

# REQUEST FOR PROPOSALS

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***COURT OF APPEAL, THIRD APPELLATE  
DISTRICT***

**REGARDING:**

***SHAREPOINT SERVER  
MODERNIZATION BUILD***

**RFP NUMBER: 3DCA 21/22-02**

**PROPOSALS DUE:**

***WEDNESDAY, MAY 20, 2022***

**NO LATER THAN**

***4:30* P.M. PACIFIC TIME**

## **1.0 BACKGROUND/BUSINESS NEED**

### **1.1 Background**

The Court of Appeal, Third Appellate District (hereinafter referred to as the Court), is located at the historic Stanley Mosk State Library and Courts Building, at 914 Capitol Mall, Sacramento, California, 95814. The Court seeks to enter into a Services Agreement with a suitable vendor who can assist with the move and upgrade of the Court's internal SharePoint 2013 website.

## **2.0 DESCRIPTION OF BUSINESS NEED**

2.1 In June 2014, the Court of Appeal, Third Appellate District setup a dedicated SharePoint Foundation 2013 server to host its organizational intranet. The intranet meets the basic needs of its various departments. However, the current installation cannot fully integrate into the Office 365 portal. Some forms and functionality reside separately on orphaned SharePoint pages in the Office 365 cloud. Appropriate SharePoint and Office 365 licenses have already been procured.

2.2 The current setup includes multiple departments, document libraries, and links to other products and services. Some pages contain role-dependent content or access.

2.3 This server is organized on one main site and ten sub-sites. The "main site" is called Home. The ten sub-sites include: Admin/HR, COVID, Community, Education, Technology, Library, E-Filing, Justices, Judicial Assistants, and Attorneys. Access to some pages and content are role dependent.

2.4 Webparts used on the Foundation server include: Announcements, Blog, Image Viewer, Search, and Lists.

2.5 Webparts/Apps used on the Office 365 cloud include: Forms, Stream, OneDrive for Business, and Power Automate.

2.6 Court staff also utilizes Teams for some types of communication.

2.7 Access to the Office 365 cloud includes Court users from multiple locations, through PCs and mobile devices. Chromium-based web browsers are standard.

## **DESCRIPTION OF SERVICES AND DELIVERABLES**

3.1 The Court is seeking a qualified service provider to assist with the move and upgrade of the Court's internal SharePoint 2013 website. The site will move from an on-premise server to the Court's Office 365 online portal. The software will upgrade to the current version of SharePoint. The end-product will not be a public facing site. The new site will integrate or move existing data files from the on-premise server to

the new location and organize it into appropriate and logical subsites linked through the main hub, utilizing appropriate web parts and apps.

3.2 The final product must utilize the Court's licensed version of SharePoint through the Office 365 portal. Recommendations for any additional licenses needed to complete this project, such as Third-Party migration tools should be included in the RFP.

3.3 The work of the service provider will consist of:

- a) Meeting via teleconference with the Court Executive Officer, Information Systems department, and other stakeholders at the Court to discuss the intranet (no in-person travel shall be required),
- b) Developing a migration strategy  
The service provider will facilitate execution of data migration, or the service provider will indicate that data migration is outside the scope of contract and provide suggestions on how Court staff can perform data migration.
- c) Aligning the SharePoint site with Information Management best practices,
- d) Modernizing the SharePoint site,
- e) Connecting to a Microsoft 365 group for Teams integration,
- f) Incorporating Court branding elements,
- g) Configuring user-friendly design and logical organization of content to make it easier to find content and provide better communication channels to staff,
- h) Ensuring that the "search" functionality works across the site, sub-sites, and pages,
- i) Integrating any forms or currently used web parts into the modernized structure,
- j) Testing proposed SharePoint site with Court Information Systems staff,
- k) Training site administrators on site structure and maintenance, including best practices,
- l) Transitioning knowledge to Court information Systems staff and,

m) Onboarding Court staff.

1.1 The service provider will be asked to:

- a) Deliver a proposed project plan consistent with agreements made during contract negotiation. The plan will provide detailed objectives and address the provider's role and the Court's role for each of the following areas:
1. Work Structure,
  2. Project schedule,
  3. Quality management,
  4. Change management,
  5. Issue management and escalation,
  6. Communication,
  7. Acceptance management,
  8. Training for site administrators and,
  9. Transition management.
- b) The service provider shall translate the detailed requirements into a design specification including:
1. User Interface/Wire Frames,
  2. Technical Architecture,
  3. Functional Specifications and,
  4. Data Interface Specifications.
- c) The service provider shall deliver a validated "pre-production site" on the Court's Office365 cloud. The "pre-production site" will be equivalent to the go-live site with limited permissions. The Court shall provide the service provider with the appropriate accounts, access, and permissions to build the site.

- d) The service provider shall provide four (4) hours of post-acceptance training for site administrators that details best practices.
- e) The service provider shall provide a plan for two (2) years of post-implementation support, including a warranty period and a fixed hourly rate schedule for additional enhancements.

### 3.0 TIMELINE FOR THIS RFP

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

No.	EVENT	DATE
1.	RFP Issued:	<b>April 20, 2022</b>
2.	Deadline for Proposers to Submit Questions, Requests for Clarification, or Modifications to <a href="mailto:3DCA-Info@jud.ca.gov">3DCA-Info@jud.ca.gov</a> <b>(No later than 4:30 PM Pacific Time)</b>	<b>April 27, 2022</b>
3.	Questions and Answers Posted on Court’s Website <i>(estimated date only)</i> <a href="http://www.court.ca.gov">www.court.ca.gov</a>	<b>May 4, 2022</b>
4.	<b>RFP Response Due</b> <a href="mailto:3DCA-Info@jud.ca.gov">3DCA-Info@jud.ca.gov</a>	<b>May 24, 2022</b>
5.	Review and Scoring of Technical Proposals <i>(estimated date)</i>	<b>May 31, 2022</b>
6.	Posting of Technical Scores <i>(estimated date)</i>	<b>June 3, 2022</b>
7.	Public Opening of Cost Proposals Notice of Date and Time Will Be Posted at <a href="http://www.courts.ca.gov/rfps/htm">http://www.courts.ca.gov/rfps/htm</a>	<b>June 8, 2022</b>
8.	Notice of Intent to Award <i>(estimated date)</i>	<b>June 10, 2022</b>
9.	Execution of Agreement <i>(estimated date)</i>	<b>June 20, 2022</b>

### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

#### 4.1 Attachments and Forms

Attachment	Description
Attachment 1: Administrative Rules Governing RFPs (IT	These rules govern this solicitation.

Goods and Services)	
Attachment 2: Standard Terms and Conditions	<p>If selected, the person or entity submitting a proposal (“Proposer”) must sign this Court’s Standard Form Agreement containing terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a redlined version of the Terms and Conditions that clearly identifies the benefit to the Court from the proposed changes and provides written explanation or rationale for each proposed change. The following provisions within the Terms and Conditions are non-negotiable provisions (“Mandatory Terms”):</p> <ul style="list-style-type: none"> <li>Qualification in California</li> <li>Nondiscrimination</li> <li>Domestic partners, spouses, gender, gender identity</li> <li>National Labor Relations Board</li> <li>Expatriate Corporations</li> <li>Sweatshop Labor</li> <li>Child Support Compliance Act</li> <li>Termination Due to Nonavailability of Funds</li> <li>Loss Leader</li> <li>Antitrust Claims</li> <li>Recycled products/post-consumer material</li> <li>Priority Hiring</li> <li>DVBE Commitment</li> <li>Small Business Preference Commitment</li> <li>Union activities</li> <li>State Auditor Audit Provisions</li> </ul>
Attachment 3: Proposer’s Acceptance of Terms and Conditions	<p>On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. A material exception to a Mandatory Term will render the proposal non-responsive.</p>
Attachment 4: Payee Data Record Form	<p>This form contains information the Court requires to process payments and must be submitted with the proposal. The Supplemental form is optional.</p>
Attachment 5: Payee Data Record Supplement	<p>The form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record.</p>

ATTACHMENT	DESCRIPTION
Attachment 6: Darfur Contracting Act Certification	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 7: General Certifications Form	Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 8: Small Business Declaration	Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 9: Bidder DVBE Declaration	Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.
Attachment 10: Bidder Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.

## 5.0 PAYMENT INFORMATION

5.1 Please refer to Appendix B of Attachment 2.

## 6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

6.2 The Proposer **must** submit its proposal in two parts, the non-cost portion and the cost portion.

**Non-Cost Portion of the Proposal:** The Proposer must submit **two (2) original** hard copies and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in searchable PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted to the Court **in a single sealed envelope, separate from the cost portion.** The Proposer must write the RFP title and number on the outside of the sealed envelope.

**Cost Portion of the Proposal:** The Proposer must submit **two (2) original** hard copies and an electronic version on a USB memory stick/flash drive of the non-cost portion of the proposal. The electronic files must be in searchable PDF, Word, or Excel formats. The original must be signed by an authorized representative of the Proposer. The cost portion of the proposal must be submitted to the Court in a **single sealed envelope, separate from**

**the non-cost portion.** The Proposer must write the RFP title and number on the outside of the sealed envelope.

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

Andrea K. Wallin-Rohmann  
Clerk/Executive Officer  
Court of Appeal, Third Appellate District  
914 Capitol Mall  
Sacramento, CA 95814  
[3DCA-Info@jud.ca.gov](mailto:3DCA-Info@jud.ca.gov)  
RFP#: 3DCA 21/22-02

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

## **7.0 PROPOSAL CONTENTS**

7.1 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.

- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has provided similar services. The Court may check references listed by the Proposer.
- d. 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.
- e. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The Court may check references listed by the Proposer.



- g. Proposed method to complete the work.
  - i. Outline the implementation and deployment approach of the business requirements referenced in Section 2.2.
  - ii. Identify high level vendor and Court responsibilities in the implementation of the business requirements.
- h. Acceptance of the Terms and Conditions.
  - i. On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.
  - ii. If exceptions are identified, the Proposer must also submit (a) a red-lined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.
- i. Certifications, Attachments, and other requirements.
  - i. **Proof of Good Standing:** If Proposer is a corporation, the Proposer must present proof that it is in good standing and qualified to conduct business in California.
  - ii. **Business License:** Proposer must provide copies of current business licenses, professional certifications, or other credentials.
  - iii. **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).
  - iv. **Acceptance of Terms and Conditions:** Proposer must complete and provide the Bidder’s Acceptance of Terms and Conditions (Attachment 3). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a proposal non-responsive.  
  
If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes and a written explanation or rationale of the benefit to the Court resulting from the proposed exception.
  - v. **Payee Data Record:** Proposer must complete and provide the Payee Data Record Form (in lieu of the IRS W-9) (Attachment 4).

- vi. **Darfur Contracting Act Certification:** Proposer must complete and provide the complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. (Attachment 6).
- vii. **General Certifications:** Proposer must complete and provide the General Certifications Form (Attachment 7).
- viii. **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (Attachment 8) only if it wishes to claim the Small Business preference associated with this solicitation.
- ix. **Bidder DVBE Declaration:** Proposer must complete and provide the bidder DVBE Declaration (Attachment 9) only if it wishes the claim the DVBE incentive associated with this solicitation.
- X **Bidder Declaration:** Proposer must submit a Bidder Declaration (Attachment 10) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

7.2 Cost Portion. The following information must be included in the cost portion of the proposal.

IT Services:

- i. A detailed line item budget showing total cost of the proposed services, including costs associated with the following:
  - a. Licensing
  - b. Hosting
  - c. Maintenance and Support
  - d. Professional Services
- ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
- iii. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

**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 period, the Court reserves the right to negotiate extensions to this period.

## 9.0 EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0 at the Court of Appeal, Third Appellate District, 914 Capitol Mall, 4<sup>th</sup> Floor, Sacramento, CA 95814.

The Court 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.

If a contract will be awarded, the Court will post an intent to award notice on June 10, 2022.

<b>CATEGORY</b>	<b>FACTORS</b>	<b>TOTAL POSSIBLE POINTS</b>
Requirements Response	Degree to which the Proposer's solution meets and is likely to deliver the requirement set forth in Section 7.1.	25
Cost Structure	Overall cost based on initial setup and ongoing fees for consumption of services	50
Organization Information and Qualifications	Level of Proposers organization experience, financial stability and qualifications.	10
Acceptance of Terms and Conditions	Level of Proposer's acceptance of Terms and Conditions (Attachment 3)	12
DVBE Incentive	DVBE Incentive points.	3
		100

## **10.0 INTERVIEWS**

The Court may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the Court's offices. The Court will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Court 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 Court 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," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Court's right to disclose information in the proposal, or (b) requiring the Court 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 ("DVBE") INCENTIVE**

Qualification for the 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 Court's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Court's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 9.0 above.

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, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 9). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Proposer must submit with its proposal a DVBE Declaration (Attachment 8) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Court's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Court approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

If using DVBE subcontractors, the Proposer must complete and return to the Court a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer's final invoice to the Court. If the Proposer fails to do so, the Court will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the Court shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Proposer refuses to comply with the certification

requirements, the Court shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

**FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.**

Please refer to Attachments 8 and 9.

## **13.0 SMALL BUSINESS PREFERENCE**

### **13.1 Participation Not Mandatory**

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

### **13.2 Small Business Enterprise (SBE) Incentive**

Eligibility for and application of the small business preference is governed by the Court's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Proposer will receive a small business preference if, in the Court's sole determination, the Proposer has met all applicable requirements. If the Proposer receives the SBE preference, the score assigned to its proposal will be increased by an amount equal to 5 percent 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.

### **13.3 Qualification**

To receive the small business preference, the Proposer 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.

### **13.4 Process**

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 7). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

### **13.5 Failure to Complete Forms**

Failure to complete and submit the Small Business Declaration as required will result in the Proposer not receiving the small business preference. In addition, Court staff may

request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.

### **13.6 Meeting SBE Commitments**

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

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

## **14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

### **14.1 Qualification Not Mandatory**

Qualification for the EVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

### **14.2 DVBE Point Award**

Eligibility for and application of the DVBE incentive is governed by the Court's DVBE Rules and Procedures. The Proposer will receive a DVBE incentive if, in the sole determination of Court staff, the Proposer has met all applicable requirements. If the Proposer receives the DVBE incentive, points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 9, above.

### **14.3 Qualification**

To receive the DVBE incentive, at least 3 percent 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, the Proposer may have an approved Business Utilization Plan (BUP) on file with the California Department of General Services.

### **14.4 Process**

If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the DVBE Declaration (Attachment 8). Proposer must also submit all material required in the DVBE Declaration.
- Proposer must submit with its proposal a Bidder Declaration (Attachment 9) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it

must also complete and sign the Bidder Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder Declaration. **Note: The Bidder Declaration is not required if proposer will qualify for the DVBE incentive using a BUP on file with DGS.**

#### 14.5 Failure to Complete Forms

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

#### 14.6 Application of DVBE Incentive

If the solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Court's Small Business Procedures for the Procurement of Information Technology Goods and Services.

#### 14.7 Meeting DVBE Commitments

If the Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Court approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

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

### 15.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see [www.courts.ca.gov/documents/jbcl-manual.pdf](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 Court to receive a solicitation specifications protest is the Bid Closing date. (JBCM, Ch. 7, p. 4).

The post-award protest deadline for submission will be 5 Court days after the Notice of Intent to Award has been posted. The protesting party will have 10 calendars days after the Court receives the protest to submit all required information.



Protest must be sent to:

Andrea K. Wallin-Rohmann  
Clerk/Executive Officer  
Court of Appeal, Third Appellate District  
914 Capitol Mall  
Sacramento, CA 95814  
[3DCA-Info@jud.ca.gov](mailto:3DCA-Info@jud.ca.gov)  
RFP#: 3DCA 21/22-02