



Judicial Council of California
Administrative Office of the Courts

Finance Division
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Finance Division

TO: POTENTIAL BIDDERS

FROM: Administrative Office of the Courts
Information Services Division

DATE: November 26, 2003

SUBJECT/PURPOSE OF MEMO: REQUEST FOR PROPOSALS
PROVIDE OFFSITE COMPUTER MEDIA STORAGE

ACTION REQUIRED: You are invited to review and respond to the attached Request for Proposals (“RFP”):

Project Title: Offsite Data Storage
RFP Number: 103103

DEADLINE: **Proposals must be received by 5 p.m. on December 11, 2003**

SUBMISSION OF PROPOSAL: Proposals should be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden
455 Golden Gate Avenue
San Francisco, CA 94102

CONTACT FOR FURTHER INFORMATION:

NAME:	TEL:	FAX:	E-MAIL:
Maria Hawkey	415-865-7462	415-865-7496	maria.hawkey@jud.ca.gov

1.0 GENERAL INFORMATION

1.1 Background

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 Information Services Division

The division is directly responsible for the development, acquisition, implementation, and support of automated systems in the appellate courts and the AOC. The Information Services Division provides all hardware and software required by the appellate courts and the AOC.

2.0 PURPOSE OF THIS RFP

The AOC seeks to identify and retain a qualified service provider who is able to provide specialized services to the Judicial Council of California. Services will include weekly pick up and offsite storage of computer media. The off site storage must be outside the San Francisco Bay Area. Emergency courier service of media stored offsite must be available.

This RFP is the means for prospective service providers to submit their qualifications to the AOC and request selection as a service provider.

3.0 SCOPE OF SERVICES

3.1. Services are expected to be performed by the service provider between January 1, 2004 and December 31, 2004, with possible options to renew for up to two 1-year options, not to exceed a total contract period of three (3) years.

3.2. Services:

- a. Emergency retrieval within eight hours, twenty-four hours a day, 365 days a year
- b. Data products available for immediate delivery

- c. Move the following containers from current Sacramento facility to your facility (one time):
 - 13 multi utility (medium/small)
 - 29 8MM
 - 1 CD ROM
 - 30 Round Reel
 - 41 multi utility (small/extra small)
 - 1 Pendaflex
- d. Weekly service will include handling and transport of multi-utility containers from and to our San Francisco facility
- e. Storage of the following containers (per month):
 - 13 multi utility (medium/small)
 - 29 8mm (capacity 40)
 - 1 CD ROM
 - 30 round reels
 - 41 multi utility (small/extra small)
 - 1 Pendaflex
- f. Access to customer data controlled through the issuance of special identification cards
- g. Vendor must maintain flexibility and agree to adjust pick-up and delivery schedule in accordance with state holidays.

3.3 The facility:

- a. 6-sided concrete, steel reinforced, earthquake resistant vault construction
- b. Automated non-water fire suppression system
- c. Temperature and humidity monitoring
- d. Automatically transferred back-up power
- e. Monitoring of security, alarm and fire detection systems
- f. On-line, card key access systems for all doors
- g. Electronic gate entry to inside loading/unloading area

3.4 The vehicles:

- a. Specifically equipped, alarmed, unmarked service vehicles
- b. Air conditioned cab and cargo areas
- c. Alarm-equipped cab and cargo areas
- d. Mobile radio and cellular communications
- e. Customer data is housed in 22-gauge steel, locked containers
- f. Portable HALON fire extinguishers

4.0 SPECIFICS OF A RESPONSIVE PROPOSAL

The following information shall be included in the proposal:

- 4.1 Name, address, telephone and fax numbers, and social security number or federal tax identification number.
- 4.2 Three copies of the proposal signed by an authorized representative of the service provider, including name, title, address, and telephone number of one individual who is the responder's designated representative.
- 4.3 Describe key staff's knowledge of the requirements necessary to complete this project.
- 4.4 Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the service provider has conducted similar services. The AOC may check references listed by the consultant.
- 4.5 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.

5.0 FEE PROPOSAL

The proposal should include the service provider's proposed fee schedule. It is expected that all service providers responding to this RFP will offer the service provider's

government or comparable favorable rates. The anticipated contract will be on a cost reimbursement basis with an annual range of \$20,000 to \$25,000 to be billed monthly.

6.0 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.

Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery.

7.0 PROJECT MANAGEMENT

The Project Manager for this RFP process is:

Maria Hawkey
Information Services Division
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660
415-865-7462
415-865-7496
maria.hawkey@jud.ca.gov

8.0 EVALUATION OF PROPOSALS

Proposals will be evaluated by the AOC using the following criteria:

- a. Quality of work plan submitted
- b. Level of proposed service
- c. Experience on similar assignments
- d. Reasonableness of Fee proposal
- e. Ability to provide timely service

9.0 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.

10.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

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. Generally, the terms of the contract will include, but are not limited to: (1) completion of the project within the timeframe provided; (2) no additional work authorized without prior approval; (3) no payment without prior approval; (4) funding availability subject to Legislature; (5) termination of contract under certain conditions; (6) indemnification of the State; (7) approval by the State of any subcontractors; (8) national labor relations board, drug-free workplace, nondiscrimination, and ADA requirements; and (9) minimum appropriate insurance requirements.

Incorporated in this RFP, and attached as Attachment A, is a document entitled "Administrative Rules Governing Requests for Proposals service providers shall follow these rules in preparation of their proposals.

**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 30 days following the deadline for its submission.
2. A nondiscrimination clause will be included in any contract that ensues from this solicitation document.
3. In addition to explaining the State'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 State with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the State may modify the solicitation document prior to the date fixed for submission of proposals by issuing an addendum to all vendors to whom the solicitation document was sent.
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 State 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. 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 State 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. If the State 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.

2. 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 **Grant Walker** at the Administrative Office of the Courts by **5:00 p.m. on December 8, 2003**

D. Addenda

1. The State may modify the solicitation document prior to the date fixed for submission of proposals by faxing an addendum to the vendors to whom the solicitation document was sent. If any vendor determines that an addendum unnecessarily restricts its ability to bid, it must notify **Grant Walker** at the Administrative Office of the Courts 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 State in writing of its withdrawal. The notice must be signed by the vendor. The vendor may thereafter submit a new or modified proposal, provided that it is received at the Administrative Office of the Courts no later than **5:00 p.m. and December 11, 2003**. Modification offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after **5:00 p.m. and December 11, 2003**.

F. Evaluation process

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
2. 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 State'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 State 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 State may reject any or all proposals and may or may not waive an immaterial deviation or defect in a bid. The State'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 government.

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 State.
2. The State 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 State's award of any business on the basis of proposals submitted in response to this solicitation document, or on any

related matter, should be addressed to **Grant Walker, Business Services Manager, Administrative Office of the Courts 455 Golden Gate Ave. San Francisco, CA 94102**

J. Execution of contracts

1. The State will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a proposal that best meets its requirements.
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. The Administrative Office of the Courts intends to be completely open and fair to all vendors in selecting the best possible system within budgetary and other constraints described in the solicitation document. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.
2. A vendor submitting a proposal may protest the award if it meets all the following conditions:
 - a. the vendor has submitted a proposal which it believes to be responsive to the solicitation document;
 - b. the vendor believes that its proposal meets the state's administrative requirements and technical requirements, proposes items of proven quality and performance, and offers a competitive cost to the State; and
 - c. the vendor believes that the State has incorrectly selected another vendor submitting a proposal for an award.
3. A vendor submitting a proposal who is qualified to protest should contact the Contract Officer at the Administrative Office of the Courts at the address given below or call him at 415-865-7989.

Stephen Saddler
Contracts Officer
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

4. If the Contract Officer is unable to resolve the protest to the vendor's satisfaction, the vendor should file a written protest within five working

days of the contract award notification. The written protest must state the facts surrounding the issue and the reasons the vendor believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Grant Walker
Business Services Manager
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

A receipt should be requested for hand-delivered material.

L. News releases

1. News releases pertaining to the award of a contract may not be made without prior written approval of the Director of the Administrative Office of the Courts.

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 State'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. However, any confidential material submitted by a vendor that was clearly marked as such will be returned upon request.

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 as provide in the agreement between the State and the selected vendor. The State may withhold ten percent of each invoice until receipt of the final product. The amount of the withhold may depend upon the length of the project and the payment schedule provide in the agreement between the State and the selected vendor.