

REQUEST FOR PROPOSALS

*SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO*

**REGARDING:**

RFP 21-19 Cohesity Data Protect and Unlimited Archive

**PROPOSALS DUE:**

**May 24, 2021** NO LATER THAN **11:00 A.M.** PACIFIC TIME

1. **BACKGROUND INFORMATION**

The Superior Court of California, County of San Bernardino (“Court”) is seeking proposals from qualified Cohesity Value Added Resellers (hereinafter referred to as “Bidder” or “Bidders”) with expertise in providing Cohesity Backup Solutions.

The type of award anticipated is one-time lump sum payment. A copy of this solicitation will be posted on the following websites: [*https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx*](https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx)and [*http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx*](http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx).

1. **DESCRIPTION OF GOODS AND/OR SERVICES**

See Exhibit A: Bidder’s Cost Worksheet.

1. **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**:** | May 10, 2021 |
| Deadline for questions | May 13, 2021  *3:00 PM Pacific Time* |
| Questions and answers posted | May 17, 2021 |
| **Latest date and time proposal may be submitted** | **May 24, 2021**  ***11:00 AM Pacific Time*** |
| Anticipated interview dates, if required (*estimate only*) | Week of  May 24, 2021 |
| Evaluation of non-cost portion of proposals (*estimate only*) | Week of  May 24, 2021 |
| Public opening of cost proposals | June 1, 2021  *11:00 AM Pacific Time* |
| Notice of Intent to Award (*estimate only*) | June 2, 2021 |
| Negotiations and issuance of purchase order (*estimate only*) | June 9, 2021 |

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1. **RFP ATTACHMENTS**

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1 - Administrative Rules RFQs-IFBs-RFPs | These rules govern this solicitation. **Please read carefully.** |
| Attachment 2 – Purchase Order Terms and Conditions | If selected, the person or entity submitting a proposal must accept a purchase order containing these terms and conditions. |
| Attachment 3 – Acceptance of Terms and Conditions | Form to indicate Bidder’s acceptance of the terms and conditions. |
| Attachment 4 – General Certifications Form | Form to indicate Bidder’s agreement on required general certifications. |
| Attachment 5 – Good Standing Form | Form to indicate Bidder’s good standing. |
| Attachment 6 – Darfur Contracting Act Certification | Form for Bidder to certify Darfur Contracting Act status. |
| Attachment 7 – Small Business Declaration | Form for Bidder to claim the small business preference associated with this solicitation. |
| Attachment 8 – Unruh Civil Rights Act and California Fair Employment and Housing Act Certification | Form for Bidder to certify Unruh Civil Rights Act and California Fair Employment and Housing Act compliance. |
| Attachment 9 - Postconsumer-Content Certification | Form for Bidder to certify recycled content of goods to be provided. |
| Exhibit A: Bidder’s Cost Worksheet | Excel worksheet for Bidder to enter its cost proposal. |

1. **PAYMENT INFORMATION**

See Attachment 2 – Purchase Order Terms and Conditions.

1. **PRE-PROPOSAL CONFERENCE**

A pre-bid conference is not scheduled for this solicitation. Questions are to be submitted per Attachment 1 Section 2 Questions Regarding the Solicitation.

1. **SUBMISSION OF PROPOSALS**
   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 – **unbound is preferred**. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

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* 1. The Bidder must submit its proposal in two parts, the non-cost portion and the cost portion:
     1. The Bidder must submit **one (1) paper original** of the non-cost portion of the proposal. The original must be signed by an authorized representative of the Bidder. The original non-cost portion of the proposal must be submitted to the Court in a single sealed envelope, separate from the cost portion. *The Bidder must write “non-cost” and the RFP title and number on the outside of the sealed envelope.*
     2. The Bidder must submit **one (1) paper original** of the cost portion of the proposal. The original must be signed by an authorized representative of the Bidder. The original cost portion of the proposal must be submitted to the Court in a single sealed envelope, separate from the non-cost portion. *The Bidder must write “cost” and the RFP title and number on the outside of the sealed envelope.*
        1. The Bidder must submit **an electronic version of the entire proposal** on USB Flash Drive with the cost portion. The files contained on the USB Flash Drive should be in PDF, Word, or Excel formats.
  2. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Superior Court of California, County of San Bernardino

Attn: Purchasing, RFP # 21-19

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0066

* 1. **Late bids will not be accepted.** Bids should be sent by courier service (e.g. FedEx or UPS) or delivered by hand. Bids sent by USPS generally do not arrive at the Court on time because they are delivered to County Central Mail first, which adds 1-7 days to the delivery transit time. *The RFP title and number must be stated on the outside of the delivery envelope or package.*
  2. Only written bids will be accepted. Bids may not be transmitted by fax or email.

1. **PROPOSAL CONTENTS**

All information submitted in proposal must be clearly legible.

* 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:
     1. Bidder’s legal name, address, and telephone number.
     2. Name, title, address (if different), telephone number, and email address of the individual who will act as the Bidder’s designated representative for the purposes of this RFP.
     3. Model number(s), specifications, or other description of the goods the Bidder proposes to supply to the Court, including warranty information.
     4. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has provided similar goods. The Court may check references listed by the Bidder.
     5. 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.
     6. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has conducted similar services. The Court may check references listed by the Bidder.
     7. Proposed method to complete the work, including timeline and dedicated resources.
     8. Attachments 3-9.

Bidder must include the following properly completed attachments or exhibits, **with the original “wet” signature of person duly authorized to legally bind the bidder**:

* + - 1. Acceptance of Terms and Conditions
      2. General Certifications Form
      3. Good Standing Form
      4. Darfur Contracting Act Certification
      5. Small Business Declaration. Bidder must complete this form and submit the completed form with its proposal only if it wishes to claim the small business preference associated with this solicitation.
      6. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. Bidder must complete this form and submit the completed form with its proposal only if its cost proposal exceeds $100,000.00, including the initial term and all options.
      7. Postconsumer-Content Certification. Bidder must complete this form and submit the completed form with its bid.
    1. Copies of the Bidder’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
    2. TheBidder 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.
  1. Cost Portion. The following information must be included in the cost portion of the proposal:
     1. Bidder must include the properly completed Exhibit A: Cost Worksheet.
     2. Bidder must include “Not to Exceed” rates or amounts for all work and expenses.

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.

1. **OFFER PERIOD**

A 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.

1. **EVALUATION OF PROPOSALS**
   1. The Court will evaluate the proposals as described in the Administrative Rules (Attachment 1) on a 100 point scale using the criteria set forth in the table below:

| **CRITERION** | **maximum number of points** |
| --- | --- |
| Proposed method to complete the work | 35 Points |
| Experience on similar assignments/client references | 15 Points |
| No, or very limited, additional terms and conditions | 20 Points |
| Cost | 30 Points |

* 1. The Court will first evaluate the non-cost portion of the proposals and publish the results of said evaluation on the date noted in Section 3.0 at the following location: <http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx>.

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* 1. The Court will then publically open the cost portion of the proposals on the date and at the time noted in Section 3.0 at the following Court location:

San Bernardino Justice Center

1. West Third Street, 11th Floor Reception Area

San Bernardino, CA 92415

* 1. Award, if made, will be to the highest scored proposal. If a contract will be awarded, the Court will post a Notice of Intent to Award at <http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx>.

1. **INTERVIEWS**

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

1. **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 Bidder 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 Bidder 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. Bidders are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

1. **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 located at <http://www.sb-court.org/GeneralInfo/Purchasing.aspx>. The Bidder will receive a small business preference if, in the Court’s sole determination, the Bidder has met all applicable requirements. If the Bidder 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 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 Bidder wishes to seek the small business preference, the Bidder must complete and submit with its proposal the Small Business Declaration (Attachment 5). The 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 Bidder 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 Bidder not receiving the small business preference.

If the Bidder receives the small business preference, (i) the 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 MISREPREPRETATION IN CONNECTION WITH THE SMALL BUSINESS PREFERNCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

1. **DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

The Court’s DVBE participation goal is a minimum of 3% of the value of all Court contracts in any given fiscal year (July 1 thru June 30). To implement the DVBE program the Court may grant Bidders that provide DVBE participation a DVBE incentive. The Court DVBE incentive for procurements awarded to the lowest responsible Bidder may be initially 3%. The Court DVBE incentive for procurements awarded to the highest scoring Bidder may also initially be 3%. Any Bidder claiming the DVBE incentive for any procurement must submit the appropriate certifications as part of a complete bid package. The Court will not apply the DVBE incentive without the proper certifications on file.

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1. **PROTESTS**

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a 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 **two (2) days after Questions and Answers are posted**. Protests should be sent to:

Superior Court of California, County of San Bernardino

Attn: Steve Pascover, Advisory Attorney

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0302

Throughout the review process, the court has no obligation to delay or otherwise postpone an award of contract based on a Bidder protest. In all cases, the court reserves the right to make an award when it is determined to be in the best interest of the court to do so.