

REQUEST FOR PROPOSALS

Judicial Council of California

REGARDING:

Video Remote Interpreting Pilot Project, including
Leveraged Procurement Agreement and VRI
Assessment Program

RFP # COS-VRILAP-MDS-080816

PROPOSALS DUE:

SEPTEMBER 6, 2016 NO LATER THAN 4:30 P.M. PACIFIC TIME

I. BACKGROUND INFORMATION

A. Judicial Council of California

The Judicial Council of California (JCC), under the leadership of the Chief Justice, is the policymaking body of California's judicial branch. In accordance with the California Constitution, the JCC is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The council performs most of its work through advisory committees and task forces.

B. The Language Access Plan (LAP) Implementation Task Force

On January 22, 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts (Attachment 5), Executive Summary (Attachment 6)*, which provides a consistent statewide approach to ensure language access for all limited English proficient (LEP) court users in California in all 58 superior courts. The plan includes a recommendation to establish a Language Access Plan Implementation Task Force (LAPITF), which was created and has a three to five year charge. The LAPITF is overseen by the Judicial Council's Executive and Planning Committee. The LAPITF will coordinate with related advisory groups and Judicial Council staff on plan implementation and have the flexibility to monitor and adjust implementation plans based on feasibility and available resources. Additional responsibilities of the LAPITF include:

- Propose rules of court, forms, and JCC-sponsored legislation for the council and its internal committees to consider;
- Create and distribute work products (including bench guides, tool kits, and others).

C. The LAPITF Technological Solutions Subcommittee

This Subcommittee is responsible for supporting implementation of LAP recommendations regarding technology, including the development of a Video Remote Interpreting (VRI) pilot project incorporating both spoken-languages and American Sign Language (ASL). The Subcommittee will help the JCC gather data regarding successful VRI court practices (including due process issues, participant satisfaction, and effectiveness of available technologies) and optimize technology requirements for video remote interpreting.

D. The Information Technology Advisory Committee (ITAC)

This advisory committee makes recommendations to the JCC for improving the administration of justice through the use of technology and for fostering

cooperative endeavors to resolve common technological issues with other stakeholders in the justice system. As such, ITAC supports the LAP Technological Solutions Subcommittee in the development and implementation of the VRI pilot project.

II. DESCRIPTION OF GOODS AND/OR SERVICES

A. Purpose

The purpose of this Request for Proposal (RFP) is for the JCC to utilize vendor equipment to run a VRI Assessment Program and to establish Leveraged Procurement Agreements (“LPAs”) for VRI. Each LPA will require the vendor to participate in a VRI Assessment Program in order for the vendor to demonstrate that its VRI solution will meet the requirements of the JCC and the Judicial Branch. The awarded vendors VRI solution(s) will be accepted or rejected at the conclusion of the VRI Assessment Program based on their ability to allow for effective communication. Upon a vendor’s award of LPA and successful completion of the VRI Assessment Program, the LPA will be made available to any California superior or appellate court, the JCC, and the Habeas Corpus Resource Center for their procurement of a VRI solution that best fits their need, if they so choose to use the LPA. The vendor’s solution that is accepted at the conclusion of the VRI Assessment Program will be activated by the parties executing an amendment to the LPA. Likewise, the vendor’s solutions that are rejected at the conclusion of the VRI Assessment Program will be excluded from the LPA by amendment.

B. Interpreter end points will be focused on spoken languages, and American Sign Language (ASL). Courtrooms and interpreter end points, can be located within a single court, within different courts across different jurisdictions, or between a court and non-court house location

C. The vendors’ VRI solution requested through this RFP, must be modern, efficient, reliable, and economical. It is the goal of this RFP to award LPAs to vendors who are experienced and meet the criteria for the VRI Assessment Program (see Attachment 7 and Attachment 9 and Attachment 11). Vendor(s) may use subcontractors if acceptable to the JCC.

D. The VRI Assessment Program is expected to be six (6) months in duration for each of the vendors awarded an LPA via this RFP. The LPAs awarded will have a three year term with two (1) year option terms. The awarded vendor(s) will then participate in the VRI Assessment Program at no cost to the JCC or to the courts participating in the program (i.e., the selected vendor(s) will not be paid for development, implementation, deployment, hosting, training, maintenance, support, etc. of the vendor’s VRI solution for the duration of and in connection with the VRI Assessment Program).

- E.** At a minimum, each vendor's proposed VRI solution must include the following:
1. State of the art video technology for remote interpreting
 2. Remote video equipment provider services, including:
 - Equipment (including any software to run the system)
 - Installation of equipment
 - Implementation services
 - Equipment training
 - Maintenance (for the full solution)
 - Support
 3. Requirements for the network infrastructure necessary to implement the solution (for the Pilot Court and Judicial Council), using existing LAN/WAN infrastructure
- F.** As stated above, the JCC will accept or reject each vendor's VRI solution based on the ability to facilitate effective communication. After the vendor's VRI solution is accepted as a result of the assessment period and the appropriate documents are finalized by the parties, any California superior or appellate court, the JCC, and the Habeas Corpus Resource Center will be able to purchase the vendor's VRI solution during the term of the LPA by participating in the LPA without the need for the court to conduct its own RFP. The terms and conditions of the LPA are set forth in the Leveraged Procurement Agreement Standard Terms and Conditions (Attachment 17).
- G.** Please note that there is no state-level funding currently available for purchases of VRI solutions, whether accepted or not. Even if funding is established in the future, there is no guarantee that by establishing an LPA with the JCC and participating in the VRI Assessment Program that the vendor will be able to sell a certain volume, or any volume at all, of its VRI solution to any judicial branch entity. An individual court may separately acquire a VRI solution outside of the LPAs established by this RFP if the individual court conducts its own procurement process consistent with the Judicial Branch Contracting Manual.
- H.** VRI Assessment Program

The purposes (1. and 2.), equipment (3.), implementation (4.) and maintenance (5.) for the VRI Assessment Program are as follows:

1. The JCC will accept or reject the VRI solution based on technical performance. After being awarded an LPA the vendor's proposed VRI solution will be analyzed

in the Pilot Courts (as described and defined in Attachment 9). Each selected vendor's individual solution will be accepted under the terms of the LPA if the VRI solution allows for effective communication in at least 90% of the analyzed Pilot Court events conducted. Any vendor solution under LPA which fails to allow for effective communication more than 10% of the time will be rejected. A rejected VRI solution will not be included in the final LPA.

2. Collect implementation data for JCC purposes only. Measure the data points in Attachment 9 for the awarded VRI vendors solutions under an LPA. The JCC will define levels of performance with all the requirements and criteria for VRI found in Attachment 9 including equipment, system software and implementation services for this project. This will include conducting implementation data collection in the areas identified by the LAP plan (as described in *Attachment 9*). The data collected will be used to evaluate the different equipment's capabilities and will inform future JCC policy and program guidelines.

3. The vendor equipment includes:

- a. State of the art solutions (including software) that meet the requirements for court and remote interpreters (Attachment 9)

4. The vendor implementation services include:

- a. Implementation Plan
- b. Desktop, laptop and tablet hardware and software installation and configuration
- c. Testing and validation of all system functionality
- d. Collaborate with the Judicial Council in data collection that the JCC has developed and identified in Attachment 9 -- data which will be used to assess the acceptance or rejection for the different vendors' VRI solutions
- e. End-user equipment training
- f. Help desk services and problem resolution processes

5. Maintenance and support of the VRI solutions network infrastructure includes:

- a. Use of the existing LAN/WAN infrastructure for the selected court location(s)
- b. Integration support for the VRI solution network infrastructure to function with existing LAN/WAN infrastructure
- c. Network design specifications for network security and bandwidth specifications

III. ROLES & RESPONSIBILITIES

A. Vendor Project Responsibilities

1. The vendor(s) awarded an LPA will have the following responsibilities to support completion of project tasks and the delivery schedule. The vendor(s) will assign a fully dedicated Project Manager to interface with the Pilot Court(s) and the JCC staff. The Vendor Project Manager will operate as the main interface between the Pilot Court(s) and JCC regarding the work to be performed under this RFP.

2. The Vendor Project Manager will:
 - a. Work jointly with the Court Project Managers and the VRI Pilot Project Manager (both are defined below) to ensure project success
 - b. Develop and maintain a project plan approved by the VRI Pilot Project Manager and manage all of the Vendor's personnel as the point of contact and all other necessary resources
 - c. Participate in regularly scheduled weekly and/or monthly status meetings
 - d. Develop and ensure timely completion of all necessary tasks required to meet the project delivery schedule
 - e. Provide necessary assistance and support to the VRI Pilot Project Manager regarding implementation of the Vendor's proprietary system
 - f. Have knowledge of court standards, procedures and business processes, as generally implemented in the industry, and be able to manage and designate vendor support personnel who may be required to participate on project teams
 - g. Keep the VRI Pilot Project Manager apprised of business, organizational and technical issues that may have an impact on the performance and delivery of this project
 - h. Work with the VRI Pilot Project Manager on issues and risks that may cause delays in the delivery schedule
 - i. Collect Help Desk queries, error reports, etc. to help with failure or technical problem data collection, as appropriate
 - j. Maintain issue and resolution documentation and provide regular status reports
 - k. Execute timely resolution of issues and completion of tasks within the vendor's scope of responsibility that are causing delay to the delivery schedule

B. Judicial Branch Responsibilities

1. There will be Court Project Managers from each pilot court, who will be the pilot court's representative and who will operate as the main interface between the VRI Pilot Project Manager and the vendor regarding the work to be performed under this RFP.
2. The Court Project Managers will:
 - a. Develop a separate project plan detailing all necessary court tasks and resources required to meet any of the individual Vendor Project Manager(s) project delivery schedules
 - b. Participate in regularly scheduled weekly and/or monthly status meetings
 - c. Work jointly with Vendor Project Manager(s) and the VRI Pilot Project Manager to ensure project success
 - d. Provide assistance with data collection and evaluation as defined by the VRI Project Manager, as needed
 - e. Collaborate with the Vendor Project Manager(s) to ensure timely completion of court responsibilities to support the project delivery schedule
 - f. Provide assistance and support to the VRI Pilot Project Manager regarding issues requiring court-specific decisions and actions
 - g. Have knowledge of court standards, procedures, business processes and strategic goals, and be able to designate support personnel who may be required to participate on project teams with the Vendor Project Manager(s)
 - h. Keep the VRI Pilot Project Manager apprised of business, organizational and technical issues that may have an impact on the performance and delivery of this project
 - i. Work with the VRI Pilot Project Manager on issues and risks that may cause delays in the delivery schedule
3. The JCC will coordinate the vendor's access (during normal business hours and other mutually agreed-upon times) to court functional, technical and business staff, facilities, and equipment as needed to support the pilot project.
4. The JCC will work with the Pilot Court to use reasonable efforts to timely resolve issues and complete tasks within the court's scope of responsibility that are causing delays to the delivery schedule.

C. VRI Pilot Project Responsibilities

1. The VRI Pilot Project Manager is the JCC's staff member who will operate as the main interface with the Vendor Project Manager(s) and the Court Project Manager(s). The VRI Pilot Project Manager will have the following responsibilities and support implementation tasks with the delivery schedule.
2. The VRI Pilot Project Manager will:
 - a. Have oversight of the VRI pilot project, including reports, evaluations and recommendations resulting from this pilot project
 - b. Develop and maintain a comprehensive project plan detailing all necessary tasks and resources
 - c. Conduct regularly scheduled weekly and/or monthly status meetings
 - d. Work jointly with the Vendor Project Manager(s), the Pilot Court Manager(s), and the various subject matter experts to ensure project success
 - e. Oversee final products/versions of surveys, communication materials, training materials, taking them through relevant production and distribution as appropriate
 - f. Collaborate with the Vendor Project Manager(s) to ensure timely completion of court responsibilities to support the project delivery schedule
 - g. Provide assistance and support to the Vendor Project Manager(s) regarding issues requiring specific decisions and actions behind the VRI Assessment Program
 - h. Keep the Vendor Project Manager(s) and the Court Project Manager(s) apprised of business, organizational and technical issues that may have an impact on the performance and delivery of this project
 - i. Work with the Vendor Project Manager(s) and Court Project Manager(s) on issues and risks that may cause delays in the delivery schedule

D. Judicial Council Information Technology (JCIT) Project Responsibilities

1. The JCIT office will provide assistance, as needed, and information regarding the JCC's existing infrastructure and technical requirements:
 - a. Systems and networks design
 - b. Current IT processes and procedures

- c. Workflow diagrams
 - d. Architectural designs
 - e. On-site resource personnel as needed for functional and technical reviews
2. The JCIT's representative will operate as the main interface between the VRI Pilot Project Manager, the Pilot Court and the Vendor Project Manager regarding the work to be performed to resolve technical issues under this RFP, as well as provide technical support for JCC-supplied infrastructure and components including responsibility for network connectivity, network performance, and network configuration issues. The JCIT will use reasonable efforts to timely resolve issues and complete tasks within the JCIT's scope of responsibility that are causing delays to the delivery schedule.

IV. VENDOR PROPOSED EQUIPMENT PRICE LIST

- A.** As mentioned earlier, the selected vendors will be awarded an LPA with the JCC and will participate in the VRI Assessment Program at no cost to the JCC nor to the VRI pilot courts. Selected vendors shall bear their own costs for all equipment (both hardware and software), installation, maintenance and any other expenses of any kind or nature, associated with their participation in the VRI Assessment Program.
- B.** Each vendor that responds to this RFP must submit a separate detailed pricing for each VRI solution, including the cost of any required equipment, licenses, services, support, and maintenance for various court sizes and implementations. The detailed pricing will distinguish between the costs of buying vs. leasing future equipment, if applicable. The vendor's pricing will be a key component during the selection process for this RFP as further set forth below. Any LPA will incorporate the detailed pricing that the vendor submits in response to this RFP. The JCC will not reimburse Proposers for any costs related to the VRI Assessment Program.

V. TIMELINE FOR THIS RFP

- A.** Proposed Procurement Schedule
- Proposals are due by September 6, 2016 by 4:30pm PDT. Below are key events and dates for this RFP. Changes to the schedule prior to the submission deadline will be posted on the Judicial Council RFP site (<http://www.courts.ca.gov/rfps.htm>). Changes to the schedule after the submission deadline will be communicated by email directly to the proposers.

No.	Key Events	Key Dates
1	JCC issues RFP	August 8, 2016
2	Deadline for proposers to register for an Optional Pre-Proposal (Q&A) Conference by 4:30PM PDT	August 11, 2016
3	Optional Pre-Proposal (Q&A) Conference (2:00 PM – 5:00 PM PDT via Teleconference Call)	August 15, 2016
4	Deadline for proposers to submit questions, request for clarifications or modifications to Solicitations@jud.ca.gov	August 22, 2016
5	Post the Vendor Questions and JCC Answers	August 29, 2016*
6	Vendor Solicitation Specifications Protest Deadline	Sept. 2, 2016
7	Proposal due date and time (4:30 PM, PDT)	Sept. 6, 2016
8	Invitations for Interviews/Demonstrations	Sept. 12, 2016*
9	Presentations (demonstrations and interviews)	Sept. 21-22, 2016
10	Post non-cost proposals scores at http://www.courts.ca.gov/rfps.htm .	Sept. 28, 2016*
11	Public opening of cost portion of proposals. (1:30PM, PDT), at JCC, 3 rd Floor, Redwood Room	Sept. 29, 2016
12	Evaluation of cost portion of proposals	Oct. 4, 2016*
13	Intent to Award Contract to Vendor(s)	Oct. 7, 2016*
14	Execution of Contract/Leveraged Procurement Agreement/Attachment 17	Contract Effective Date of 1/3/17*

* Denotes estimated dates.

VI. OPTIONAL PRE-PROPOSAL CONFERENCE

The JCC will host a pre-proposal conference, on the date identified in the timeline above. The pre-proposal conference will be held via teleconference call. Email Solicitations@jud.ca.gov to register for the conference by August 11, 2016 at 4:30PM PDT.

VII. 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: Vendor Data Record	This form contains information the Judicial Council requires in order to process payments, if needed, and must be submitted with the proposal
Attachment 3: Conflict of Interest Certification	On this form, the Proposer indicates whether there is any interest that would constitute a conflict of interest under
Attachment 4: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation
Attachment 5: Strategic Plan for Language Access in the California Courts	The California Language Access Plan (LAP)
Attachment 6: Strategic Plan for Language Access in the California Courts – Executive Summary	The Executive Summary for the California LAP
Attachment 7: Remote Interpreting Guide for Courts and Court Staff	This guide contains the National Center for State Courts’ minimum VRI Technical Requirements the Proposer must meet
Attachment 8: California ASL VRI Guidelines	Minimum VRI technical requirements already established for ASL in California
Attachment 9: Technical and Implementation Requirements and Vendor Certification Requirements	Equipment Requirements, Functional Requirements and Technical Requirements
Attachment 10: RFP Response Template	Proposers best value response to the RFP
Attachment 11: Fresno’s Minimum Technology Requirements for VRI	This is Fresno’s current VRI solution set-up which provides a representation of Acceptance Criteria #5, as described in requirement E20.6 in Attachment 9
Attachment 12: Existing Infrastructure Diagram	This is the existing infrastructure upon which the Proposer’s solution shall be built

ATTACHMENT	DESCRIPTION
Attachment 13: Sample Court LAN Diagram	This is the LAN infrastructure the Proposer's VRI network infrastructure shall use
Attachment 14: Sample Court WAN Diagram	This is the WAN infrastructure the Proposer's VRI network infrastructure shall use
Attachment 15: Sample Court Security Diagram	This is the security protocol the Proposer's VRI solution shall meet
Attachment 16: NIST Standards	This is the National Institute of Standards and Technology security standards
Attachment 17: Leveraged Procurement Agreement	The Vendor will sign this agreement if presented with an intent to award contract notice
Attachment 18: Proposer's Acceptance of Terms and Conditions contained in Attachment 17	On this form, the Proposer must indicate acceptance of the terms and conditions agreements found in Attachment 17
Attachment 19: Bidder Declaration	This form needs to be signed by Proposer if vendor is participating in the DVBE incentive, and submitted with the Proposal
Attachment 20: DVBE Declaration	This form needs to be signed by Proposer if vendor is participating in the DVBE incentive, and submitted with the Proposal
Attachment 21: General Certifications	This form must be completed and submitted with this proposal

VIII. SUBMISSIONS OF PROPOSALS

A. Vendor Responses

Vendors must respond to each and every section of this RFP and all attachments and sub-exhibits. An RFP response template has been included (Attachment 10) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of the Section IX., Proposal Content below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions, requirements, completeness and clarity of content.

B. Required Copies and Form of Submissions

The Proposer must submit its proposal in two parts, the non-cost portion, “Technical Proposal,” and the cost portion, “Cost Proposal”.

1. Technical Proposal. The Proposer must submit one (1) original and four (4) copies of the technical proposal and an electronic version on CD-ROM or flash drive. DO NOT include an electronic version of the cost proposal along with the technical proposal. Doing so will result in the proposal being deemed nonresponsive. The original must be signed by an authorized representative of the Proposer. The Proposer must: i.) seal and write the RFP title and RFP number on the outside of the sealed envelope; and, ii.) identify the sealed envelope as “Technical Proposal”.
2. Cost Proposal. The Proposer must submit one (1) original and four (4) copies of the cost proposal, and an electronic version on CD-ROM or flash drive. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the JCC in a single sealed envelope, separate from the technical proposal. The Proposer must seal and write the RFP title and RFP number on the outside of the sealed envelope; and ii.) identify the sealed envelope as “Cost Proposal”.

C. Delivery Address

Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Judicial Council of California
Attn: Nadine McFadden, RFP # COS-VRILAP-MDS-080816
455 Golden Gate Avenue
San Francisco, CA 94102-3688

D. Late Proposals

Late proposals will not be accepted.

E. Delivery of Proposals

Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g., FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

IX. PROPOSAL CONTENT

A. Information Required for the Non-Cost Portion of the Technical Proposal

The following information must be included in the non-cost portion of the

proposal (*Attachments 2, 3, (possibly 4,) 9, 10, 18, (possibly 19 and 20) and 21*). A proposal lacking any of the following information may be deemed non responsive.

1. 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.
2. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
3. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has provided similar services. The J CC may check references listed by the Proposer.
4. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
5. Proposed method to complete the work.
 - a. Describe the proposed method to complete the work, including a proposed approach and methodology employed to complete the work.
 - b. Describe your plan to ensure continued customer satisfaction throughout this engagement. Include items such as guarantees, client surveys, escalation procedures, and periodic meetings with the VRI Pilot Project Manager.
6. Certifications, Attachments, and other requirements.
 - a. The Proposer must sign the following certification in its proposal (Attachment 3); Proposer has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq., or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
 - b. The Proposer must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.
 - c. 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 will need to be provided. 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 must be included. 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.

- d. Copies of the Proposer's (and any subcontractors') current business licenses, professional certifications, or other credentials.
- e. Proof of financial solvency or stability (e.g., balance sheets and income statements).
- f. An executed Attachment 18 in which the Proposer accepts Attachment 17 as the form agreement for any possible future award of the Leveraged Procurement Agreement.
- g. An executed Attachment 21 in which the Proposer accepts the General Certifications Form.

B. Information Required for the Cost Portion of the Proposal

The following information must be included in the cost portion of the proposal. The cost portion of the proposal must full contain pricing for the proposed three year agreement with two potential option terms. A proposal lacking any of the following information may be deemed nonresponsive.

- 1. Price list for vendor's complete VRI solution, including:
A detailed itemized list showing total cost of each Vendor proposed VRI solution, including any best value information, as per Attachment 9, including:
 - a. Price schedule for future acquisition by the individual courts to buy or lease new VRI equipment to be incorporated into LPA between the vendor and the Judicial Council
 - b. Price schedule for future acquisition by the individual courts of ongoing support, implementation, installation, and ongoing maintenance services associated with the equipment (including the software, with assurances from the Vendor that no additional third party software will need to be purchased with any Vendor equipment)
 - c. Any other related cost for services by the individual courts associated with the equipment, i.e. development, customization, equipment training, etc.
 - d. Any required licenses and license costs
 - e. Itemized breakdown of costs based on court size or other relevant factors, if applicable, including payment terms

- f. If the Vendors solution is part of Calnet3 please submit the Calnet3 pricing.

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.

X. OFFER PERIOD

A Proposer's proposal is an irrevocable offer for one hundred and twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this period, the JCC reserves the right to negotiate extensions to this period.

XI. EVALUATION OF PROPOSALS

- A. At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.
 - 1. Proposals that do not meet the NCSC minimum technical requirements as described in Attachment 7 will be deemed nonresponsive.
 - 2. Proposals that contain false or misleading statements may be rejected if, in the opinion of the JCC, the information was intended to mislead the state regarding a requirement of the solicitation document.
 - 3. If a proposal fails to meet a material solicitation requirement, the proposal may be deemed nonresponsive. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. The JCC in its sole discretion, will determine what constitutes a material deviation.
- B. During the evaluation process, the JCC may require a vendor's representative to answer questions with regard to the vendor's proposal. Failure of a vendor to respond and demonstrate in a timely manner that the claims made in its proposal are, in fact, true may be sufficient cause for deeming a proposal nonresponsive.
- C. The cost portion of proposals will be publicly opened on September 29, 2016, at 1pm after the scoring of the non-cost portion of proposals is completed and those proposals that do not meet the function and technical requirements are eliminated.
- D. The JCC will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Awards, if made, will be to the highest-scored proposals with one LPA granted for each solution by Vendor. Although some categories are weighted more than others, all are considered necessary (except the Small Business Incentive), and a proposal must be technically acceptable in each area to be eligible for award. The evaluation categories, maximum possible points for

each category, and evaluation criteria for each category are set forth below.

- E.** If a contract will be awarded, the JCC will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

Category	Factors	Total Possible Points
Non-Cost Evaluation		
Vendor's VRI Solution Meets Requirements	Degree to which the vendor's proposed solution exceeds the minimum functional and programmatic requirements and provides benefit to the judicial branch	20
Implementation Services Proposal	Ability to easily or readily install and integrate with existing equipment and infrastructure in a court room setting	10
Scalability	Ability for the solution to expand to meet needs of multiple courts	7
Acceptance of the Judicial Council's Terms and Conditions	Reasonableness of vendor's proposed contract exceptions, if any	10
DVBE Incentive	Vendor is a certified DVBE	3
Cost Evaluation		
Vendor Complete VRI Solution Price List	Best value of Vendor's proposed solution, including equipment (complete for all hardware and software), implementation, support and maintenance	50
Grand Total Points		100

XII. PRESENTATIONS (DEMONSTRATIONS AND INTERVIEWS)

- A.** The JCC may interview Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of proposals. The interview process will require a demonstration. The interviews may be conducted in person, by phone and/ or online via WebEx, JoinMe, or GoToMeeting.
- B.** The interviews will be conducted in person and held at the JCC's offices. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview

arrangements. The interview may include the Judicial Council and other parties designated by the Judicial Council.

XIII. CONFIDENTIAL OR PROPRIETARY INFORMATION

- A.** One copy of each proposal will be retained by the JCC for official files and will become a public record. California Judicial Branch entities are subject to rule 10.500 of the California Rules of Court, which governs public access to judicial administrative records (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500).
- B.** If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the JCC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the JCC finds or reasonably believes that the material so marked is not exempt from disclosure, the JCC will disclose the information regardless of the marking or notation seeking confidential treatment.
- C.** The Proposer may be required to sign a JCC Non-Disclosure Agreement before the JCC discloses any confidential information.

XIV. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

- A.** Proposers may receive a DVBE incentive if, in the JCC's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, the total bid price will be adjusted by 3%. This potential reduction is for evaluation purposes only and will not affect the contract amount.
- B.** 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, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").
- C.** Proposers seeking the DVBE incentive must complete the Bidder Declaration and DVBE Declaration (Attachments 20 and 21) with all materials specified.
- D.** Bidder Declaration – Each Proposer seeking the DVBE incentive must complete the Bidder Declaration, Attachment 20. Only one (1) Bidder Declaration should be submitted for each Proposal.
- E.** DVBE Declaration – Each DVBE business that will provide goods and/or services in connection with the contract must submit a DVBE Declaration, Attachment 21 with the bid. This includes subcontractors. 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.

- F. Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the JCC may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.
- G. If Proposer receives the DVBE incentive: (i) Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use an DVBE subcontractor(s) identified in its Proposal unless the JCC 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.

XV. SMALL BUSINESS PREFERENCE

- A. Small business participation is not mandatory. Failure to qualify for the small business preference will not render a proposal nonresponsive.
- B. Eligibility for and application of the small business preference is governed by the JCC'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 JCC'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.
- C. To receive the small business preference, the Proposer must be either (i) a Department of General Services ("DGS") certified small business or micro-business performing a commercially useful function, or (ii) a DGS-certified small business non-profit veteran service agency.
- D. If the Proposer wishes to seek the small business preference, then the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 4). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.
- E. Failure to complete and submit the Small Business Declaration as required will result in the Proposer not receiving the small business preference. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.
- F. 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 MISREPRETATION IN CONNECTION WITH THE SMALL BUSINESS PREFERNCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

XVI. PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and nonresponsive, and will result in rejection of the protest. The deadline for the JCC to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California
Finance | Business Services
Attn: Protest Hearing Officer, RFP #COS-VRILAP-MDS-080816
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688