

# Request for Proposals (RFP)

## Consultation Services for Electronic Security Systems Evaluations

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The Judicial Council of California, Facilities Services Office seeks to identify a number of firms qualified to provide Consultation Services for Electronic Security Systems Evaluations for various projects to be initiated between June 7, 2023, and June 6, 2026, with possible extensions to June 6, 2028.

**RFP number: RFP-FS-2022-12-KO**

**PROPOSALS DUE:**

**Thursday, April 13, 2023**

**NO LATER THAN 2:00PM PACIFIC TIME (PT)**



JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

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## 1.0 INTRODUCTION

- 1.1 The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Emergency Planning and Security Coordination unit, within the office of Facilities Services, provides certain security services to the Superior Courts of California, including services related to electronic security systems.

California courts occupy all 58 counties in the state. Most courthouses have some level of electronic security in place, including security video, access control, duress, and intercom systems. The systems vary greatly in age and condition. In order to plan and budget for necessary system replacements or refreshment, the Judicial Council is seeking qualified consultants to assist with the evaluation of the electronic security systems currently being used in the California courthouses.

## 2.0 PURPOSE OF THIS RFP

- 2.1 The Judicial Council, through this Request for Proposal (“RFP”) is soliciting Proposals from firm(s) with expertise in complex electronic security systems to provide consultation services necessary to evaluate the condition of and provide recommendations and options for refreshment or replacement of electronic security systems in court facilities throughout California. The responsible party shall be licensed to do business in California. All work shall be performed under and approved by an established, qualified, and experienced representative firm. Firm team shall be comprised of staff familiar with electronic security systems, including but not limited to, security video, electronic access control, intercom, and wireless duress alarm systems. Firm shall be familiar with the integration of the security systems described above. The purpose of this RFP is to gather information and will not result in any award(s) for design, installation or refreshing of the systems being evaluated.
- 2.2 **Consultants.** Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed consultants with expertise in all phases of Electronic Security Systems (“Proposals”). It is anticipated that selected firms will provide evaluations of Electronic Security Systems for existing Judicial Branch facilities. Prospective firms for the purpose of this RFP will be referred to as “Consultants.” Consultants will be evaluated and selected to provide services to Judicial Council Branch facilities throughout California.
- 2.3 Multiple Consultants may be selected to enter into contracts with the Judicial Council for Consultation Services for Electronic Security Systems and related activities for existing or proposed Judicial Branch facilities, or for the provision of the services they propose upon. Those Consultants may be assigned work, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultants, at Judicial Council’s sole discretion. Consultants selected to enter into a contract are not guaranteed any amount of work. The initial term of the contracts in support of the evaluations will be for three (3) years, with two (2) subsequent one (1)-year option(s) to extend at the discretion of the Judicial Council. It is anticipated that contracts will be issued for at least three (3) well-qualified Consultants.
- 2.4 If a satisfactory contractual agreement has not been signed within 30 calendar days, the Judicial Council reserves the right to terminate the award.
- 2.5 Any Consultant selected under this RFP will not be precluded from consideration nor given special status in any future requests for proposals issued by the Judicial Council, except that Consultant will not be considered for award(s) for design, installation or refreshing of the systems being evaluated under this RFP.

- 2.6 **Provision of the Work.** Work shall be provided in accordance with Purchase Orders to be issued by the Judicial Council under the Master Agreement resulting from this procurement and shall be subject to the provisions of the Master Agreement accompanying this RFP, including any additional provisions specified in the Purchase Orders with regard to schedule, acceptance form, quality of work, key personnel, and Subcontractors.
- 2.7 **Compensation.** The method of compensation will be via invoice provided by Consultant for Services or Deliverables that the Judicial Council has accepted. See the Master Agreement (Attachment M), Appendix B, Pricing and Payment, posted with this RFP for details.

### 3.0 SCOPE OF SERVICES

- 3.1 The Judicial Council is seeking multiple qualified professional electronic security systems Consultants to assist with the evaluation of existing electronic security systems statewide and prepare a written report of findings related to the age, serviceability, and estimated remaining lifespan for each system evaluated. This will be achieved by performing physical visits to the sites, in coordination with Judicial Council staff, to examine the current systems, and determine ideal as well as alternative solutions to address deficiencies and plan for improvements.
- 3.2 Consultant(s) will provide professional consulting services to the Judicial Council of California by assisting with the evaluation of existing electronic security systems (“Services”) and preparing a written report of findings related to the age, serviceability, maintenance recommendations, and estimated remaining lifespan (“Deliverables”).

#### 3.2.1 Services.

- 3.2.1.1 Consultant(s) will work with Judicial Council staff to develop schedules for court site visits. Consultant will visit court sites as necessary, coordinating with Judicial Council staff and/or court contacts, to conduct site visits and prepare evaluation reports. Judicial Council staff will work with the Consultant by either accompanying Consultant to various sites, or coordinating access, and scheduling future site visits.
- 3.2.1.2 Judicial Council staff will coordinate background check and badging requirements with Consultant. See the Master Agreement (Attachment M), Appendix I, Internal Background Check Policy, posted with this RFP for details.
- 3.2.1.3 Consultant(s) will provide system evaluation reports. See the Master Agreement (Attachment M), Appendix G, Deliverables Evaluation Report (Sample). Judicial Council staff will review and approve evaluation reports. A separate report will be required for each system being evaluated. Reports shall include a Rough Order of Magnitude (ROM) for costs of refreshing or replacing the existing systems, and a brief, high level scope of work to explain the ROM figures and conclusions. Particular attention shall be given to providing alternative solutions to total system replacement, including a phased replacement approach. The Judicial Council Project Manager will determine which systems in each location will require evaluation.

3.2.1.4 Services will require statewide travel to complete evaluations as assigned during the contract term. Some evaluations may be completed without a site visit if available information is sufficient to the existing systems, while other, larger sites will require a significant amount of time on site, and for report preparation. Judicial Council staff may accompany the Consultant on site visits. Evaluation reports will be completed without the use of “as built” drawings, and in most cases, without floor plans.

3.2.2 Deliverables.

3.2.2.1 Detailed cost estimate, scope of work, and system design services are not required for the evaluations. The goal of these evaluations is to provide information that will assist with future budgeting and the identification of priorities related to future security improvements.

3.2.2.2 Report shall include Rough Order of Magnitude (ROM). See the Master Agreement (Attachment M), Appendix G, Deliverables Evaluation Report (Sample) to assist Consultant in providing accurate costs associated with refreshing or replacing the existing systems.

3.2.2.3 A brief, high level scope of work shall be provided to explain the ROM figures and conclusions. Particular attention shall be given to providing alternative solutions to total system replacement, including a phased replacement approach. Not every location will require every system to be evaluated.

3.3 Work to be Performed. The Judicial Council intends to award Work in a timely manner to consultants that have been awarded a contract under this RFP in accordance with the following selection process:

i. Work to be Performed less than or equal to \$75,000.00:

If the estimated value of Work is equal to or less than \$75,000.00, then the Judicial Council may issue a Purchase Order without soliciting proposals from other Consultant(s) that have been awarded a contract under this RFP. The Judicial Council’s Project Manager will review the Evaluation Report and complete the Acceptance and Sign-Off Form to confirm that the price of the Work is fair and reasonable, and otherwise meets the Judicial Council’s requirements. The Judicial Council, at its sole discretion, may choose to issue Work in a round-robin rotation assigning projects according to each Consultant’s qualifications with the intent to issue Projects equally based on prior project performance. The Judicial Council will make efforts to award a fair share of the work to each of the Consultants based on specific expertise, availability, geographical location, knowledge of and involvement with specific systems and/or facilities, prior performance on this contract, and those other factors that the Judicial Council may deem pertinent for the work, but in no way guarantees that the awards will be uniformly distributed.

ii. Work to be Performed greater than \$75,000.00:

If the estimated value of a proposed Work is greater than \$75,000.00, then the Judicial Council shall solicit proposals from at least three (3) Consultants that have been awarded a contract under this RFP unless there is an emergency or some other incident which justifies a sole sourcing of those services. The selected Consultant(s) shall submit a cost proposal using the Services Request Form (Appendix F) for requested work assignments. Consultants will be provided with a basic description of the Work, and there may be a site walk to determine the scope of Work. Depending on the Work, Consultants may be provided with appropriate drawings, specifications, security clearance requirements, permitting information, and other

relevant information relating to the Work. The Judicial Council's Project Manager will then award the Work to the Consultant with the lowest responsive proposal for the service. Once a consultant has been selected, the Judicial Council will, under the existing contract, issue a Purchase Order with that Consultant for that service. The Judicial Council's Project Manager will review the Evaluation Report and complete the Acceptance and Sign-Off Form to confirm that the price of the Work is fair and reasonable, and otherwise meets the Judicial Council's requirements.

- iii. In the event that one Consultant is the lowest responsive consultant for one or more projects, the Judicial Council reserves the right, in its sole discretion, to limit the award to that Consultant for only one project and the remaining projects could then be awarded to the next lowest proposed Consultant. There is no guarantee that a given Consultant will be awarded a given project or any future projects.
- iv. The Judicial Council does not guarantee that a consultant will either have the opportunity to submit a proposal for Work or receive any Purchase Order(s).
- v. Consultant (s) should have no expectation that a project will lead to future design or installation work.
- vi. In selecting the Consultants pursuant to the above process, the Judicial Council reserves the right to consider whether the Consultant or its Subconsultants are a DVBE, but in no event shall the Judicial Council be required to consider whether the Consultant or its Subconsultants are a DVBE.
- vii. Notwithstanding anything to the contrary, the Judicial Council reserves the right, in its sole discretion, to deviate from the selection process set forth herein, for any reason, including without limitation, for reasons of time constraints, emergencies or expertise of potential consultants.

#### **4.0 PROJECT SCHEDULES**

- 4.1 All site visits will be coordinated with Judicial Council staff. Interactions at various court sites may include staff from courts, facilities, and court security providers. The Judicial Council staff assigned to a particular visit will generally accompany the Consultant. Evaluation reports will be due within 30 days after the site visit. Evaluation reports completed in the early stages of the contract period will likely take longer to complete than subsequent reports because of the time necessary to identify appropriate solutions. Once identified, similar solutions can be applied as needed to the bulk of the evaluation reports. Time required to perform on-site evaluations will vary dependent upon the size of the location and of the systems being evaluated. Consultant staff must successfully pass Judicial Council required DOJ/FBI background check via Live Scan fingerprinting and obtain Judicial Council Consultant badge. Some access issues should be expected from time to time. The initial scope of work will be the evaluation of security camera systems, and may be expanded to include access control, duress, and intercom systems. The expansion of the scope will be schedule and budget driven.

## 5.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	Friday March 17, 2023
Pre-proposal Conference via Teams virtual meeting platform Meeting number: 243 737 855 339 Meeting passcode : By8nqB Meeting link: <a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzgyMjU0NmQtOTE2Ny00ODgyLWJjZmQtNWVmNWlYzWE1NWlw%40thread.v2/0?context=%7b%22Tid%22%3a%2210cfa08a-5b17-4e8f-a245-139062e839dc%22%2c%22Oid%22%3a%22327441a2-9bd4-4248-bf22-9bc34b97856e%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzgyMjU0NmQtOTE2Ny00ODgyLWJjZmQtNWVmNWlYzWE1NWlw%40thread.v2/0?context=%7b%22Tid%22%3a%2210cfa08a-5b17-4e8f-a245-139062e839dc%22%2c%22Oid%22%3a%22327441a2-9bd4-4248-bf22-9bc34b97856e%22%7d</a>	Friday, March 24, 2023, at 10:00 AM
Deadline for questions Email to: <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>	Wednesday, March 29, 2023, by 3:00 PM
Questions and answers posted	Friday, April 7, 2023
Latest date and time proposal may be submitted: Email the Non-Cost Proposal to: <a href="mailto:rfp-fs-2022-12-ko-technical@jud.ca.gov">rfp-fs-2022-12-ko-technical@jud.ca.gov</a> Email the Cost Proposal to: <a href="mailto:rfp-fs-2022-12-ko-cost@jud.ca.gov">rfp-fs-2022-12-ko-cost@jud.ca.gov</a>	Thursday, April 13, 2023, by 2:00 PM
Results of non-cost (technical) evaluation posted on the Judicial Council website publishing this RFP ( <i>estimate only</i> )	Friday, April 21, 2023
Anticipated interview dates ( <i>estimate only</i> )	Week of May 01, 2023
Public opening of cost portion of proposals via Teams virtual meeting platform Meeting number: 273 532 824 921 Meeting Passcode: f2gcNQ Meeting link: <a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWE2ZDBkOWUtMzIwMS00MjQxLWJhYjktMGY1ZDRINWJmNGY1%40thread.v2/0?context=%7b%22Tid%22%3a%2210cfa08a-5b17-4e8f-a245-139062e839dc%22%2c%22Oid%22%3a%22327441a2-9bd4-4248-bf22-9bc34b97856e%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWE2ZDBkOWUtMzIwMS00MjQxLWJhYjktMGY1ZDRINWJmNGY1%40thread.v2/0?context=%7b%22Tid%22%3a%2210cfa08a-5b17-4e8f-a245-139062e839dc%22%2c%22Oid%22%3a%22327441a2-9bd4-4248-bf22-9bc34b97856e%22%7d</a>	Wednesday, May 3, 2023, at 2:00 PM
Notice of Intent to Award ( <i>estimate only</i> )	Wednesday, May 10, 2023
Execution of contract ( <i>estimate only</i> )	Thursday, June 8, 2023
Contract end date ( <i>estimate only</i> )	June 7, 2026

## 6.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
<b>Attachment A:</b> Administrative Rules	These rules govern this solicitation.
<b>Attachment B:</b> Consultant’s Acceptance of Terms and Conditions	On this form, the Consultant must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
<b>Attachment C:</b> General Certifications Form	The Consultant must complete this form and submit the completed certification with its proposal.
<b>Attachment D:</b> Darfur Contracting Act Certification	The Consultant must complete this form and submit the completed certification with its proposal.
<b>Attachment E:</b> Payee Data Record Form (STD 204)	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
<b>Attachment F:</b> Payee Data Record Supplement (STD 205)	This form is optional and is used to provide remittance address information if different than the mailing address on the Payee Data Record, for multiple remittance addresses, and additional Authorized Representatives of the Payee not identified on the STD 204.
<b>Attachment G:</b> Iran Contracting Act Certification	The Consultant must complete this form and submit the completed certification with its proposal.
<b>Attachment H:</b> Bidder’s Declaration	Complete this form only if the Consultant wishes to claim the DVBE incentive associated with this solicitation.
<b>Attachment I:</b> DVBE Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Consultant is itself a DVBE, it must also complete and sign the DVBE Declaration.
<b>Attachment J:</b> Form for Submission of Questions	Consultant shall submit questions by completing and submitting this form to Solicitations@jud.ca.gov.
<b>Attachment K:</b> Unruh Civil Rights Act and California Fair Employment and Housing Act Certification	The Consultant must complete this form and submit the completed certification with its proposal.
<b>Attachment L:</b> Small Business Declaration	Complete if Consultant is a small business.
<b>Attachment M:</b> Judicial Council Standard Terms and Conditions (Master Agreement)	If selected, the consultant submitting a proposal must sign this Judicial Council Master Agreement.
<b>Attachment N:</b> Cost Proposal Form	Consultant must complete this attachment as listed in section 13.2 of this RFP based upon the information provided in the solicitation. This Form will be utilized for evaluation purposes.

## 7.0 PAYMENT INFORMATION

- 7.1 The selected Consultant(s) shall submit a Services Request Form (Appendix F) for requested work assignments. Invoices will be submitted to the Judicial Council by the Consultant for payment upon acceptance of the completed Acceptance and Sign-Off Form (see the Master Agreement (Attachment M), Appendix H).
- 7.2 The Judicial Council will not make any advance payment for the Work.
- 7.3 The Judicial Council will pay each correct, itemized invoice received from Consultant after acceptance of the applicable Services, or Deliverables, in accordance with the terms of the Agreement (see the Master Agreement (Attachment M), Appendix B, Pricing and Payment). Notwithstanding any provision in the Agreement to the contrary, payments to Consultant are



contingent upon the timely and satisfactory performance of Consultant's obligations under the Agreement.

- 7.4 Basis for Payments: Any resulting agreement(s) will be comprised of Consultant Personnel Hourly Billing Rates (hourly billing rate) as provided in Attachment N.
- 7.2. The hourly rates shall be fully burdened and inclusive of all costs including, but not limited to personnel, materials, computer support, profit and overhead rates payable to the Consultant for services rendered to the Judicial Council.
- 7.3. The hourly rates shall remain firm and are not subject to change throughout the term of the agreement, with the exception of allowable increases during Subsequent Terms. Rate increases will only apply to the start of Subsequent Terms.
- 7.4. The Consultant shall not request, nor shall the Judicial Council consider any reimbursement for, non-production work including but not limited to time spent traveling to and from a job site or any living expenses.
- 7.5. The Judicial Council standard business payment terms are Net sixty (60) days after receipt of correct invoice.

## 8.0 SUBMISSION OF PROPOSALS

- 8.1 **Proposal.** Consultant should respond to every section of this RFP, all attachments, and exhibits. Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" section below. Emphasis should be placed on conformity to the RFP's instructions and requirements, as well as completeness and clarity of content.

Consultant may only submit Proposals electronically. See Section 8.3 below for instructions on submitting proposals electronically. The Consultant must still submit its proposal in two parts, the non-cost (technical) portion and the cost portion.

- 8.1.1 **Non-Cost Portion of the Proposal:** The Consultant must submit one (1) electronic file of the non-cost portion of the proposal, inclusive of résumés, forms, and pictures, using PDF or Word format. See Section 9.1 of this RFP for what should be included in the non-cost portion of the proposal. The non-cost proposal must be signed by an authorized representative of the Consultant. The non-cost portion of the proposal must be submitted to the Judicial Council in an electronic file, separate from the cost portion. Consultant must not include any pricing information at all in their Non-Cost Proposal. The Consultant must include the RFP number and 'NON-COST-PROPOSAL' in the name of the electronic file. If applicable, an additional electronic file in Word format with tracked changes may be submitted for a redlined version of the Master Agreement. See Section 9.1(m), Acceptance of the Terms and Conditions, of this RFP.

- i. The Consultant shall make an effort to compress the non-cost proposal file to less than 10MB in size. If the file cannot be reduced to below 10MB, then the Consultant shall divide the file into 10MB increments and send over multiple emails. The subject line in each email shall reference which portion of the proposal is attached (for example: Part 1 of 3). The Judicial Council is not responsible for submissions which are systematically rejected due to excessive file size.

- 8.1.2 **Cost Portion of the Proposal:** The Consultant must submit one (1) electronic file of the cost portion of the proposal using Word format, including the Proposed Cost Proposal Form (Attachment N to this RFP). The cost portion must be signed by an authorized representative of the Consultant. The cost portion of the proposal must be submitted to the

Judicial Council in an electronic file, separate from the non-cost portion. The cost proposal shall not be combined or incorporated in any way with the non-cost proposal. The Consultant must include the RFP number and 'Cost-Proposal' in the name of the electronic file.

- 8.2 All documentation required by this RFP must be submitted in PDF or Word format. Please use the following naming convention for the electronic files:

“Consultant Name\_Non-Cost-Proposal\_RFP-FS-2022-12-KO”

“Consultant Name\_Cost-Proposal\_RFP-FS-2022-12-KO”

- 8.3 Only electronic proposals will be accepted as noted above. Email your proposal no more than three (3) days in advance of the proposal due date specified in the Timeline for this RFP to the following email addresses:

Email the Non-Cost Proposal to: [rfp-fs-2022-12-ko-technical@jud.ca.gov](mailto:rfp-fs-2022-12-ko-technical@jud.ca.gov)

Email the Cost Proposal to: [rfp-fs-2022-12-ko-cost@jud.ca.gov](mailto:rfp-fs-2022-12-ko-cost@jud.ca.gov)

- 8.4 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from submitting such requests.
- 8.5 The due date and time for submission of Proposals can be found in the most recent version of the RFP schedule posted to the California Courts' website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted.
- 8.6 Please keep abreast of changes to the RFP schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes.
- 8.7 **Submission Timelines.** Consultant(s) assume all risk for ensuring receipt no later than the date and time specified in the Timeline for this RFP. Late proposals will not be accepted. All times in the Timeline for this RFP are Pacific Time. Delivery time stamps of email messages used for delivery will be referenced upon submission of proposal.

## 9.0 PROPOSAL CONTENTS

Responsive Proposals will provide straightforward, concise information that satisfies the requirements specified. Please only submit documentation which has been specified in this RFP. Emphasis should be placed on brevity, conformity to instructions, specified requirements of this RFP, and clarity of content. Materials sent which fall outside of that specified within this RFP may not be considered in proposal scoring.

- 9.1 **Non-Cost Portion.** The following information must be included in the non-cost portion of the proposal. A proposal lacking any of the following information may be deemed non-responsive. Proposals shall be inclusive of résumés, forms, and pictures, and organized according to the numbering system reflected below.
- 9.1.1 Provide a brief history of Consultant, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
- 9.1.2 Provide Consultant's current contact information including name, title, address, telephone number, and email address of the individual who will act as the Consultant's designated representative for purposes of this RFP.

- 9.1.3 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.
- 9.1.4 Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Consultant has conducted similar services. The Judicial Council may check references listed by the Consultant.
- 9.1.5 Describe Consultant's philosophy and how Consultant will work with the Judicial Council staff in performing the Services, including proposed method to complete the work. Provide a narrative describing specific aspects of the work that the evaluation team should consider when evaluating the Consultant's method, if any. Examples include data collection methods, project/team organization and time estimates.
- 9.1.6 Proposals in response to Judicial Council procurements for assistance in the preparation of feasibility studies or the development of recommendations for the acquisition of IT goods and services must disclose any financial interest (e.g., service contracts, original equipment manufacturer (OEM) agreements, remarketing agreements) that may foreseeably allow the Consultant to benefit materially from the Judicial Council's adoption of a course of action recommended in the feasibility study or of the acquisition recommendations.
- 9.1.7 Copies of the Consultant's (and any subcontractors') current business licenses professional certifications, or other credentials.
- 9.1.8 Proof of financial solvency or stability (e.g., balance sheets and income statements). Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.
- 9.1.9 Provide a statement of ALL claim(s) filed against Consultant in the past five (5) years Briefly indicate the nature of the claim and the resolution, if any, of the claim(s).
- 9.1.10 Conflicts of Interest. If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to work similar to this project or the Judicial Council that may have a potential to conflict with Consultant's ability to provide the Services described herein to the Judicial Council. Consultants cannot submit, propose, bid, contract, sub-contract, consult, or have any other economic interests in the project to which the Consultant may provide Services. The Consultant selected to provide the Services and any subsidiary, parent, holding company, or affiliate of the selected Consultant may not perform any construction work or submit a proposal for the Project.
- 9.1.11 Delinquent Taxpayer Status. Provide a written and certified document identifying whether or not the prime Consultant (or prime Consultants if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.
  - 9.1.11.1 State of California Franchise Tax Board's "Top 500 Delinquent Taxpayers" (available at <https://www.ftb.ca.gov/aboutftb/delinquent-taxpayers.shtml>); and/or;
  - 9.1.11.2 California State Board of Equalization's "Top 500 Sales & Use Tax Delinquencies in California" (available at <http://www.boe.ca.gov/sutax/top500.htm>)

- 9.1.12 DVBE Certification. If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 14 of this RFP, Consultant must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Consultant's DVBE certification approval letter, Consultant's Department of General Services (DGS) Supplier ID Number, active dates of Consultant's DVBE Certification, and a signed certification of its status by Consultant's disabled veteran owners and managers.
- 9.1.13 Acceptance of the Terms and Conditions. On Attachment B, the Consultant must check the appropriate box and sign the form. If the Consultant marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.
- 9.1.14 If exceptions are identified, the Consultant must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.

**PLEASE NOTE: The Judicial Council will not consider any changes to the Master Agreement if the red-lined version of the Terms and Conditions and the written explanation for each exception are not submitted at or before the time the Proposal is due.** By submitting its Proposal, the Consultant acknowledges that it has no objection to the form of Master Agreement unless exceptions are identified as required herein. Not following these specific instructions may be cause for disqualification for award.

- 9.1.15 Certifications, Attachments, and other requirements. The Consultant is required to complete and sign the following Certifications and attachments and submit signed forms with its Proposal:
- a. General Certifications Form (Attachment C)
  - b. Darfur Contracting Act Certification (Attachment D)
  - c. [for solicitations of \$1,000,000 or more] Iran Contracting Act Certification (Attachment G)
  - d. Payee Data Record (STD 204). This form must be completed in the exact name of the business entity under which you propose to do business with the Judicial Council. The Payee Data Record Supplement (STD 205) is optional (only if remittance address information is different than the mailing address on the STD 204, for multiple remittance addresses, or additional Authorized Representatives of the Payee not identified on the STD 204).
  - e. If Consultant is a California corporation, limited liability company ("LLC"), limited partnership ("LP"), or limited liability partnership ("LLP"), proof that Consultant is in good standing in California. If Consultant is a foreign corporation, LLC, LP, or LLP, and Consultant conducts or will conduct (if awarded the contract) intrastate business in California, proof that Consultant is qualified to do business and in good standing in California. If Consultant is a foreign corporation, LLC, LP, or LLP, and Consultant does not (and will not if awarded the contract) conduct intrastate business in California, proof that Consultant is in good standing in its home jurisdiction.
  - f. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment K)

- g. **Small Business Declaration (Attachment L)** if Consultant intends to seek the small business preference.
- 9.2 **Cost Portion.** The Consultant must complete the Cost Proposal (Attachment N) and submit the completed form with its proposal. The Consultant's hourly rates shall include, without limitation, all costs for overhead, personnel, administration, profit, and all deliverables, printing, and shipping. The submitted rates will be held in confidence until such time as a contract is executed.
- 9.3 **Written Questions.** Consultants may submit written questions using Attachment J. Such questions must be submitted on or before the due date specified for submission of questions specified in the Timeline for this RFP. Written questions must be submitted by email to [Solications@jud.ca.gov](mailto:Solications@jud.ca.gov) with the RFP number and title in the subject line. If the Judicial Council deems it necessary in response to the questions submitted, changes may be made to this RFP and an updated version will be posted on the Judicial Council website publishing this RFP prior to the due date for Proposals via addendum. The Judicial Council will post answers to specific questions and requests for information submitted by Contractors as indicated in the Timeline for this RFP.

## 10.0 OFFER PERIOD

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

## 11.0 SELECTION PROCESS

- 11.1 An evaluation panel composed of Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFP, and establish a shortlist of the highest scoring Proposals. Judicial Council will post the shortlist on the website publishing this RFP.
- 11.2 The Judicial Council may, at its discretion, hold interviews remotely with Consultants to clarify aspects set forth in their proposals or to assist in finalizing the ranking of the highest scoring Proposals. If the Judicial Council chooses not to hold interviews, the names of the selected Consultants will be posted on the website publishing this RFP.
- 11.3 After the interviews, if any, the ranking of the Consultants according to the selection criteria will be adjusted and the highest-scoring Consultants will be contacted regarding contract execution. The names of the selected Consultants will be posted on the website publishing this RFP.
- 11.4 At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

## 12.0 EVALUATION OF PROPOSALS

- 12.1 At the time proposals are opened, each proposal will be reviewed for minimum requirements and the presence or absence of the required proposal contents. The cost portion of proposals will be publicly opened via Teams virtual meeting platform at the date and time specified in the Timeline for this RFP.
- 12.2 Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the submitted proposal using a 100 point scale, according to the following criteria as set forth in the table below. Award, if made, will be to the highest-scored proposal.

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

EVALUATION CRITERION	MAXIMUM NUMBER OF POINTS
<u>Quality of proposal:</u> Consultant’s demonstrated understanding of what is required to complete the services described in this RFP	14
<u>Experience on similar projects:</u> Consultant’s relevant experience in the development of quality solutions for similar projects	14
<u>Experience and certifications of staff to be assigned to the project:</u> Project team’s demonstrated experience with similar projects, including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services	16
<u>Acceptance of the Terms and Conditions</u>	3
<u>DVBE Incentive:</u> Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to section 14; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.	3
<u>Cost Proposal – Hourly Rates:</u> Hourly billing rate(s) provided in Section I. of Cost Proposal Form (Attachment N). Section I. will only be used for evaluation purposes as set forth in the instructions of the cost proposal form and will be the basis for authorizing work under any resulting Agreement. Additional job titles and hourly rates listed in Section II. of the Cost Proposal Form will not be used for evaluation purposes however they may be included in any resulting Agreement, at Judicial Council’s sole discretion. The Cost Proposal points awarded for each Consultant will be calculated by identifying the amount of the lowest cost proposal submitted divided by the amount of the cost proposal being evaluated and multiplying that ratio by the maximum number of points that can be awarded.	50
<b>Total</b>	<b>100</b>

**13.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** Except as required by law, The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Consultant that is not a publicly traded corporation. All other information in proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Consultant prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Consultant to the potential public disclosure of its proposal content, as set forth in this Section 13. **Consultants are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

**14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

14.1 Qualification for the Disabled Veterans Business Enterprise (DVBE) incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive. Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules

and Procedures. Consultants will receive a DVBE incentive if, in the Judicial Council's sole determination, Consultant has met all applicable requirements. If Consultant receives the DVBE incentive, a number of points will be added to the score assigned to the Consultant's Proposal. The number of points that will be added is specified in Section 12.0 of this RFP. To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Consultant may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

14.2 If Consultant wishes to seek the DVBE incentive:

14.2.1 Consultant must complete and submit with its proposal the Bidder Declaration (Attachment H). Consultant must submit with the Bidder Declaration all materials required in the Bidder Declaration.

14.2.2 Consultant must submit with its proposal a DVBE Declaration (Attachment I) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Consultant is itself a DVBE, it must complete and sign the DVBE Declaration. If Consultant will use DVBE subconsultants, each DVBE subconsultant must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Consultant will qualify for the DVBE incentive using a Business Utilization Plan (BUP) on file with DGS.

Failure to complete and submit these forms as required will result in Consultant not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in Consultant not receiving the DVBE incentive.

14.3 If Consultant receives the DVBE incentive:

14.3.1 Consultant will be required to complete a post-contract DVBE certification if DVBE subconsultants are used.

14.3.2 Consultant must use any DVBE subconsultant(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and

14.3.3 Failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

**FRAUDULENT MISREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MILITARY & VETERANS CODE SECTION 999.9.**

## 15.0 SMALL BUSINESS PREFERENCE

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

Eligibility for and application of the small business preference is governed by the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Consultant will receive a small business preference if, in the Judicial Council's sole determination, the Consultant has met all applicable requirements. If the Consultant receives the small business preference, the score assigned to its proposal will be increased by an amount equal to 5% of the points assigned to the highest scored proposal. If a DVBE incentive is also offered in connection with this

solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

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

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

Failure to complete and submit the Small Business Declaration as required will result in the Consultant 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 Consultant not receiving the small business preference.

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

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

## **16.0 PROTESTS**

Protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (<http://www.courts.ca.gov/documents/jbcl-manual.pdf>). However, in light of COVID-19, electronic submissions will be permitted. Failure of a Consultant 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 Judicial Council to receive a solicitation specifications protest is two days before the proposal due date. The deadline for the Judicial Council to receive an award protest is within five (5) Court Days after the Notice of Intent to Award is posted on the Court website.

Protests must be sent electronically to: [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov).

## **17.0 ADMINISTRATIVE RULES GOVERNING RFPs**

- 17.1 The Judicial Council’s Administrative Rules governing this RFP can be found in Attachment A. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules.
- 17.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

**END OF RFP**