

Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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RONALD M. GEORGE Chief Justice of California Chair of the Judicial Council WILLIAM C. VICKREY
Administrative Director of the Courts

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CHRISTINE M. HANSEN Director, Finance Division

TO: POTENTIAL BIDDERS

FROM: Administrative Office of the Courts

Executive Office Programs, Office of Communications

DATE: September 23, 2005

SUBJECT/PURPOSE

OF MEMO:

REQUEST FOR PROPOSALS

CALIFORNIA COURTS DISCOVERY

ACTION REQUIRED: You are invited to review and respond to the attached Request for Proposals

("RFP"):

Project Title: California Courts Online: Web Site Assessment

RFP Number: EOP-3005

PROPOSAL DUE DATE AND TIME:

Proposals must be received by 1:00 p.m. on October 28, 2005

SUBMISSION OF QUESTIONS

Submit questions on procedural matters related to the RFP or requests for clarification or modification of this solicitation document to the following email address and include Project Title and RFP Number in subject line:

solicitations@jud.ca.gov

Deadline for submission of questions is 1:00 p.m. on October 7th, 2005

SUBMISSION OF PROPOSAL:

Deliver Proposals to:

Judicial Council of California

Administrative Office of the Courts

Attn: Nadine McFadden

455 Golden Gate Avenue, 7th Floor

San Francisco, CA 94102

1.0 GENERAL INFORMATION

1.1 <u>Background</u>

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 Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.

- 1.2 Among its many responsibilities in supporting the Judicial Council of California, the AOC is also responsible for developing and implementing a communications infrastructure to support both public access to justice and the administration of courts throughout the state of California.
- 1.3 The Office of Communications currently supports content development for several web properties including: The California Courts Web site, (www.courtinfo.ca.gov) an extranet called Serranus, an Education Portal, Comet (education for court staff), and a site for the Center for Families, Children (CFCC) & the Courts.
- 1.4 In consultation with its Education, Finance, CFCC, Information Services Divisions, and the Executive Office, the Office of Communications is striving to improve user experience on both its public and internal sites.

This site assessment study will help the AOC form a more customer-centric vision of the strengths and weaknesses of our sites and lay the foundation for planned future enhancements and improvements

2.0 PURPOSE OF THIS RFP AND ATTACHMENTS

- 2.1 The AOC seeks to identify and retain a qualified service provider to conduct an assessment of the above-mentioned web properties, excluding the AOC Intranet. The selected vendor may potentially contribute to subsequent development phases (redesign; re-engineering; enterprise-wide solution) that will be specified in an additional RFP, at the discretion of the AOC.
- 2.2 This RFP includes the following attachments:

Attachment A. Contract Terms:

Attachment B, Administrative Rules Governing Requests for Proposals; and, Attachment C, DVBE Participation Form

3.0 SCOPE OF SERVICES

- 3.1 For this assessment, the service provider will be asked to:
 - 3.1.1 Conduct a comprehensive stakeholder/user assessment on all public-facing sites:
 - California Courts public web site (www.courtinfo.ca.gov)
 - Self-Help Center (http://www.courtinfo.ca.gov/selfhelp/)
 - CFCC (http://www.courtinfo.ca.gov/programs/cfcc/)
 - 3.1.2 Conduct a comprehensive stakeholder/user assessment on all internally facing sites:
 - Serranus (http://serranus.courtinfo.ca.gov/) (password protected)
 - Education Portal (http://www2.courtinfo.ca.gov/cjer/aoctv/ccn/index.htm)
 - Comet (http://www2.courtinfo.ca.gov/comet/) (password protected)

The scope of these assessments will include, but not be limited to, the following deliverables:

- 3.1.3 Identify and document five or six user-types for each site (internal and external sites). Assess and document their goals, aspirations, levels of satisfaction with each respective site.
- 3.1.4 Conduct in-person and telephone interviews with a cross-section of site users (both internal and external). Summarize each user type's goals, needs, interaction style, and preferences.
- 3.1.5 Evaluate and rank sites based on predefined and approved criteria including usability, information architecture, design, functionality, and interactivity.
- 3.1.6 Develop and deliver interview summary reports and provide overall recommendations based on findings.
- 3.1.7 Conduct and facilitate internal content provider interviews with each of the respective AOC Division stakeholders Executive Office Programs (EOP,) Center for Families Children and the Courts (CFCC), Education, Human Resources, Finance, Information Services Division (ISD) Office of General Counsel (OGC) and Regional Offices to:
 - Uncover AOC stakeholder preconceptions/expectations about what our site should, or could, offer.
 - If they exist, document current AOC stakeholder strategies and goals (both long- and short-term) for leveraging the web to advance business objectives.

- Document current stakeholder capabilities and infrastructure constraints and compare with stated long- and short-term objectives.
- 3.1.8 Provide site comparisons with two or three other mutually agreed upon state court sites, taking into account such features as: usability, information architecture, design, functionality, interactivity, and personalization.
- 3.1.9 Provide a comprehensive report encompassing an analysis of findings and provide detailed recommendations for both short- and long-term site improvement strategies.
- 3.2 The AOC anticipates concluding the assessment process, no later than January 31, 2006.

4.0 EVALUATION OF PROPOSALS

Proposals will be evaluated by the AOC using the following criteria in descending order of importance:

- a. Thoroughness of workplan/proposal
- b. Proven expertise in conducting enterprise site assessments, usability, and customer experience studies
- c. Reasonableness of cost projections
- d. Credentials of staff to be assigned to the project
- e. Forecast time-to-completion
- f. Previous public sector experience.

5.0 SPECIFICS OF A RESPONSIVE PROPOSAL

The following information shall be included as the technical portion of the proposal:

- Name, address, telephone and fax numbers, and federal tax identification number. Note that if a sole proprietorship using its social security number is awarded a contract, the social security number will be required prior to finalizing a contract.
- 5.2 Resumes describing the background and experience of key staff, as well as each individual's ability and experience in conducting the proposed activities.
- 5.3 Describe key staff's knowledge of the requirements necessary to complete this project.

- 5.4 Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the consultant has conducted similar services. The AOC may check references listed by the consultant.
- 5.5 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the state's instructions, requirements of this RFP, and completeness and clarity of content.
- 5.6 Overall plan with time estimates for completion of all work required. Note: the assessment must be based on clearly-defined deliverables.
- 5.7 Method to complete the Project
 - 5.7.1 Proposed process necessary to address the project objectives...
 - 5.7.2 Proposed data collection methods...
 - 5.7.3 Proposed methodology...
 - 5.7.4 Proposed project and team organization..., etc.

6.0 FEE PROPOSAL

- A separate document of the proposal should include the service provider's proposed fee schedule for each clearly defined deliverable, including a detailed breakdown of how the service provider determined the fee for each clearly defined deliverable.
- 6.2 It is expected that all service providers responding to this RFP will offer the service provider's government or comparable favorable rates.

7.0 SUBMISSION OF PROPOSALS

- 7.1 Provide one (1) original and three (3) copies of the proposal signed by an authorized representative of your company, including name, title, address, and telephone number of one individual who is the responder's designated representative.
- 7.2 In addition to the four hard copies set forth above, proposal submission must include an electronic copy (non-protected) of the proposal on CD-ROM or DVD in MS-Word or Adobe Acrobat format, including the fee proposal as a separate electronic file (non-protected) in MS-Word, Adobe Acrobat, or MS-Excel format.

- 7.3 Proposals must be delivered to the individual listed in the Submission of Proposals section of the coversheet to this RFP.
- Only written proposals will be accepted. All proposals must be delivered via U.S. Mail, common carrier, overnight delivery service (with proof of delivery), or hand delivery. A receipt should be requested for hand delivered material. Submittal of proposals by facsimile or email transmission is not acceptable, and any proposal so transmitted will be rejected as non-responsive.

8.0 RIGHTS

The AOC reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the proposal. One copy of a submitted proposal will be retained for official files and becomes a public record.

9.0 PROJECT MANAGEMENT

The Project Manager for this RFP process is:

Mark Gelade Executive Office Programs: Office of Communications Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3660 Telephone: 415-865-7448

Email: mark.gelade@jud.ca.gov

10.0 ADDITIONAL REQUIREMENTS

It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews will likely be conducted by telephone conference call. The AOC will notify prospective service providers regarding the interview arrangements.

11.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

- 11.1 Contracts with successful firms will be signed by the parties on a State of California Standard Agreement form and will include terms appropriate for this project. Terms and conditions typical for the requested services are attached as Attachment A.
- 11.2 The consultant will be deemed to have accepted all such terms and conditions, except as is expressly called out in the consultant's proposal. If exceptions are taken, consultant must submit a "redlined" version of the term or condition

showing all modifications proposed by the consultant. In addition, the consultant must provide an explanation as to why the modification is required. Exceptions to the terms and conditions may have an adverse impact on the evaluation of a consultant's proposal. The consultant's willingness to accept the terms and conditions, with minor clarifications, may be an affirmative factor in the evaluation of the consultant's proposal.

- 11.3 Although the AOC may consider alternate language proposed by a consultant, the AOC will not be bound by contract language received as part of a prospective consultant's response. If the proposer requires that the AOC be bound by some or all of the consultant's proposed contract language, the proposal may be considered non-responsive and may be rejected.
- 11.4 Incorporated in this RFP, and attached as Attachment B, is a document entitled "Administrative Rules Governing Requests for Proposals." Consultants shall follow these rules in preparation of their proposals.

12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

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

13.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The State of California Executive Branch requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The AOC, as a policy, follows the intent of the Executive Branch program. Therefore, your response should demonstrate DVBE compliance; otherwise, if it is impossible for your company to comply, please explain why, and demonstrate written evidence of a "good faith effort" to achieve participation. Your company must complete the DVBE Participation Form, Attachment C, and include the completed and signed form with your Cost Proposal. If your company has any questions regarding the form, you should contact the individual listed in the Submission of Proposal section on the coversheet of this RFP. For further information regarding DVBE resources, please contact the Office of Small Business and DVBE Certification, at 916-375-4940 or access DVBE information on the Executive Branch's Internet web site at: http://www.dgs.ca.gov/default.htm.

Attachment A to RFP# EOP-3005 Contract Terms

Please see separate file labeled Attachment A

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

- 1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A vendor's proposal is an irrevocable offer for 60 days following the deadline for its submission.
- 2. In addition to explaining the Administrative Office of the Courts' (AOC's) requirements, the solicitation document includes instructions which prescribe the format and content of proposals.

B. Errors in the solicitation document

- 1. If a vendor submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the vendor shall immediately provide the AOC with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the AOC may modify the solicitation document prior to the date fixed for submission of proposals by posting an addendum to the solicitation on the AOC's web site "Courtinfo" (http://www.courtinfo.ca.gov/reference/rfp/).
- 2. If prior to the date fixed for submission of proposals a vendor submitting a proposal knows of or should have known of an error in the solicitation document but fails to notify the AOC of the error, the vendor shall bid at its own risk, and if the vendor is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

C. Questions regarding the solicitation document

1. Vendors interested in responding to the solicitation may submit questions on procedural matters related to the RFP or requests for clarification or modification of this solicitation document to the email address set forth under Submission of Questions section of the coversheet of this RFP. If the vendor is requesting a change, the request must set forth the recommended change and the vendor's reasons for proposing the change. All questions and requests must be submitted in writing no later than the deadline set forth under Submission of Questions section of the coversheet of this RFP; questions or requests submitted after the due date will not be answered. Without disclosing the

source of the question or request, a copy of the questions and the AOC's responses will be posted on the Courtinfo website (http://www.courtinfo.ca.gov/reference/rfp/).

- 2. If a vendor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the vendor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the vendor must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence (neither the question nor the answer will be posted on the Courtinfo website). If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the vendor will be notified.
- 3. If a vendor submitting a proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the vendor may submit a written request that the solicitation document be changed. The request must set forth the recommended change and vendor's reasons for proposing the change. Any such request must be submitted to the email address set forth under Submission of Questions section of the coversheet of this RFP by the Proposal Due Date and Time listed on the cover letter of this RFP.

D. Addenda

1. The AOC may modify the solicitation document prior to the date fixed for submission of proposals by posting an addendum on the Courtinfo website (http://www.courtinfo.ca.gov/reference/rfp/). If any vendor determines that an addendum unnecessarily restricts its ability to bid, it must notify the State by sending an email to the email address set forth under Submission of Questions section of the coversheet of this RFP, no later than one day following the receipt of the addendum.

E. Withdrawal and resubmission/modification of proposals

1. A vendor may withdraw its proposal at any time prior to the deadline for submitting proposals by notifying the AOC in writing of its withdrawal. The notice must be signed by the vendor and submitted to the individual and address set forth under Submission of Proposal section of the coversheet of this RFP. The vendor may thereafter submit a new or modified proposal, provided that it is received at the AOC no later than the Proposal Due Date and Time listed on the cover letter of this RFP. Modifications offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after the Proposal Due Date and Time listed on the coversheet of this RFP.

F. Evaluation process

- An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
- If a proposal fails to meet a material solicitation document requirement, the
 proposal may be rejected. A deviation is material to the extent that a response is
 not in substantial accord with solicitation document requirements. Material
 deviations cannot be waived. Immaterial deviations may cause a bid to be
 rejected.
- 3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.
- 4. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.
- 5. During the evaluation process, the AOC may require a vendor's representative to answer questions with regard to the vendor's proposal. Failure of a vendor to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal nonresponsive.

G. Rejection of bids

1. The AOC may reject any or all proposals and may or may not waive an immaterial deviation or defect in a bid. The AOC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a vendor from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part and/or negotiate any or all items with individual vendors if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if proposals are deemed to be outside the fiscal constraint or against the best interest of the State of California.

H. Award of contract

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible vendor submitting a proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the AOC.

2. The AOC reserves the right to determine the suitability of proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

I. Decision

1. Questions regarding the AOC's award of any business on the basis of proposals submitted in response to this solicitation document, or on any related matter, should be sent to the email address set forth under Submission of Questions section on the coversheet of this RFP, where it will be forwarded to the appropriate AOC's Contracting Officer.

J. Execution of contracts

- The AOC will make a reasonable effort to execute any contract based on this solicitation document within 60 days of selecting a proposal that best meets its requirements. However, exceptions taken by a vendor may delay execution of a contract
- 2. A vendor submitting a proposal must be prepared to use a standard state contract form rather than its own contract form.

K. Protest procedure

1. General

Failure of a vendor to comply with the protest procedures set forth in this Section K, will render a protest inadequate and non-responsive, and will result in rejection of the protest.

2. Prior to Submission of Proposal

An interested party that is an actual or prospective proposer with a direct economic interest in the procurement may file a protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a proposal. Such protest must be received prior to the Proposal Due Date and Time listed on the coversheet of this RFP. The protestor shall have exhausted all administrative remedies discussed in this Attachment B prior to submitting the protest. Failure to do so may be grounds for denying the protest.

3. After Award

A vendor submitting a proposal may protest the award based on allegations of improprieties occurring during the proposal evaluation or award period if it meets all of the following conditions:

- a. The vendor has submitted a proposal that it believes to be responsive to the solicitation document:
- b. The vendor believes that its proposal meets the administrative and technical requirements of the solicitation, proposes services of proven quality and performance, and offers a competitive cost; and,
- c. The vendor believes that the AOC has incorrectly selected another vendor submitting a proposal for an award.

Protests must be received no later than five (5) business days after the protesting party receives a non-award letter.

4. Form of Protest

A temporary staffing agency who is qualified to protest should submit the protest to the individual at the address listed in the Submission of Proposals section on the coversheet of this RFP who will forward the matter to the appropriate AOC's Contracting Officer.

- a. The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the address noted above. If the protest is hand-delivered, a receipt must be requested.
- b. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- c. The title of the solicitation document under which the protest is submitted shall be included.
- d. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
- e. The specific ruling or relief requested must be stated.

The AOC, at its discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the AOC will not consider such new grounds or new evidence.

5. Determination of Protest Submitted Prior to Submission of Proposal

Upon receipt of a timely and proper protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a proposal, the AOC will provide a written determination to the protestor prior to the Proposal Due Date and Time listed on the coversheet of this RFP. If required, the AOC may extend the Proposal Due Date and Time to allow for a reasonable time to review the protest. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below and the AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the contract.

6. Determination of Protest Submitted After Submission of Proposal

Upon receipt of a timely and proper protest, the AOC will investigate the protest and will provide a written response to the vendor within a reasonable time. If the AOC requires additional time to review the protest and is not able to provide a response within ten (10) business days, the AOC will notify the vendor. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below. The AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the agreement.

7. Appeals Process

The AOC's Contracting Officer's decision shall be considered the final action by the AOC unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal with the AOC's Business Services Manager, at the same address noted in the Submission of Proposal section of the coversheet of this RFP, within five (5) calendar days of the issuance of the AOC's Contracting Officer's decision.

The justification for appeal is specifically limited to:

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

The vendor's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the vendor filing the appeal or their representative;
- b. A copy of the AOC's Contracting Officer's decision;
- c. The legal and factual basis for the appeal; and
- d. The ruling or relief requested. Issues that could have been raised earlier will not be considered on appeal.

Upon receipt of a request for appeal, the AOC's Business Services Manager will review the request and the decision of the AOC's Contracting Officer and shall issue a final determination. The decision of the AOC's Business Services Manager shall constitute the final action of the AOC.

8. Protest Remedies

If the protest is upheld, the AOC will consider all circumstances surrounding the procurement in its decision for a fair and reasonable remedy, including the seriousness of the procurement deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive procurement system, the good faith efforts of the parties, the extent of performance, the cost to the AOC, the urgency of the procurement, and the impact of the recommendation(s) on the AOC. The AOC may recommend ay combination of the following remedies:

- a. Terminate the contract for convenience;
- b. Re-solicit the requirement;
- c. Issue a new solicitation:
- d. Refrain from exercising options to extend the term under the contract, if applicable;
- e. Award a contract consistent with statute or regulation; or
- f. Other such remedies as may be required to promote compliance.

L. News releases

1. News releases pertaining to the award of a contract may not be made without prior written approval of the AOC's Business Services Manager.

M. Disposition of materials

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the AOC's option and at the expense of the vendor submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record.

Attachment B to RFP# EOP-3005 Administrative Rules Governing Request for Proposals

Any material that a vendor considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the vendor's proposal as it may be made available to the public.

N. Payment

- 1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
- 2. THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES. Payment is normally made based upon completion of tasks and/or receipt and AOC acceptance of defined deliverables as provide in the agreement between the AOC and the selected vendor. .

Attachment C to RFP# EOP-3005 DVBE Participation Form

Please see separate file labeled Attachment C