/Per Month
Agent & Supervisor Connectivity/Application Software		/Per Month
Technical Support		/Per Month
Call Center Reports(Standard or Customize)		/Per Month
100% Recording		/Per Month
Chat via IM and Email		/Per Month
eFax Service		/Per Month
Training		/Per Agent
Installation		
Complete Agent Set Up		/Per Agent
Initial IVR Programming/Testing		/Per Unit
Additional Services		
Toll Free rate		/Per Minute usage
Outbound Long Distance rate		/Per Minute usage
Add New IVR creation		/Per New IVR
Add new DID sourced		/Per Month
Inbound rate		/Per Minute usage
Network Access Fee		/Per Account
Toll Free service charge rate		/Per Number

End of Attachment C



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

Request for Proposals Form for Submission of Questions

RFP Number: OCCM-FY-2009-11-JMG

Your Organization's Name:			
#	Solicitation Reference	Question	Response
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			

Payee Data Record Form and Instructions

(2 Pages, Attached – This form is only included in the PDF file posting of this RFP)

ARE YOU A RESIDENT OR A NONRESIDENT?

Each corporation, individual/sole proprietor, partnership, estate or trust doing business with the State of California must indicate their residency status along with their taxpayer identification number.

A **corporation** will be considered a "resident" if it has a permanent place of business in California. The corporation has a permanent place of business in California if it is organized and existing under the laws of this state or, if a foreign corporation has qualified to transact intrastate business. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in this state only if it maintains a permanent office in this state that is permanently staffed by its employees.

For **individuals/sole proprietors**, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose which will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.

For withholding purposes, a **partnership** is considered a resident partnership if it has a permanent place of business in California. An estate is considered a California estate if the decedent was a California resident at the time of death and a trust is considered a California trust if at least one trustee is a California resident.

More information on residency status can be obtained by calling the Franchise Tax Board at the numbers listed below:

- From within the United States, call.....1-800-852-5711
- From outside the United States, call.....1-916-845-6500
- For hearing impaired with TDD, call....1-800-822-6268

PRIVACY STATEMENT

Section 7(b) of the Privacy Act of 1974 (Public Law 93-5791) requires that any federal, state, or local governmental agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State must provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646 to facilitate tax compliance enforcement activities and to facilitate the preparation of Form 1099 and other information returns as required by the Internal Revenue Code, Section 6109(a). The TIN for individual and sole proprietorships is the Social Security Number (SSN).

It is mandatory to furnish the information requested. Federal law requires that payments for which the requested information is not provided be subject to a 31% withholding and state law imposes noncompliance penalties of up to \$20,000.

You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact that business.

Please call the Department of Finance, Fiscal Systems and Consulting Unit at (916) 324-0385 if you have any questions regarding this Privacy Statement. Questions related to residency or withholding should be referred to the telephone numbers listed above. All other questions should be referred to the requesting agency listed in Section 1.

ARE YOU SUBJECT TO NONRESIDENT WITHHOLDING?

Payments made to nonresident payees, including corporations, individuals, partnerships, estates and trusts, are subject to withholding. Nonresident payees performing services in California or receiving rent, lease or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for state income taxes. However, no withholding is required if total payments to the payee are \$1500 or less for the calendar year.

A nonresident payee may request that income taxes be withheld at a lower rate or waived by sending a completed form FTB 588 to the address below. A waiver will generally be granted when a payee has a history of filing California returns and making timely estimated payments. If the payee activity is carried on outside of California or partially outside of California, a waiver or reduced withholding rate may be granted. For more information, contact:

Franchise Tax Board
Nonresident Withholding Section
Attention: State Agency Withholding Coordinator
P.O. Box 651 Sacramento, CA 95812-0651
Telephone: (916) 845-4900
FAX: (916) 845-4831

If a reduced rate of withholding or waiver has been authorized by the Franchise Tax Board, attach a copy to this form.