

REQUEST FOR PROPOSALS

*SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO*

**REGARDING:**

RFP 22-08 APPLICATION & INFRASTRUCTURE MONITORING TOOLS

**PROPOSALS DUE:**

OCTOBER 31, 2022 **11:00 A.M.** PACIFIC TIME

1. **BACKGROUND INFORMATION**

The Superior Court of California, County of San Bernardino (“Court”) is seeking proposals from qualified persons or entities (hereinafter referred to as “Bidder” or “Bidders”) with expertise in providing solutions for Application and Infrastructure Performance monitoring.

The Court is in the process of transforming the Information Technology (IT) Department into an agile and forward thinking unit. To enable and assist with this process, the Court is looking for a platform to perform Application and Infrastructure Monitoring including AIOps. This platform will play a key role in IT Department operations, workload management, time management, collaboration, integration with existing tools, and increased efficiency and effectiveness. This platform will be used by the IT Department to proactively monitor on-premises and cloud applications in a holistic manner and to provide information on resource usage to the Executive team and other management groups through the use of configurable dashboards.

The type of award anticipated is Firm Fixed Price for a term of three (3) years. 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: Statement of Work.

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**:** | October 5, 2022 |
| Deadline for questions | October 12, 2022  *3:00 PM Pacific Time* |
| Questions and answers posted | October 17, 2022 |
| **Latest date and time proposal may be submitted** | **October 31, 2022**  ***11:00 AM Pacific Time*** |
| Anticipated interview dates, if required (*estimate only*) | Week of  November 7, 2022 |
| Evaluation of non-cost portion of proposals (*estimate only*) | Week of  November 14, 2022 |
| Public opening of cost proposals | November 21, 2022  *3:00 PM Pacific Time* |
| Notice of Intent to Award (*estimate only*) | November 21, 2022 |
| Negotiations and execution of contract (*estimate only*) | December 15, 2022 |
| Contract start date (*estimate only*) | January 1, 2023 |
| Contract end date (*estimate only*) | December 31, 2025 |

1. **RFP ATTACHMENTS**

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1 - Administrative Rules RFQs-IFBs-RFPs | These rules govern this solicitation. **Please read carefully.** |
| Attachment 2 – General Terms and Conditions/Defined Terms | If selected, the person or entity submitting a proposal must sign an agreement 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 7A - Bidder Declaration | Form for Bidder to claim the Disable Veteran Business Enterprise incentive associated with this solicitation. |
| Attachment 7B - DVBE Declaration | Form for Bidder to claim the Disable Veteran Business Enterprise incentive associated with this solicitation. |
| Attachment 8 – Small Business Declaration | Form for Bidder to claim the small business preference associated with this solicitation. |
| Attachment 9 – 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. |
| Exhibit A: Statement of Work | Work to be performed. |
| Exhibit B: Payment Provisions | This form contains information regarding contemplated payment terms and requirements to process invoices for payment. |

1. **PAYMENT INFORMATION**

See Exhibit B: Payment Provisions.

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.
   2. 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 inside the cost portion sealed envelope. The files contained on the USB Flash Drive should be in PDF, Word, or Excel formats.
   3. 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 #22-08

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. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has provided similar goods and/or services. The Court may check references listed by the Bidder.
     4. Description of Proposed Service(s).
     5. Demonstration of Proposed Service(s) on USB Flash Drive o.
     6. Attachments 3-9.

Bidder must include the following properly completed attachments or exhibits, **with the original “wet” or digital signature of person duly authorized to legally bind the bidder. Digital signatures must be verifiable and legally sufficient (e.g DocuSign, Adobe Sign, etc):**

* + - 1. Acceptance of Terms and Conditions
      2. General Certifications Form
      3. Good Standing Form
      4. Darfur Contracting Act Certification
      5. Bidder Declaration. Bidder must complete this form and submit the completed form with its bid only if it wishes to claim the DVBE incentive associated with this solicitation.
      6. DVBE Declaration. Bidder must complete this form and submit the completed form with its bid only if it wishes to claim the DVBE incentive associated with this solicitation.
      7. 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.
      8. 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.
  1. Cost Portion. The following information must be included in the cost portion of the proposal:
     1. Bidder must include “Not to Exceed” rates or amounts for all work and expenses payable under the contract, if awarded, for the three year term.

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** |
| --- | --- |
| Quality of proposed services | 45 Points |
| Experience on similar assignments/client references | 15 Points |
| Acceptance of the Court’s terms and conditions | 10 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>.
  2. 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:

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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 TO THIRD PARTIES AND**

**MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** Except as required by law, 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” 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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Bidder to the potential public disclosure of its proposal content, as set forth in this Section 12. **Bidders are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

1. **DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

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. Bidder will receive a DVBE incentive if, in the Court’s sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 3% of the lowest responsible bid, not to exceed $100,000.00.

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

If Bidder wishes to seek the DVBE incentive:

1. Bidder must complete and submit with its bid Attachment 7A - Bidder Declaration). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Bidder must submit with its bid Attachment 7B - DVBE Declaration, completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if 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 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 Bidder not receiving the DVBE incentive.

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

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

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

When a Bidder fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the Court shall allow the Bidder to cure the deficiency after written notice. Notwithstanding the foregoing and any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Bidder refuses to comply with the certification requirements, the Court shall permanently deduct $10,000 from the final payment, or the full payment if less than $10,000.

FRAUDULENT 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.

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. **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: Krystal N. Lyons, General Counsel and Director of Legal Services

247 West Third Street, 3rd Floor

San Bernardino, CA 92415-0214

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.