

RFP Title: *Scanner Maintenance and Support*

RFP Number: *SC 1901.2022.3*

REQUEST FOR PROPOSALS

***SUPERIOR COURT OF CALIFORNIA, COUNTY OF
ALAMEDA***

REGARDING:

Scanner Maintenance & Support

RFP SC 1901.2022.3

PROPOSALS DUE:

August 4, 2022 NO LATER THAN **3.00 P.M.** PACIFIC TIME

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1.0 BACKGROUND INFORMATION

- 1.1 The Superior Court of California, County of Alameda, “Court” is requesting proposals from qualified Contractors for outsourcing support, maintenance, and supply consumables for the scanners listed on **Attachment 16 – Equipment list**. The Court is seeking one vendor to provide support and maintenance for 34 active Kodak scanners located across nine Court locations in Alameda County.
- 1.2 The Court anticipates awarding one vendor to provide maintenance services with an initial one (1) year period, followed by four (4) one-year term options to extend for a potential five (5) year term in total. The offer for extension is solely decided by the Court and will be offered to the vendor on an annual basis.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Court seeks the service of a person or entity with expertise in providing scanner maintenance and support to the Court’s 34 active Kodak scanners (**Attachment 16**). Contractor must be recognized as an authorized reseller by Kodak Alaris Inc.
- 2.2 **Service Requirement:** Service calls shall be performed during Court business hours of Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding Court holidays.
 - A. For emergency related service repairs, Contractors must be on-site within the next business day from the initial response.
 - B. On-site service calls will not be eligible for travel fees and parking reimbursements. Contractor assumes all cost outside of the service request. The Contractor will need to factor this into their cost and response time.
 - C. Contractor will identify and report technical problems to the Court’s Project Manager as they arise.
 - D. Contractor must provide service history reports to the Project Manager to report exceptions and summary data upon request.
- 2.3 **Preventative Maintenance Services:** Cleaning, inspecting, replacing all worn parts, lubricating, testing, and adjusting to be provided by Contractor on an as needed basis to maintain the equipment in satisfactory operating condition.
 - A. Agreement shall include at least one (1) preventative maintenance call per year per each piece of equipment listed on Attachment 16-Equipment list.
 - B. Contractor to recommend a preventative maintenance service schedule based

on scanner type and volumes.

C. Contractor to provide labor to repair all parts and supplies, including but not limited to glass, bulbs, rollers as part of the Agreement and furnished at no additional charge.

D. Emergency service required and performed during normal business hours is included at no extra charge.

2.4 **Equipment Maintenance Services:** Cleaning, inspecting, replacing all worn parts, lubricating, testing, and adjusting will be provided as required to maintain the equipment in satisfactory operating condition. Contractor inspections will be completed during Court business hours and will be coordinated with the Project Manager. The contractor shall list any parts that are not considered part of this equipment maintenance agreement.

2.5 **Equipment Maintenance Service-Shop Work:** When equipment needs to be taken from the premises for repair or maintenance, the project manager or other authorized person in charge of equipment maintenance must be notified in writing and a receipt must be left for the equipment prior to removal.

2.6 **Equipment Maintenance Service – Parts:** Contractor shall furnish and install all new parts, materials and lubricants which meet or exceed the original equipment manufacturers specifications. Contractor shall maintain a reasonable supply for the parts needed under this agreement and maintain a reasonable supply system for the acquisition of additional parts, either immediately or with minimal delay.

2.7 **Equipment maintenance service standard:** The Contractor agrees to maintain all equipment according to the original equipment manufacturer (OEM) specifications.

2.8 **Accessories:** Additional accessories will not be construed as maintenance or replacement parts or be authorized under this Agreement.

2.9 **Delivery & parking:** Parking fees incurred are at the expense of the Contractor. The Court does not provide validated parking nor guarantee free parking.

2.10 **Vaccination Policy:** Contractor shall provide the Court with any existing company vaccination policy to determine if it is in accordance with the Court's vaccination policy. Should the Contractor not have an existing vaccination policy, the Court will determine if steps are needed to reduce the health and safety risk to the court staff, partner agencies and court customers.

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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.

EVENT	DATE
RFP issued	<i>July 12, 2022</i>
Deadline for questions	<i>July 21, 2022</i>
Questions and answers posted	<i>July 28, 2022</i>
Latest date and time proposal may be submitted	<i>August 4, 2022 at 3:00pm (PDT)</i>
Evaluation of Technical Proposals (<i>estimate only</i>)	<i>August 8-12, 2022</i>
Public opening of cost portion of proposals (<i>estimate only</i>) https://www.zoomgov.com/j/1612492932?pwd=R25mWFV5NDRmUVVIREUreU5LNVJ6d	<i>August 15, 2022 at 11:00pm (PDT)</i>
Notice of Intent to Award (<i>estimate only</i>)	<i>August 17, 2022</i>
Negotiations and execution of contract (<i>estimate only</i>)	<i>August 18, 2022 to August 30, 2022</i>
Contract start date (<i>estimate only</i>)	<i>September 1, 2022</i>
Contract end date (<i>estimate only</i>)	<i>August 31, 2023 With options to extend until August 31, 2027</i>

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	Separate Attachment. These rules govern this solicitation.
Attachment 2: Court General Terms and Conditions – IT Goods and Services	Separate Attachment. On this form, if exceptions are identified, proposers must submit (i) a redlined version of Attachment 2 – Agreement Terms and Conditions and Supplemental Terms and Conditions that clearly track proposed changes to this attachment, (ii) written documentation to substantiate each proposed change and (iii) written explanation to indicate how each proposed change will benefit the Court. If selected, the person or entity submitting a proposal (the “Prospective Bidder”) must sign the Acceptance of Terms and Conditions form (Attachment 3): this Court Standard Form Agreement (the “Terms and Conditions”)
Attachment 3: Prospective Bidder’s Acceptance of Terms and Conditions	<p>Separate Attachment. On this form, the Prospective Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. If selected, the person or entity submitting the proposal must sign the form.</p> <p>If exceptions are identified, the Prospective Bidder must also submit (i) a red-lined version of the Standard Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.</p> <p>Note: A material exception to a Minimum Term will render a proposal non-responsive.</p>
Attachment 4: General Certifications Form	Separate Attachment. The Prospective Bidder must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	Separate Attachment. The Prospective Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Payee Data Record Form	Separate Attachment. This form contains information the Court requires in order to process payments and must be submitted with the proposal.
Attachment 7: Unruh and FEHA Certification	Separate Attachment. The Prospective Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification only for bids over \$100,000.00

Attachment 8: Iran Contracting Act Certification	Separate Attachment. Iran Contracting Act Certification: Only applicable to bids over \$1,000,000.00
Attachment 9: Small Business Declaration	Separate Attachment. The Prospective Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 10: Question and Answer Submission Form	Separate Attachment. Form must be submitted when Prospective Bidder has a question regarding the RFP. Answers will be posted onto the Court's website.
Attachment 11: Bidder Declaration	Separate Attachment. This form should be completed and submitted with proposal if vendor is requesting to participate in the RFP and claim DVBE incentive.
Attachment 12: DVBE Declaration	Separate Attachment. Forms for Prospective Bidder claiming DVBE Declaration.
Attachment 13: Contact Sheet	Separate Attachment. Prospective Bidder's contact information.
Attachment 14: Reference Sheet	Separate Attachment. Prospective Bidder's List of Reference.
Attachment 15: Cost Proposal Pricing Form	Separate Attachment. Prospective Bidder's Cost Proposal required to fulfill the Cost Proposal of the RFP (Ref 8.2 section B).
Attachment 16: Equipment List	Separate Attachment. List of Court's 34 active Kodak scanners.
Attachment 17: RFP Checklist	Separate Attachment. Prospective Bidder's checklist detailing required documents for this RFP.
Attachment 18: Court Locations	Separate Attachment. List of Court Locations.

5.0 PAYMENT INFORMATION

- 5.1 After the Court has accepted Services and/or Work Product, Contractor will send one (1) original correct, itemized invoice for the accepted Services and/or Work Product to "Accounts Payable," at the address shown below. Invoices shall reference the Agreement and Purchase Order Number(s) as applicable.
- 5.2 Invoices are to be submitted monthly in arrears for the services provided.

- 5.3 The Court will process for payment invoices within thirty (30) days of receipt and approval by Court's Project Manager. All invoices must reference contract number and purchase order number.
- 5.4 Court will not pay or reimburse vendor, or their employees, for travel, or any other related, expenses that are requested or required in this RFP.
- 5.5 Any requests made outside of the contract scope of work will be considered a separate purchase order outside of the contract purchase order and will be processed on a separate purchase order.
- 5.6 Vendor must provide written notice to Court of the specific excess charge and obtain Court's consent prior to performing any additional service that would incur an excess charge.
- 5.7 Each monthly billing statement should contain the latest contact phone number to correct or update billing information.
- 5.8 Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective Contractors are hereby advised that the Court payments are made by the State of California, and the State does not make any advance payment for services. Payment will be made based upon completion of tasks as provided for in the agreement between the Court and the selected Service Provider.

6.0 QUESTIONS

Interested parties may submit a request for clarifications, modifications, or questions to the Court using the Question and Answer Submission form, provided in **Attachment 10**. Requests shall be submitted via email to bidquestions@alameda.courts.ca.gov no later than the date specified in the RFP timeline. Please indicate the RFP number (**SC 1901.2022.3**) and title in the subject line of the email. Contact with the Court shall be made only through the email address. Answers will be posted on the Court's website: <https://www.alameda.courts.ca.gov/general-information/contract-opportunities>

7.0 SUBMISSIONS OF PROPOSALS

- 7.1 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.

- 7.2 The Prospective Bidder must submit its proposal in two parts, the Technical Proposal and the cost portion by the date and time listed on the coversheet of this RFP.
- a. The proposals must be emailed to bidquestions@alameda.courts.ca.gov. The subject line of the email must include the RFP title and number.
 - b. The proposal must be signed by an authorized representative of the Prospective Bidder.
- 7.3 Late proposals will not be accepted.
- 7.4 Questions: Interested parties may submit a request for clarification, modifications, or questions to the Court using the Question and Answer Submission Form, provided in **Attachment 10**, Question and Answer Form. Requests shall be submitted via email to bidquestions@alameda.courts.ca.gov no later than the date specified in the RFP timeline. Please indicate the RFP number and title in the subject line of the email. Contact with the Court shall be made only through the email address.
- 7.5 The Court will not accept telephone calls related to the RFP. All communications must be made with the Question and Answer Submission Form.

8.0 PROPOSAL CONTENTS

8.1 Title Page

The first page of the proposal must consist of a title page with the name of the firm, title of the RFP, and date of submission.

8.2 Cover Letter

The Proposal must start with a cover letter address on Prospective Bidder's stationary. A corporate officer or person who is authorized to represent Prospective Bidder must sign this letter on behalf of Prospective Bidder.

- a. The name, title, address, telephone number, e-mail address, and facsimile number of person(s) authorized to make representations for Prospective Bidder during negotiations and commit Prospective Bidder to a contract.
- b. If a corporation, a statement that confirms Prospective Bidder is registered to do business in California and provide its corporate charter number.

8.3 Executive Summary

Provide an Executive Summary of your proposal. The Executive Summary should be a high-level, general overview of how Prospective Bidder intends to accomplish the requirements of this RFP. The Executive Summary should demonstrate the Prospective Bidder's understanding of the requirements. The Executive Summary must also specifically indicate the number of years of experience the Prospective Bidder has in providing the services requested in this RFP and address how Prospective Bidder meets the minimum qualifications listed in section 10.4.

8.4 Technical Proposal

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

- a. Model number's, specifications, or other description of the goods the Prospective Bidder proposes to supply the Court, including warranty information.
- b. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom Prospective Bidder has provided similar goods and services. The Court may check references listed by the Prospective Bidder. Prospective Bidder must specifically indicate how the assignments it deems similar are in fact similar to the services requested in this RFP.
- c. 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.
- d. Work Plan and Methodology

Contractor shall provide a specific, detailed Work Plan and Methodology that describes how the Contractor intends to provide the goods and services requested in this RFP.

Explain, in full detail, how the Contractor will meet all the needs of the Court detailed in the RFP. Contractor should not summarize its services in this section. Rather, explain exactly how the Contractor can meet the Court's needs. If applicable, include items such as technical details and descriptions, key personnel, implementation plans, customer service, timetables, deliverables, ongoing communication with Court, etc.

As part of the Work Plan and Methodology, if applicable, Contractor should respond to the requirements item by item and explain how Contractor can/cannot meet each requirement.

Contractor should demonstrate a clear understanding of the tasks and the potential problems in meeting the requirements. The Contractor should include a statement and discussion of anticipated major difficulties and problem areas, together with potential or recommended approaches for their solution. Contractor's Workplan and Methodology must include a section on customer service. This section must include, but is not limited to:

- i. Organizational structure;
- ii. Contact process (phone, email, fax, etc.);
- iii. Follow up process and turnaround time;
- iv. Internal procedures to track customer service contact and resolution; and,
- v. Escalation process to resolve outstanding customer service issues

e. Acceptance of the Terms and Conditions

- i. On **Attachment 3**, the Prospective Bidder must check the appropriate box and sign the form. If the Prospective Bidder 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 Prospective Bidder 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.

Note: A material exception may render a proposal non-responsive.

f. Certifications, Attachments, and other requirements

- i. The Prospective Bidder must complete the General Certifications Form (**Attachment 4**) and submit the completed form with its proposal.
- ii. The Prospective Bidder must submit with its proposal, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (ii) a

certificate of registration issued under Revenue and Taxation Code section 6226.

- iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- iv. Copies of the Prospective Bidder’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- v. Financial Stability. Prospective Bidder must provide the most recent Profit and Loss Statement.
- vi. The Prospective Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed certification with its bid.
- vii. The Prospective Bidder must complete the Darfur Contracting Act Certification (**Attachment 5**) and submit the completed certification with its proposal.
- viii. The Prospective Bidder must complete the Small Business Declaration (**Attachment 9**) and submitted the completed form if it wishes to claim small business preference associated with this solicitation.
- ix. The Prospective Bidder must complete the Bidder DVBE Declaration Form (**Attachment 11**) and submit the completed form with its proposal if it is requesting to participate in the RFP and claim DVBE incentive.
- x. Prospective Bidder must complete the DVBE Declaration (**Attachment 12**) and submit the completed form with its proposal if it is declaring DVBE participation.

- xi. Prospective Bidder must complete (**Attachment 13**), Contact Sheet, and submit with the proposal.
- xii. Prospective Bidder must complete (**Attachment 14**), Reference List, and submit with the proposal.
- xiii. (**Attachment 17**), RFP Checklist, for Prospective Bidders reference only

9.0 OFFER PERIOD

A Prospective Bidder'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.

10.0 EVALUATION OF PROPOSALS

The cost proposals will be publicly opened at the date and time noted in Section 3.0 at the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Court will not make an award to a bidder with a technical score less than 75% of the overall technical score.

- 10.1 Evaluation Committee. The Court will conduct a comprehensive and impartial evaluation of proposals received in response to this RFP. All proposals received from Contractors will be reviewed and evaluated by a committee of qualified personnel ("Evaluation Committee"). The name, units, or experience of the individual members will not be made available to any Contractor.
- 10.2 Evaluation of Cost Sheets/Cost Proposal. Cost sheets, cost proposals, and/or submitted quotes, may be reviewed only if a proposal is determined to be otherwise qualified. Where more than one line item is specified in the solicitation, the Court reserves the right to determine the highest evaluated Contractor, either on the basis of individual items, combination of items as specified in the solicitation, or on the basis of all items included in the solicitation, unless otherwise expressly provide.
- 10.3 Requests for Additional Information. The Court reserves the right to seek clarification on additional information from any Contractor throughout the solicitation process. The Court may require a Contractor's representative to answer questions during the evaluation process with regard to the Contractor's proposal. Failure of a Contractor to demonstrate that the claims made in its

proposal are in fact true may be sufficient cause for deeming a proposal nonresponsive.

- 10.4 **Minimum Qualifications.** To be considered for full evaluation and possible reward, Contractors must meet the threshold minimum qualification requirements listed in the following table (minimum requirements can be met by combining experience, expertise, and resources of Contractor and any proposed Subcontractors).

No.	Minimum Qualification
1	Five (5) or more years of experience providing quotes for government entities, public sector clients. Such services to be the same or substantially similar to those described in description of Goods and/or Services (Scope of Work). Contractor's proposal shall include the contact information, contract value, duration and time frame and must identify the agency if a government entity.
2	Contractor shall not be currently under suspension or debarment by any state or federal government agency and Contractor shall not be tax delinquent with the State of California or Federal Government (reference Additional Document, "Bidder/Prospective Bidder Submissions Forms & Certifications").
3	Contractor must hold any/all required licenses and permits to conduct business in the State of California, County of Alameda and, if a corporation, must be in good standing with the State of California.
4	Contractor must meet insurance requirements or show proof of ability to meet the requirements of such coverage, as set forth in Attachment 2 , Terms and Conditions.
5	Contractor shall certify that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities. (Reference Additional Document, "Bidder/Prospective Bidder Submission Forms & Certifications").
6	Pursuant to Public Contract Code (PCC) section 2204, an Iran Contract Act certification is required for solicitations of goods or services of \$1,000,000 or more. Contractor must complete the Iran Contracting Act Certification and submit the completed certification with its proposal as applicable. (Reference Additional Document, "Iran Contracting Act Certification Form").
7	Pursuant to Public Contract Code (PCC) section 2010, an Unruh Civil Rights Act certification is required for solicitations of goods or services of \$100,000 or more. Contractor must complete the Unruh Civil Rights Act Certification and submit the completed certification with its proposal as applicable. (Reference Additional Document, "Unruh Civil Rights Act Certification Form").

The Contractor must state specifically in its Executive Summary how it meets/complies with or will meet/comply with each minimum qualification specified above. Subject to the Court's right in its complete discretion to waive minor deviations or defects, only

those proposals that meet all of the foregoing minimum qualifications may be considered for a full evaluation and a possible contract award.

10.5 Evaluation Criteria.

If the contract will be awarded, the Court will post an intent to award notice at <http://www.alameda.courts.ca.gov/Pages.aspx/Contract-Opportunities>.

CRITERION	MAXIMUM NUMBER OF POINTS
Cost/Pricing factors. Cost/Price must be inclusive. At no time after submission of its proposal will Contractor increases be considered for any reason.	40
Technical Proposal. Contractor will be rated on the quality of the Work Plan and Methodology submitted in the Proposal, including Contractor's commitment to high quality customer service, and Contractor's ability meet the service level requirements.	20
Financial viability and stability. Contractor will be rated on its financial viability and stability.	5
Acceptance of the Terms and Conditions. Contractor will be rated on its acceptance of the Court's Terms and Conditions provided in Attachment 2 . <u>Note:</u> If Contractor does not take exception to any specific term, provision, or condition, Contractor shall be deemed to have accepted Attachment 2, Terms and Conditions, "as is."	10
Experience. Contractor will be rated on quality of the services requested in this RFP, including experience in similar assignments and credentials of staff to be assigned to the project.	25
DVBE Incentive. Contractor's that qualify for the DVBE incentive will receive the additional DVBE Incentive points.	3

Although some factors may be weighted more than others, all are considered necessary, and a proposal must be technically acceptable in each area to be eligible for award. With regards to cost, the Court reserves the right, in its sole discretion, to reject any proposal whose price is outside the competitive range.

11.0 INTERVIEWS

The Court may conduct interviews with Prospective Bidders 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 Prospective Bidder for any costs incurred in traveling to or from the interview location. The Court will notify eligible Prospective Bidder regarding interview arrangements.

12.0 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 Prospective Bidder's 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 Prospective Bidder's 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. Prospective Bidder are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

13.0 DISABLED VETERAN BUSINESS ENTERPRISE 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. Prospective Bidder's will receive a DVBE incentive if, in the Court's sole determination, Prospective Bidder's has met all applicable requirements. If Prospective Bidder's receives the DVBE incentive, a number of points will be added to the score assigned to Prospective Bidder's proposal. The number of points that will be added is specified in Section 10.0 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. Prospective Bidder may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Prospective Bidder wishes to seek the DVBE incentive:

1. Prospective Bidder must complete and submit with its proposal the Bidder Declaration (**Attachment 11**). Prospective Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Prospective Bidder must submit with its proposal a DVBE Declaration (**Attachment 12**) completed and signed by each DVBE that will provide goods

and/or services in connection with the contract. If Prospective Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Prospective Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Prospective Bidder 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 Prospective Bidder 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 Prospective Bidder not receiving the DVBE Incentive.

14.0 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 Court's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Prospective Bidder's will receive a small business preference if, in the Court's sole determination, the Prospective Bidder's has met all applicable requirements. If the Prospective Bidder's 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 Prospective Bidder 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 Prospective Bidder wishes to seek the small business preference, the Prospective Bidder must complete and submit with its proposal the Small Business Declaration (**Attachment 9**). The Prospective Bidder 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 Prospective Bidder's not receiving the small business preference. In addition, the Court may request additional written clarifying information. Failure to provide this information as requested will result in the Prospective Bidder's not receiving the small business preference.

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

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

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). Failure of a Prospective Bidder 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 proposal due date. Protests must be sent to the Court address listed below via certified mail including signature required upon delivery. Personal and hand delivery Protests will not be accepted.

Superior Court of California, County of Alameda
Finance and Facilities Division
Attention: Melanie Lewis, Finance Director
RFP No. SC 1901.2022.3
1225 Fallon Street, Room 210
Oakland, CA 94612

The deadline to submit an Award Protest is five (5) business days after the Court posts the intent to award. Protests must be sent to the Court address listed below via certified mail including signature required upon delivery. Personal and hand delivery of Award Protests will not be accepted.

Superior Court of California, County of Alameda
Finance and Facilities Division
Attention: Melanie Lewis, Finance Director
RFP No. SC 1901.2022.3
1225 Fallon Street, Room 210
Oakland, CA 94612