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|  | REQUEST FOR PROPOSALS |
| ***Sierra COUNTY Superior court***  **revision no. 1**  **revised april 23, 2021**  **Regarding:** *RFP TITLE: Information Technology Services*  *RFP NUMBER: 46042021*  **PROPOSALS DUE:**  May 19, 2021, no later than 3:00p.m. (PDT) |

**1.0 BACKGROUND INFORMATION**

The Superior Court of California, County of Sierra (“Judicial Branch Entity” or “JBE”) is seeking

Proposals from a qualified person or entity with expertise in small business, full service

Information Technology Services. These services will include on-site and off-site

consulting and managed services. The JBE anticipates awarding one contract for an initial one-

year term, with five consecutive one-year options for a potential maximum of six years. Each of

the five option terms may be exercised at the JBE’s sole discretion.

**2.0 DESCRIPTION OF SERVICES**

The Proposer must be able to provide the following services (Services):

1. Work is to be performed both on-site and/or off-site, depending upon the service needed.
2. Be able to connect off-site to provide services that can be performed off-site.
3. Be able to travel to the JBE in Downieville, California to be on-site as needed.
4. Provide required deliverables which include reports summarizing the Contractor’s findings, to include status reports if/when a task will require more than 72 hours to complete or when a project is detailed and lengthy.
5. Ability to properly install hardware, software and peripherals as needed by the JBE. The JBE will provide and pay for any hardware, software and peripherals requested by the Contractor to perform the Services and which the JBE agrees is necessary to perform the Services.
6. Ability to properly maintain and upgrade operating systems and database platforms as necessary for new versions and releases.
7. Organize, modify, implement, and maintain systems software required to support network and the associated infrastructure.
8. Perform quarterly software, operating systems and antivirus updates.
9. Ensure continued compliance with applicable laws and recommendations from the Judicial Council of California.
10. Provide support for hardware and general software programs used by the JBE; maintain and troubleshoot desktop computers, laptops, mobile devices, printers, audio/visual systems, network connectivity and related peripherals.
11. Provide JBE with a dedicated online help desk ticketing system.
12. Manage server applications and complete the installation process for new programs; install and test hardware/software on workstations and servers.
13. Provides regular onboarding “health” check-ups for all systems and equipment.
14. Compile statistics on network, hardware, and software performances, including general monitoring and reactive investigation as needed; test new technology and keep current on latest technology trends.
15. Ability to perform related administrative tasks; prepare budget information for potential upgrades and new program purchases; create and maintain delivery reports; maintain program inventory information.
16. Manage software subscription inventory and renewals; maintain a detailed equipment inventory of all JBE owned devices.
17. Provide and manage cloud services.
18. Assist JBE with proper backups, restores, and disaster recovery strategies.
19. Provide job aids at the request of the JBE to JBE staff.
20. Provide the Services within the Response Period and Resolution Period described in

Table 1, Performance Timelines below.

1. Be available to perform the Services within the standard maintenance and support hours, Monday through Friday 8 a.m. until 5 p.m., Pacific Time.

**Table 1. Performance Timelines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Severity Level | Description | Resolution Hours | Response Period | Resolution Period |
| Severity Level 1 | Severity Level 1 defect exists if:   1. A critical component of a service, deliverable, licensed software or other item of work has stopped, or is so severely impacted that the work or component cannot reasonably continue to operate, or the JBE or user is prevented from performing a task critical to the normal operation of the JBE and there is no workaround available for the foregoing, or 2. Data is corrupted or data integrity issues related to security or confidentiality leads to noncompliance with legal requirements or regulations. | Standard maintenance and support hours | 30 minutes; Contractor shall advise the Court if Contractor is unable to respond within this time period | 2 hours |
| Severity Level 2 | Severity Level 2 defect exists if:   1. A critical component of a service, deliverable, licensed software, or other item of work is unavailable or will not work but a workaround is available; or 2. A noncritical component of a service, deliverable, licensed software or other item of work is unavailable or will not work and there is no workaround. | Standard maintenance and support hours | 30 minutes;  Contractor shall advise the Court if Contractor is unable to respond within this time period | One business day |
| Severity Level 3 | Severity Level 3 defect exists if the noncritical component result is not as expected but a workaround for the item of work is available and there is no significant impact to the end user | Standard maintenance and support hours | 2 hours;  Contractor shall advise the Court if Contractor is unable to respond within this time period | 120 hours |
| Severity Level 4 | All defects other than Severity Level 1 defects, Severity Level 2 defects and Severity Level 3 defects (e.g., minor or cosmetic defects). Workarounds are available. | Standard maintenance and support Hours | 2 hours;  Contractor shall advise the Court if Contractor is unable to respond within this time period | 30 days |

**3.0 TIMELINE FOR THIS RFP**

The JBE has developed the following list of key events related to this RFP. All times correspond to the Pacific Time Zone and all times and dates are subject to change at the discretion of the JBE.

**3.1 Proposed Procurement Schedule**

| **EVENT** | **DATE** |
| --- | --- |
| RFP issued**:** | April 12, 2021 |
| Deadline for questions submitted to [TCSolicitation@jud.ca.gov](mailto:TCSolicitation@jud.ca.gov) | May 3, 2021, no later than 3:00 p.m. (PDT) |
| Questions and answers posted at [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov) | May 7, 2021 |
| **Proposal due date and time** | May 19, 2021, no later than 3:00 p.m. (PDT) |
| Anticipated interview dates (*estimate only*) | May 26, 2021 |
| Evaluation of proposals (*estimate only*) | May 28, 2021 |
| Technical scores posted at [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov) (*estimate only*) | June 7, 2021 |
| Virtual public cost proposal opening via WebEx using the following URL, meeting number and password:  **URL**:  [https://calcourts.webex.com/calcourts/j.php?MTID=mb6d4e895718b90c573639185bd9176d](https://calcourts.webex.com/calcourts/j.php?MTID=mb6d4e895718b90c573639a185bd9176d)  **Meeting number**:  145 136 6613  **Password**:  m3TPkPi5GT5  **Conference call telephone number:**  1-877-820-7831  **Conference call passcode:**  652386 | June 9, 2021 at 2:00PM (PDT) |
| Notice of Intent to Award (*estimate only*) | June 14, 2021 |
| Negotiations and execution of contract (*estimate only*) | June 18, 2021 |
| Contract start date (*estimate only*) | June 21, 2021 |
| Contract end date (*estimate only*) | June 20, 2022 |

**3.2 Nonexclusive**

Any contract awarded as a result of this RFP is nonexclusive. The JBE may have other contracts for the same or similar services, and the JBE reserves the right to provide or have others provide the same or similar services.

**4.0 RFP ATTACHMENTS**

The following attachments and exhibits are included as part of this RFP:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services): | These rules govern this solicitation. |
| Attachment 2: JBE Standard Terms and Conditions | If awarded the contract, the person or entity submitting a proposal (the “Proposer”) must sign this Judicial Branch Entity (JBE) Standard Form agreement. |
| Attachment 3: Proposer’s Acceptance of Terms and Conditions | On this form the Proposer must indicate acceptance of the Terms and Conditions found in the Standard Form agreement or identify exceptions to the Terms and Conditions and submit the completed form with its proposal. |
| Attachment 4: General Certifications Form | The Proposer must complete the General Certifications Form and submit the completed form with its proposal. |
| Attachment 5: Small Business Declaration | The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation and submit the completed form with its proposal. |
| Attachment 6: Payee Data Record Form | This form contains information the JBE requires in order to process payments and the Proposer must submit the completed form with its proposal. |
| Attachment 7:  Darfur Contracting Act Certification | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 8:  Unruh Civil Rights and FEHA Certification | The Proposer must complete the Unruh Civil Rights and FEHA Certification and submit the completed certification with its proposal. |
| Attachment 9:  Bidder Declaration | The Proposer must complete the Bidder Declaration and submit the completed form only if the Proposer wishes to claim the DVBE incentive associated with this RFP. |
| Attachment 10:  DVBE Declaration | The Proposer must complete the DVBE Declaration and submit the completed form only if the Proposer wishes to claim the DVBE incentive associated with this RFP. **NOTE**: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS. |
| Attachments 3-10 must be signed by an authorized representative of the Proposer. | |
| Exhibit 1:  Cost Proposal Form | The Proposer must complete and submit the Cost Proposal Form with its proposal. |
| Exhibit 2:  Proposer Response Template | The Proposer must complete and submit the Proposer Response Template with its proposal. |

**5.0 PAYMENT INFORMATION**

**5.1** The JBE does not pre-pay for any goods and services.

**5.2** The vendor will be paid at a fixed monthly rate to perform the Services described in RFP section 2.0 and at an hourly rate for any travel time to perform the Services described in RFP section 2.0.

**5.3** The method of payment to the contractor will be monthly in arrears, upon presentation of each invoice for any work completed.

**5.4** For services performed and accepted, the vendor shall submit a monthly invoice to the JBE which will be paid within 30 days of the date of invoice.

**5.5** All fees and charges proposed shall be inclusive of any and all anticipated clerical support, materials, fees, overhead, profits and other costs and/or expenses incidental to the performance of the specified requirements of this RFP. Travel expense shall be limited to roundtrip mileage to and from the JBE’s facility at 100 Courthouse Square #200, Downieville, California, based on the Proposers address of business, at the IRS mandated rate in effect on the date of service.

**6.0 SUBMISSIONS OF PROPOSALS**

**6.1 Proposal Structure**

Proposers should respond to every section of this RFP, all attachments and all exhibits. Proposers may download the original RFP documents from the JBE website [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov). These documents will be available in whole as the RFP and individually for your review and use.

A Proposer Response Template has been included (Exhibit 2) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 7.0, Non-Cost Proposal Contents, 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 Proposal Copies**

The Proposer **must** submit its proposal electronically in two parts, the **non-cost portion** and the **cost portion**, no later than the due date and time per Section 3.1, Proposed Procurement Schedule, in this RFP. See special notes regarding the cost portion opening details in Section 10.2 of this RFP.

1. **Non-Cost Portion of the Proposal**: The **non-cost portion** electronic files must be in searchable PDF, Word or Excel formats. An electronic signature by an authorized representative of the proposer must be included. Electronic signatures may be digital or a scanned image of a handwritten signature that is attached to an electronic document and delivered by electronic means. All electronic signatures shall comply with California Civil Code, title 2.5, sections 1633.1-1633.17 (Uniform Electronic Transactions Act), title 2, sections 22000-22005, and Government Code 16.5. The Proposer must submit the **non-cost portion** to [TCSolicitation@jud.ca.gov](mailto:TCSolicitation@jud.ca.gov).
2. **Cost Portion of the Proposal**: The **cost portion** electronic files must be in searchable PDF or Word format. The Proposer must submit the **cost portion** to [Sierra-Cost-Proposals@jud.ca.gov](mailto:Sierra-Cost-Proposals@jud.ca.gov).

**6.3 Late Proposals**

Late proposals will not be accepted.

**7.0 NON-COST PROPOSAL CONTENTS**

The following information must be included in the **non-cost portion** of the proposal (Exhibit 2). A proposal lacking any of the following information may be deemed non-responsive.

**7.1 Proposer Information**

*(Please respond in Exhibit 2, Section 1.0)*

1. 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.
2. The name, title, address, telephone number, and email address of the individual who will act as a Proposer’s designated representative for purposes of this RFP.

**7.2 Company Overview and Financial Information**

*(Please respond in Exhibit 2, Section 2.0 and 3.0)*

1. Company name, headquarters location, date founded, ownership (private/public, joint venture, etc.), organization structure, number of years providing information technology services and total number of employees.
2. Audited financial statements for the last three years together with a current certification made by the chief financial officer stating that statements are current, accurate and complete with the exception of any materials adverse changes specifically described that have occurred in the status and/or prospects of Proposer since the effective date of the most recent financial statements.

**7.3 Business Disputes**

*(Please respond in Exhibit 2, Section 4.0)*

Provide details of any disciplinary actions or other administrative action taken by any jurisdiction or person against Proposer. List and summarize all judicial or administrative proceedings involving your sourcing activities, claims of unlawful employment discrimination, and antitrust suits in which you have been a party within the last five years. If Proposer is a subsidiary, submit information for all parent companies. If the Proposer uses subcontractors, associated companies, and consultants that will be involved in any phase of this Agreement, include pertinent subcontractor information.

**7.4 Overview of Proposer’s Qualifications**

**7.4.1 Résumés**

*(Please respond in Exhibit 2, Section 5.1)*

For each key staff member: a résumé of key staff members as outlined in Exhibit

2, Proposer Response Template, describing the individual’s education and

experience, as well as the individual’s ability and experience related to the

services described in RFP section 2.0.

**7.4.2 Capabilities**

*(Please respond in Exhibit 2, Section 5.2)*

Discuss the Proposer’s ability to:

a. Provide reports, as requested by the JBE, which evaluate the performance of the JBE’s computer network and system.

b. Provide the services described in RFP Section 2.0 within the Response Periods and Resolution Periods set forth in Table 1, Performance Timelines in RFP Section 2.0

**7.4.3 Certifications**

*(Please respond in Exhibit 2, Section 5.3)*

Proposer must provide a description of any certifications and honors that Proposer has received that are related to the requested services.

**7.4.4 References**

*(Please respond in Exhibit 2, Section 5.4)*

Names, addresses, and telephone numbers of a minimum of three customers for whom the Proposer has provided similar goods and services.

**7.5 Acceptance of Terms and Conditions.**

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.

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.

The JBE prefers Proposers that will accept the Terms and Conditions

without exceptions. Proposer’s Acceptance of Terms and Conditions (Attachment 3),

including the Standard Form agreement in Attachment 2, shall be an affirmative factor in

the evaluation of the Proposal. By contrast, significant exceptions to the Terms

and Conditions shall be a negative factor in the evaluation.

**Note: A material exception to any language in Attachment 2, JBE Standard Terms and Conditions will render a proposal non-responsive.**

**7.6 Certifications, Attachments and Other Requirements.**

1. *Proof of Good Standing.* 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 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.
2. *Business License.* Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications or other credentials.
3. *Certificate of Insurance.* Copy of the Proposer’s Certificate of Insurance.
4. *General Certifications.* Proposer must complete and submit the General Certifications Form (Attachment 4).
5. *Small Business Declaration.* Proposer must complete and submit the Small Business Declaration (Attachment 5) only if it wishes to claim the small business preference associated with this solicitation.
6. *Payee Data Record.* Proposer must complete and submit the Payee Data Record Form (Attachment 6).
7. *Darfur Contracting Act Certification.* Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 7).
8. *Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.*  Proposer must complete and provide the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8).
9. *Bidder Declaration.* Proposer must complete and provide the Bidder Declaration (Attachment 9).
10. *DVBE Declaration.* Proposer must complete and provide the DVBE Declaration (Attachment 10). **NOTE**: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

**8.0 COST PROPOSAL CONTENTS**

The Proposers shall complete the Cost Proposal Form (Exhibit 1) accurately and completely.

**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.

**9.0 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 JBE reserves the right to negotiate extensions to this period.

**10.0 EVALUATION OF PROPOSALS**

The cost portion of proposals will be publicly opened via WebEx at the date and time noted in RFP Section 3.1.

The JBE will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. An award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the JBE will post an Intent to Award notice at [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov).

| **Category** | **Factors** | **Total  Possible Points** |
| --- | --- | --- |
| Cost | Overall cost based on the fee structure described in the cost proposal (Exhibit 1) | 50 |
| Organizational capability | Evaluation of the Proposer’s ability, based on its organizational structure, to meet the requirements set forth in RFP Section 2.0 | 10 |
| Performance monitoring plans and procedures | Evaluation of Proposer’s ability to provide reports regarding the performance of the JBE’s computer network and system. | 10 |
| Ability to delivery services on time | Degree to which Proposer can provide the services described in RFP Section 2.0 within the Response Periods and Resolution Periods set forth in Table 1, Performance Timelines in RFP Section 2.0 | 10 |
| Experience on similar assignments | Degree to which the Proposer has performed work similar to the requirements set forth in RFP Section 2.0 | 5 |
| Credentials of staff to be assigned to the project | Degree to which the Proposer’s staff has the necessary qualifications to perform the services set forth in RFP Section 2.0 | 5 |
| Acceptance of Terms and Conditions | Level of Proposer’s acceptance of Terms and Conditions (Attachment 3) | 5 |
| DVBE Incentive | DVBE incentive points | 3 |
| References | Evaluation of the Proposer from current and/or past clients | 2 |

**10.1 Non-Cost Portion**

At the time proposals are opened, each proposal will be checked for the presence or

absence of the required proposal contents. The scores for the non-cost portion of the

responsive proposals will be posted on the date listed in RFP section 3.1 on the JBE website at [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov)*.*

**10.2 Cost Portion**

Following the publication of the **Non-Cost Portion** scores, the **Cost Portions** will be opened. The **Cost Portion** of the proposals will take place via WebEx; see section 3.1 above for the time and date of the cost proposal opening and the WebEx meeting information. The cost portion will only be opened and evaluated if the Proposer’s non-cost portion is determined to be responsive.

Proposals containing false or misleading statements may be rejected if, in the opinion of the JBE, the information was intended to mislead the JBE regarding a requirement of the solicitation document.

If a contract is awarded, the JBE will post notice of an Intent to Award at [www.sierra.courts.ca.gov](http://www.sierra.courts.ca.gov).

**11.0 INTERVIEWS**

The JBE 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 interviews will be conducted by phone. The JBE will notify eligible Proposers 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 JBE 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 JBE’s right to disclose information in the proposal, or (b) requiring the JBE 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.

**13.0 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 JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’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 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, 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 10) 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 JBE 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 JBE’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 JBE 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 MISREPREPRETATION 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.**

**14.0 SMALL business preference**

**14.1 Small Business Participation Not Mandatory**

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

**14.2 Small Business Enterprise (SBE) Incentive**

Eligibility for and application of the small business preference is governed by the JBE’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 JBE’s sole determination, the Proposer has met all applicable requirements. If the Proposer 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.

**14.3 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.

**14.4 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 5). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

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

**14.6 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 MISREPREPRETATION 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*](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). however, in light of the state of emergency related to the COVID-19 pandemic, electronic submissions will be permitted. Failure of a Proposer to comply with the protest procedures set forth in that chapter, with the exception of being permitted to submit a protest electronically, will render a protest inadequate and nonresponsive and will result in rejection of the protest.

The deadline for the JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent electronically to: [TCSolicitation@jud.ca.gov](mailto:TCSolicitation@jud.ca.gov).