



# REQUEST FOR PROPOSALS

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**ADMINISTRATIVE OFFICE OF THE COURTS  
(AOC)**

**REGARDING:**

OFF-SITE DATA STORAGE SERVICES  
RFP: ITSO 11-13-LM

**PROPOSALS DUE:**

DECEMBER 19, 2013 NO LATER THAN  
2:00 P.M. PACIFIC TIME

## **1.0 BACKGROUND INFORMATION**

- 1.1 The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The AOC is the staff agency for the council and assists both the council and its chair in performing their duties.
- 1.2 The Information Technology Services Office housed in the AOC's Judicial and Court Administrative Services Division is responsible for assisting the courts in achieving the Judicial Council's technology objectives. The office is directly responsible for the development, acquisition, implementation, and support of automated systems in the appellate courts and the AOC.

## **2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

- 2.1 The AOC seeks to identify and retain a qualified service provider that is able to provide off-site data storage and related services, including optional media destruction services. All services shall be for the Judicial Council of California as delineated in Attachment 2, Exhibit D, Work to be Performed.
- 2.2 In the context of this RFP, the off-site data storage must be an environmentally controlled storage facility, which provides 24 hour/365 day air conditioning, which controls temperature, humidity, and air exchange. In general, the standard is that this environmental control is the equivalent of that required for an office space (maximum temperature of 75° F (22° C), 60° (16° C) minimum temperature; relative humidity: 60% maximum, 30% minimum). The AOC would prefer a general temperature range of between 70° F maximum and 60° F minimum and a relative humidity of between 50 % and 60%.
- 2.3 The services are expected to be performed by the selected service provider between **January 27, 2014** and **December 31, 2014** (“**Initial Term**”) with four (4) possible consecutive one-year option terms which begin **January 1** and end **December 31**, to extend the agreement under the same terms and conditions in effect for the Initial Term, not to exceed a total contract period of five (5) years. The consecutive one-year option shall be exercised at the discretion of the AOC. If the AOC elects to extend the Agreement, the Proposer may negotiate price adjustments applicable during the option period(s) and any agreed-upon price adjustments will be set forth in a written amendment to the Agreement. Any agreed-upon price adjustment (whether an increase or decrease in price) may not exceed during any one-year option period the previous 12 months' change in the San Francisco Region Consumer Price Index as published by the U.S. Bureau of Labor Statistics at <http://www.bls.gov/ro9/cpisanf.htm>.

- 2.4 Terms used in the RFP. Definitions used in this RFP are provided in Attachment 2, Exhibit B, 1. Definitions and Exhibit D, 1. Definitions.
- 2.5 The total for services and expenses payable under the **Initial Term** of the contract is not to exceed **\$25,000.00**. The services during the **Initial Term** shall include the costs of Transition Services, if necessary. The total for services and expenses payable under the succeeding **Terms**, exercised at the discretion of the AOC, shall not exceed **\$15,000.00**.
- 2.6 Additional information about the documents pertaining to this solicitation, including electronic copies of the solicitation documents, can be found on the California Courts Website, at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

**3.0 TIMELINE FOR THIS RFP**

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

EVENT	DATE
RFP issued	<b>November 27, 2013</b>
Deadline for questions to Solicitations@jud.ca.gov	<b>December 10 , 2013, no later than 2:00 PM (PT)</b>
Questions and answers posted ( <i>estimate only</i> )	<b>December 12, 2013</b>
Latest date and time proposal may be submitted	<b>December 19, 2013, no later than 2:00 PM (PT)</b>
Evaluation of proposals. This period includes interviews. ( <i>See 10.0 Interviews</i> ) ( <i>estimate only</i> )	<b>December 20, 2013 through January 8, 2014</b>
Notice of Intent to Award ( <i>estimate only</i> )	<b>January 10, 2014</b>
Negotiations and execution of contract ( <i>estimate only</i> )	<b>January 13 through January 17, 2014</b>
Notice of Award ( <i>estimate only</i> )	<b>January 21, 2014</b>
Contract start date ( <i>estimate only</i> )	<b>January 27, 2014</b>
Contract end date ( <i>estimate only</i> )	<b>December 31, 2014</b>

*[Remainder of page left blank intentionally]*

**4.0 RFP ATTACHMENTS**

A. The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services):	These rules govern this solicitation.
Attachment 2: AOC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this AOC Standard Form agreement.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. Note: A material exception to a Minimum Term may render a proposal non-responsive.
Attachment 4: Conflict of Interest Certification Form	The Proposer must complete the Conflict of Interest Certification Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Payee Data Record Form	This form contains information the AOC requires in order to process payments and must be submitted with the proposal.
Attachments 3-6 must be signed by an authorized representative of the Proposer.	

B. If a contract is awarded from this RFP, the following information shall be included as Exhibit F and G, respectfully.

ADDITIONAL INFO TO BE PROVIDED WITH PROPOSAL	DESCRIPTION
Rate and Fee Schedule	The Proposer must submit a Rate and Fee Schedule that reflects the anticipated work to be performed and in a subsequent contract, if awarded.
Destruction of Requested Media Certificate	The Proposer must submit provide a Destruction of Requested Media Certificate for confirming the destruction originating from an AOC request.

**5.0 PAYMENT INFORMATION**

Payment Provisions are set forth in Attachment 2, Exhibit C, Payment Provisions.

**6.0 SUBMISSIONS OF PROPOSALS**

6.1 Proposals should provide straightforward, concise information that satisfies the

requirements of Section 7, Proposal Contents. Expensive bindings, color displays, marketing or sales materials do not add value to the evaluation process. Emphasis should be placed on conformity to the RFP's instructions and requirements, completeness and clarity of content.

6.2 The Proposer must submit a cover letter and its proposal in two parts, the Technical Proposal and the Cost Proposal (for the purposes of this RFP, the Proposer's Rate and Fee Schedule) and the Proposer's Destruction of Requested Media Certificate.

6.2.1 The cover letter will identify the name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.

6.2.2 The Proposer will submit **one (1) original and three (3) copies** of the Technical Proposal. The original must be signed by an authorized representative of the Proposer and submitted (with the copies thereof) in a single sealed envelope, separate from the Cost Proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

6.2.3 The Proposer will submit **one (1) original and three (3) copies** of the Cost Proposal. 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 AOC in a single sealed envelope, separate from the Technical Proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

6.2.4 In addition to the Technical Proposal and Cost Proposal and the Proposer's Destruction of Requested Media Certificate, submit one (1) original and one (1) copy of the original signed documents for the following:

- Attachment 2 – AOC Standard Terms and Conditions (submit only if there are exceptions/modifications as indicated on Attachment 3)
- Attachment 3 – Proposer's Acceptance of Terms and Conditions
- Attachment 4 – Conflict of Interest Certification Form
- Attachment 5 – Darfur Contracting Act Certification Form
- Attachment 6 – Payee Data Record Form

6.2.5 The Proposer must submit a complete electronic version of each proposal on CD-ROM. The files contained on the CD-ROM should be in PDF as well as editable/unprotected Word or Excel formats.

6.3 Only hard copy proposals will be accepted. Proposals must be submitted by registered or certified mail, courier service (e.g. FedEx), or delivered by hand to the following address. Proposals may not be submitted by facsimile or email.

Judicial Council of California  
Administrative Office of the Courts  
Fiscal Services Office, Business Services  
Attn: Nadine McFadden, **RFP: ITSO 11-13-LM**  
455 Golden Gate Avenue 6th Floor  
San Francisco, CA 94102-3688

- 6.4 Proposals must be received by the date and time listed on the coversheet of this RFP. Late proposals will not be accepted.

## 7.0 PROPOSAL CONTENTS

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

### 7.1.1 General information about the Proposer

Proposer's name, address, telephone and fax numbers, and federal tax identification number. **NOTE:** If Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract. (See 7.1.5.3)

### 7.1.2 Proposer's experience and ability to meet RFP deliverable requirements

7.1.2.1 An overview of the Proposer's business activities, including a description, and the duration and extent, of the Proposer's activities, which are relevant to this proposal including a description, and the duration and extent, of the Proposer's experience conducting the proposed activities.

7.1.2.2 A description of five (5) similar projects that the Proposer has completed including names, addresses, and telephone numbers.

7.1.2.3 Names, addresses, and telephone numbers of the clients for whom the Proposer has conducted similar projects. The AOC may check references listed by Proposer.

7.1.2.4 For each key staff member who would work on this project, describe the individual's background, training, and experience, including the individual's ability and experience in conducting similar projects.

### 7.1.3 Management Summary

7.1.3.1 The management summary should be a non-technical, high-level

summary of the proposed services. The management summary must be brief, not extending to more than three (3) pages, (excluding any screen shots or samples).

7.1.3.2 The management summary should contain the following items:

- a. A description of Proposer's document storage process. Include data on storage handling capability, transportation assets/capabilities, security of documents, facilities available. Also, include information on proximity of storage facilities to San Francisco and average response times to requests for service.
- b. A description of the chronology for completing the work, including a timeline and deadlines for each task.
- c. Excluding any proprietary material, provide screenshot samples and navigation information from the Proposer's website that describe the online inventory control system, including sample request forms, look-up queries and other account management tools. Link(s) to the location(s) must be included with the screenshots.
- d. A demonstration of website capabilities will occur during the Interview period for interview candidates.
- e. Sample inventory reports, activity reports, and itemized monthly billing statements.
- f. Any business benefits to be gained from the proposed system.
- g. Summary of all costs associated with the initial implementation and ongoing charges, as well as any options.

7.1.4 Acceptance of the Terms and Conditions

7.1.4.1 On *Attachment 3, Proposer's Acceptance of Terms and Conditions*, the Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation or other change.

7.1.4.2 If exceptions are identified, the Proposer must also submit a redlined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

**NOTE: A proposal that takes a material exception (addition, deletion, or other modification) to a Minimum Term will be deemed nonresponsive. The AOC, in its sole discretion, will determine what constitutes a material exception.**

7.1.5 Certifications, Attachments, and other requirements

7.1.5.1 Using *Attachment 4, Conflict of Interest Certification Form*, Proposer must certify that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

7.1.5.2 Proposer must complete *Attachment 5, Darfur Contracting Act Certification* and submit the completed certification with its proposal.

7.1.5.3 Proposer must include in its proposal a completed and signed *Attachment 6, Payee Data Record Form*, or provide a copy of a form previously submitted to the AOC.

7.1.5.4 The Proposer must submit provide a Destruction of Requested Media Certificate for confirming the destruction originating from an AOC request.

7.1.5.5 If Proposer is a corporation and the contract will be performed within California, Proposer must provide proof that it is in good standing and qualified to conduct business in California. AOC may verify by checking with California's Office of the Secretary of State.

7.1.5.6 Proposer must provide copies of current business licenses, professional certifications, or other credentials.

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

7.2.1 Please provide firm fixed pricing detail for categories in the Rate and Fee Schedule that include off-site data storage and related services, and media destruction. Every effort must be made to provide detailed information for weekly, expedited and emergency services.

7.2.2 Propose pricing for the anticipated **Initial Term** as defined in 2.3, above.



- 7.2.3 The pricing for Transition Services, as defined in Attachment 2, Exhibit D, 1. Definitions, shall be on a separate sheet.
- 7.2.4 All pricing is to be submitted in an unprotected Microsoft Excel format. No compressed files will be accepted. The pricing worksheet shall contain costs, detailed where necessary.
- 7.2.5 It is expected that all service providers responding to this RFP will offer the service provider’s government or comparable favorable rates. Proposers should make their best and final offer on the most favorable terms available.

**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.**

**8.0 OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the AOC reserves the right to negotiate extensions to this period.

**9.0 EVALUATION OF PROPOSALS**

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The AOC will evaluate the proposals on a **100-point scale** using the criteria set forth in the table below. Award, if made, will be to the highest scored proposal.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted as it relates to meeting the objectives outlined in the Description of Services and Deliverables, including the ability to meet time requirements. (RFP, section 2.0 and Attachment 2, Exhibit D, Work to be Performed)	25
Cost Proposal (RFP, section 7.2)	30
Demonstrated experience and ability. (RFP, section 7.1.2)	20
Acceptance of the Terms and Conditions (RFP, section 7.1.4)	15
References (RFP, section 7.1.2.2)	10

## **10.0 INTERVIEWS**

The AOC shall conduct interviews with Proposers with higher initial scores to clarify aspects set forth in their proposals and to evaluate the performance of the control system software to assist in finalizing the ranking of top-ranked proposals. The interview will include a demonstration of website capabilities and will be held at AOC's offices in San Francisco. The AOC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Proposers regarding interview arrangements.

## **11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The AOC will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," and regardless of any statement in the proposal (a) purporting to limit the AOC's right to disclose information in the proposal, or (b) requiring the AOC to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

The AOC has waived the inclusion of DVBE participation in this solicitation.

## **13.0 PROTESTS**

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see [www.courts.ca.gov/documents/jbcl-manual.pdf](http://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 non-responsive, and will result in rejection of the protest. The deadline for the AOC to receive a solicitation specifications protest is the proposal due date. Protests should be sent to:

AOC – Business Services  
Attn: Protest Hearing Officer  
455 Golden Gate Avenue, Sixth Floor  
San Francisco, CA 94102-3688

***END OF RFP***