

REQUEST FOR PROPOSALS



**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN FRANCISCO**

**REGARDING: RFP 38-21-002 ELECTRONIC FILING MANAGER
(EFM)**

REVISION 1

-PAGE 2, EXHIBIT WORKBOOK, AND TIMELINES

ALL INITIAL PROPOSALS DUE:

~~December 22, 2021~~

January 7, 2022 NO LATER THAN 3:00 P.M. PACIFIC TIME
(ELECTRONIC SUBMISSIONS ONLY)

TO: POTENTIAL PROPOSERS

FROM: Superior Court of California, County of San Francisco

DATE: November 15, 2021

SUBJECT/PURPOSE OF MEMO: Request for Proposals (RFP)
The Superior Court of California, County of San Francisco (the “Court”) seeks to enter into an Agreement with a suitable vendor that can provide an electronic filing manager (EFM) solution that can expand the Court’s e-filing system while supporting innovation and minimizing costs. Specifically, each EFM solution hosted application suite should accomplish the following:

- Support e-filing statewide for all litigation types.
- Integrate with the Court’s case management systems (CMSs):
 - **Integrated Justice Systems (IJS)**, deployed; and
 - Thomson Reuters C-Track (in development).

These CMSs are integrated with a document management system (DMS).

- Provide accounting support to allow the Court to reconcile EFSP filing fees.

The proposed solution will be at no cost to the Court (i.e., the selected vendor will not be paid by the Court for development, implementation, deployment, hosting, training, maintenance, support, etc. for the vendor portion of the solution for the duration of any resulting contract or renewal). This RFP includes a request that the vendor responding with a proposal (“Proposer”) submit the cost recovery model the Proposer will employ with details on how the Proposer will benefit from the solution described in its proposal.

ACTION REQUIRED: You are invited to review and respond to this RFP as posted on the Court’s website at <https://www.sfsuperiorcourt.org/>

Project Title: Electronic Filing Management (EFM) for the Superior Court of California, County of San Francisco.

RFP Number: 38-21-002

SOLICITATIONS EMAIL BOX: All correspondence is only via the Solicitations eMail Box and should always include in the subject line of every email the RFP number and your Company name:
solicitationsmailbox@sftc.org

All times stated in this RFP are Pacific Time.

- MANDATORY PROPOSERS' CONFERENCE:** A mandatory prospective proposers' conference will be held via video conference:
11:00 a.m. on Monday, November 29, 2021
(Failure to attend will render proposer as 'non-responsive')
- DUE DATE & TIME FOR SUBMITTAL OF QUESTIONS:** The deadline for submittal of questions pertaining to the solicitation document is:
3:00 p.m. on December 3, 2021
 Only via the Solicitations eMail Box and include in subject line the RFP number and your company name.
- FAQs POSTED:** FAQs (and RFP Addendum, if required) will be posted on the Court's website:
5:00 p.m. on December 8, 2021 (estimated)
- PROTEST DEADLINE:** Proposer solicitation specifications protest deadline (sent to Solicitations eMail Box):
5:00 p.m. on December 9, 2021
(or the day after FAQs/Addendum posted)
- SUBMISSION OF INITIAL PROPOSAL DUE DATE AND TIME:** Round 1 Proposals must be received via email only by:
3:00 p.m. on ~~December 22, 2021~~ January 7, 2022
(President or CEO must be included in the email routing)
- WHERE TO SUBMIT INITIAL PROPOSALS:** Proposals should be sent only via email to:
Superior Court of California, County of San Francisco
Subject Line: RFP No. 38-21-002 (Your Company Name)
solicitationsmailbox@sftc.org
- INVITED PROPOSER INTERVIEWS:** Via video conference:
~~January 12 through January 14, 2022~~ February 2, 3, and 7, 2022
- SUBMISSION OF FINAL PROPOSAL DUE DATE AND TIME:** Round 2 Proposals must be received via email only by:
3:00 p.m. on ~~January 24, 2021~~ within 5 business days after interview
(President or CEO must be included in the email routing)
- WHERE TO SUBMIT FINAL PROPOSALS:** Proposals should be sent only via email to:
Superior Court of California, County of San Francisco
Subject Line: RFP No. 38-21-002 (Your Company Name)
solicitationsmailbox@sftc.org
- INVITED FINALIST DEMONSTRATIONS, IF NECESSARY:** Via video conference:
~~February 3 and February 4, 2022~~ February 22 and February 23, 2022
- NOTICE OF INTENT (NOI) TO AWARD:** Notice of Intent (NOI) to Award posted on Court website:
~~February 25, 2022~~ March 7, 2022

**AWARD PROTEST
DEADLINE:**

Award protest deadline (sent to Solicitations eMail Box):
5 days after NOI by 3:00 p.m.

CONTRACT

FINALIZATION:

Initial Term: 5 years
Options to Renew: five 1-year options

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- Attachment 4: Payee Data Record Form
- Attachment 5: General Certifications Form
- Attachment 6: Darfur Contracting Act Certification
- Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification
- Attachment 8: Iran Contracting Act Certification
- Attachment 9: Small Business Declaration
- Attachment 10: Bidder DVBE Declaration
- Attachment 11: Bidder Declaration

Exhibits

- Exhibit 1: EFM Functional Requirements
- Exhibit 2: Non-Functional Requirements
- Exhibit 3: Standards Management Requirements
- Exhibit 4: Implementation and Deployment Requirements
- Exhibit 5: Service Level Requirements
- Exhibit 6: Support and Maintenance Requirements
- Exhibit 7: Proposer Response Template

1. BACKGROUND INFORMATION

1.1 Superior Court of California, County of San Francisco

The Superior Court of California, County of San Francisco is a trial court. The California trial courts provide a forum for resolution of criminal and civil cases under state and local laws. As used within this RFP, the terms “trial court,” “JBE,” and “Court” is used synonymously with the San Francisco Superior Court.

This RFP is being issued by the Superior Court of California, County of San Francisco.

1.2 Establishment of Software Services Agreement

This RFP for competitive procurement is presented to establish a Software License and Services Agreement for technology products, services, and pricing for electronic filing manager (EFM) solution application services. An Agreement will be entered into with the Court.

The Court reserves the right to reject any and all proposals, in whole or in part, and to award or not award any contracts based on submitted proposals. Although the Judicial Council of California (JCC) submitted an RFP in 2017 and entered into multiple Master Agreements, the Court is free to conduct their own solicitations not connected with the JCC RFP or any resulting contract. The Court is not obligated to purchase services under any contract that may result from this RFP or the RFP from the JCC.

1.3 General Description and Process

Description of Services. The purpose of this RFP is to provide the Court with an IT-services solution and pricing through an Agreement. The resulting Agreement will be for an Electronic Filing Management (EFM) solution that is comprised of a combination of products and services to support implementation and ongoing operation of these hosted services. The ancillary services related to the delivery of the EFM solution application services includes professional and administrative services related to implementation and ongoing operations and support of these applications. These products and ancillary services are collectively known as “EFM” services. The purpose of this RFP is to solicit proposals for EFM services.

1.4 Information Technology Work Streams

The San Francisco Court seeks to manage its e-filing program while supporting innovation while minimizing costs. Specifically, each solution provider should accomplish the following:

- Support e-filing management within the county of San Francisco for all case types.
- Integrate with the Court CMSs, JSI and C-Track.
- Provide accounting support to allow the Court to reconcile EFSP filing fees.

2. DESCRIPTION OF GOODS AND/OR SERVICES

2.1 Goals and Contract Term

The Court intends to award an Agreement for an initial 5-year term and five 1-year options to renew to a vendor that can supply the Court with the requested services. This Agreement will encompass the products, services, and pricing of the qualified vendor to:

- Obtain EFM services to manage the process by which all San Francisco-certified EFSPs can submit filings into the Court's CMS applications.

2.2 Scope

The scope of the RFP is to obtain specific EFM solutions required to support the Court and its constituents in automatically filing into the court.

An EFM is a hosted application service that acts as the intermediary between a court and the various EFSP solutions certified for filing into the Court. It provides facilities for the Court to maintain and enforce its e-filing court policies. The EFM application service provides an application for e-filing review by Court staff and provides an automated conduit for the submission of e-filings to the Court's CMS and document management system (DMS). The EFM also provides the Court an automated transaction and audit log of all filing and fee collection events and an accounting dashboard to aid in the reconciliation process completed daily by Court accounting staff.

While an EFSP provides applications to collect and forward e-filings to the Court, the EFM will engage with and accept filings from all San Francisco-certified EFSP solutions. In the process, the EFM applies Court e-filing policy and collects transaction details of the events in the processing of filings into the Court. It manages the correspondence between an EFSP and the Court regarding documents filed, filings accepted and rejected, and fees charged and collected.

In this role, the EFM enables the Court to establish and maintain e-filing policy in automated files that are used to validate e-filing transactions. The EFM also provides an application that the Court may choose to employ to review and accept or reject filings. This "Clerk Review" application will be provided on an optional basis. The Court may operate the EFM with this feature or without it.

The EFM provides an automated interface to the Court's CMS and DMS. This interface transmits the filing in a manner that can be consumed by the CMS and DMS. When filing into these systems has successfully completed, the EFM forwards notification of successful completion to the EFSP solution. In the event of an error, the EFM will relay that information.

Payment processing will be handled by entities fulfilling the role of the EFSP. In the California E-Filing model, the EFM role is largely a transaction pass-through that intermediates between the EFSPs and the Court CMS. The EFM will collect e-filing transaction and financial data from the EFSPs filing into their application service. The EFM will provide an accounting dashboard to aid in the reconciliation process completed daily by Court accounting staff. The accounting dashboard will combine EFSP financial data and Court CMS financial data for the Court.

The Proposer selected to provide the EFM application services will not be precluded from separately providing a fee-based EFSP solution. This fee-based EFSP solution with the Court will be engaged separately from the Agreement with the Court, at the Court's discretion.

This scope is further described in the sections that follow:

2.2.1 Hosted EFM Operations. The EFM provider will operate a hosted application that will serve as the intermediary between EFSP solutions and the Court case management and document management systems. This hosted application will provide the following general functions:

- Employ the Identity and access management (IAM) service provided by the Court to confirm EFSP solution and Court employee identity and authority and provide the appropriate access to e-filing management services.
- Accept filings from all San Francisco-certified EFSP solutions.
- Accept transaction, audit, statistical, and accounting data from EFSP solutions for submission to the Court.
- Provide automated notification of e-filing results to the EFSP submitting a filing.
- Provide an application for the Court to establish and maintain Court e-filing policy.
- Provide an application (which may be employed at the Court's discretion¹) for the Court to review, approve, and reject filings.
- Submit filings to the Court CMS and DMS.
- Submit transaction, audit, statistical, and accounting data to the Court.

¹ This application will be referred to as Clerk Review. Clerk Review will be a set of optional capabilities, labelled as Clerk Review in Exhibit 1. The Court's election to employ the Clerk Review component will be established at the completion of the Agreement.

- Provide service-level performance reports to the Court for each service level specified in this RFP.

2.3 Business and Functional Requirements

The selected and contracted Proposer must provide EFM services that meet or exceed a set of minimum functional requirements in ongoing daily operations. These requirements are contained in Exhibit 1-FR, EFM Functional Requirements.

The Proposer shall refer to Exhibit 1-FR, EFM Functional Requirements for the scope of features and capabilities the hosted services must reliably deliver. The Proposer shall respond to Exhibit 1-FR using Exhibit 7, Proposer Response Template.

2.4 Non-Functional Requirements

The hosted e-filing services provided by the selected and contracted Proposer must also meet a set of non-functional requirements. These requirements are contained in Exhibit 2-NFR, Non-Functional Requirements.

The Proposer shall respond to Exhibit 2-NFR using Exhibit 7, Proposer Response Template.

2.5 Standards Management Service Requirements

The selected and contracted Proposer will collaborate with the Court for review and approval of the design, construction, and implementation of the Court's e-filing standards and operating architecture. This will involve collaboration with the Court, the certification authority, IAM authority, and payment gateways to define an architecture and supporting standards for e-filing management. This will include the following activities:

- Develop:
 - California-specific extensions to the Organization for the Advancement of Structured Information Standards (OASIS) ECF standards;
 - Standards for IAM and financial gateway services standards compliance testing protocols;
 - The architecture that supports this e-filing environment and
 - A protocol for standards and architecture change management.
- Adoption and compliance with NIST 800-53 or similar industry standard risk management framework.
- Implementation of proactive vulnerability identification, remediation, and patch management practices to minimize the risk of a loss of confidentiality, integrity, and availability of information system, networks, components, and applications.

Vulnerability and patch management practices shall include, at a minimum, the following:

- Prioritizing vulnerability scanning and remediation activities based on the criticality and security categorization of systems and information, and the risks associated with a loss of confidentiality, integrity, availability, and/or privacy;
 - Maintaining software and operating systems at the latest vendor-supported patch levels;
 - Conducting penetration testing and red team exercises; and
 - Employing qualified third-parties to periodically conduct independent vulnerability scanning and penetration testing.
- Provide input on the development of standards, architecture, and protocols.
 - Review and provide feedback on these standards, architecture, and protocols as they are being drafted and approved.
 - Provide to Court, copies of organization's written information security policies and standards, privacy policy, and independent security audit results (e.g., PCI-DSS, SOC2 Type II, ISO 27001, FEDRAMP, FISMA).
 - Implement an automated process to verify and monitor compliance with defined information security standards, policies, and procedures.
 - Establish security requirements and ensure appropriate mechanisms are provided for the control, administration and tracking of access to Vendor's information systems which process Court data. Access management should include at a minimum:
 - Ensure the principle of least privilege is applied for specific duties and information systems (including specific functions, ports, protocols, and services), so processes operate at privilege levels no higher than necessary to accomplish required organizational missions and/or functions;
 - Implement the concept of segregation of duties by disseminating tasks and associated privileges for specific sensitive duties among multiple people;
 - Conduct periodic reviews of access authorizations and controls;
 - Implement multi-factor authentication (MFA) requirement for remote access to Vendor's systems and access to sensitive information systems which process Court data.

The Proposer shall refer to Exhibit 3-SMSR, Standards Management Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 3-SMSR using Exhibit 7, Proposer Response Template.

2.6 Implementation and Ongoing Service Requirements

The selected and contracted Proposer will implement and provide ongoing California and Court standards-conformant EFM solution application services under the Agreement with the Court. This will involve services to construct, test, and implement California standards-conformant interfaces between the EFM application and the following applications:

- The Court's CMS applications (Integrated Justice System), as implemented, and near-future CMS application system (C-Track) in the Court with which the selected and contracted Proposer has established (or will establish) a Participation Agreement.
- All San Francisco-certified EFSP solutions.

This will also involve providing application services, maintenance, and support that meet or exceed certain requirements and service levels.

2.7 Development and Maintenance of Conformant Interfaces

In the context of implementation and deployment, the selected and contracted Proposer providing the EFM will create and maintain California standards-conformant interfaces for exchanging information with EFSP solutions and with CMS applications. This will include the following activities:

- Development of an interface to all San Francisco-certified EFSP solution applications that conform to California standards (developed as set forth in Section 2.5, above).
- Establishment, maintenance, and use of a standards-conformant automated interface with the IAM Authority.
- Testing and certification of the EFSP solution interface using a California-specified Certification Authority.
- Development of an e-filing interface with the Court CMSs that are conformant to California ECF standards.
- Testing and certification of each CMS interface that is developed using a California-specified Certification Authority.
- Maintenance and recertification of these standards-conformant interfaces before updated interfaces are implemented.
- Publication of all certification test results.

The Proposer shall refer to Exhibit 4-IDSR, Implementation and Deployment Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 4-IDSR using Exhibit 7, Proposer Response Template.

2.8 Implementation and Deployment Services

Once an Agreement has been established with the Court, the selected and contracted Proposer will implement EFM application services within the timeframes specified in the Agreement. This will involve construction, configuration, implementation, operation, support, and maintenance of an e-filing interface with the CMS installed for the Court and

with subsequent Court CMS. These implementation and deployment services are described in Exhibit 4-IDSR, Implementation and Deployment Requirements, which provides the scope of services and deliverables.

The Court aims to select and contract with an experienced Proposer capable of executing an efficient project within the agreed-upon schedule. The Proposer shall refer to Exhibit 4-IDSR, Implementation and Deployment Service Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 4-IDSR using Exhibit 7, Proposer Response Template.

2.9 Application Service Operating Requirements

The EFM is a mission-critical application for the Court. The EFM hosted application must meet certain minimum levels of service. These are described in Exhibit 5-SLS, Service Level Requirements, for scope of services and deliverables. The Proposer shall refer to Exhibit 5-SLS for these requirements. The Proposer shall respond to Exhibit 5-SLS using Exhibit 7, Proposer Response Template.

2.10 Maintenance and Support

Maintenance and support under any awarded Agreement must comply with the JBE's Standard Terms and Conditions (Attachment 2), which shall include, but not be limited to:

- Hosted application licensing.
- Application support and technical support for local configuration and installation of the hosted solution.
- End-user and technical support.
- Provision of periodic maintenance, legislative updates, and security upgrades per service-level standards and support agreements.
- Global configuration changes necessary to support business changes.
- Emergency support for break-fix situations.

The Proposer shall refer to Exhibit 6-SM, Support and Maintenance Service Requirements, for scope of services and deliverables. The Proposer shall respond to Exhibit 6-SM using Exhibit 7, Proposer Response Template.

2.11 Proposer Warranty

The Services Warranty under any awarded Agreement must comply with the JBE's Standard Terms and Conditions (Section 22.B.i of Exhibit 3 of Attachment 2). The Licensed Software Warranty must comply with the JBE's Standard Terms and Conditions (Section 22.B.ii of Exhibit 3 of Attachment 2).

3. TIMELINE FOR THIS RFP

3.1 Proposed Procurement Schedule

All times are Pacific Time. Initial, Round 1 proposals are due by **3:00 p.m. on ~~December 22, 2021~~ January 7, 2022**. Discussions, if any, with qualified Proposers will be held after the initial proposal submission deadline. It is the Court's intention to have a signed Agreement in the first quarter of 2022.

No.	Milestone	Date
1	The Court issues RFP	November 15, 2021
2	Deadline for prospective proposers to register for Proposers' Conference; submit requests to the Solicitations eMail Box (3:00 p.m.)	November 22, 2021
3	Mandatory Proposers' Conference (video conference via Zoom) (11:00 a.m.) (estimated date)	November 29, 2021
4	Deadline for Proposers to submit questions, requests for clarifications, or modifications to the Solicitations eMail Box (3:00 p.m.)	December 3, 2021
5	Post-Proposer Conference questions and answers (FAQs) posted and addenda issued, if required (estimated)	December 8, 2021
6	Solicitation specifications protest deadline (5:00 p.m.)	(Day after FAQs posted)
7	Mandatory initial proposal due date and time (3:00 p.m.). Also known as 'Round 1.'	December 22, 2021 January 7, 2022
8	Request for discussions with qualified Proposers (estimated date)	January 10, 2022 January 10, 2022
9	Discussions with qualified Proposers	January 12-14, 2022 February 2, 3, 7, 2022
10	Final proposal due date and time (3:00 p.m.), if applicable, from qualified Proposers. Also known as 'Round 2.' <i>Different deadlines for proposers to give equal amount of time.</i>	Tuesday, January 24, 2022 5 business days after interview (Feb 9, 10, 14)

No.	Milestone	Date
11	Request for finalist presentation/ demonstrations (if needed)	January 31, 2022 February 17, 2022
12	Finalists' presentations (solution demonstrations and interviews)	February 3-4, 2022 February 22-23, 2022
13	Notice of Intent (NOI) to Award (estimated date)	Friday, February 25, 2022 March 7, 2022
14	Award protest deadline (sent to Solicitations eMail Box): by 3:00 p.m.	5 days after NOI
15	Anticipated Agreement term (5 years)	4/1/2022– 3/31/2027
16	Anticipated Agreement optional term extensions (five 1-year extensions)	4/1/2027-3/31/32

3.2 Mandatory Proposers' Conference

The Court will hold a mandatory prospective Proposers' Conference on the date identified in the timeline above. The prospective Proposers' Conference will be held via video conference (Zoom). Attendees must attend this Conference to be eligible to submit a response to this RFP and they must be able to see the screen and have microphone capability.

NOTE: The Conference Zoom information will be sent out to all registered prospective Proposers at the very latest by 3:00 p.m. on the last business date before the conference.

4. RFP ATTACHMENTS

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

4.1 Attachments (11) and Forms

Attachment	Description
Attachment 1: Administrative Rules Governing RFPs	These rules govern this solicitation.
Attachment 2: JBE Standard Terms and Conditions	If selected, the entity submitting a proposal (the “vendor”) must sign a JBE Standard Form Agreement containing terms and conditions substantially in the form of these terms and conditions (the “Terms and Conditions”). If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly identifies the benefit to the JBE from the proposed changes and provides a written explanation or rationale for each proposed change. The following provisions within the Terms and Conditions are non-negotiable provisions (“Mandatory Terms”): Exhibit 2, Section 1.6 (nonexclusive agreement); and Exhibit 8, Sections 1 (Fees) and 2 (Expenses). A material exception to a Mandatory Term will render a proposal non-responsive.
Attachment 3: Bidder’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. A material exception to a Mandatory Term will render a proposal non-responsive.
Attachment 4: Payee Data Record Form	This form contains information the Court requires to process payments and must be submitted with the proposal.
Attachment 5: General Certifications Form	Proposer must complete and submit the General Certifications Form.
Attachment 6: Darfur Contracting Act Certification	Proposer must complete and submit the signed Darfur Contracting Act Certification.
Attachment 7: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification	Proposer must complete and submit the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Iran Contracting Act Certification	Proposer must complete and submit the Iran Contracting Act Certification.
Attachment 9: Small Business Declaration	Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 10: Bidder DVBE Declaration	Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.

Attachment 11: Bidder Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.
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4.2 Requirements and Court Informational Exhibits - REVISION 2

Exhibit	Description
Exhibit 1-FR	EFM Functional Requirements
Exhibit 2-NFR	Non-Functional Requirements
Exhibit 3-SMSR	Standards Management Service Requirements
Exhibit 4-IDSR	Implementation and Deployment Service Requirements
Exhibit 5-SLS	Service Level Standards
Exhibit 6-SM	Support and Maintenance Requirements
Exhibit 7	Proposer Response Template

5. SUBMISSION OF PROPOSALS

5.1 Proposal Structure

Proposers should respond to every section of this RFP, all attachments, and all exhibits. Prospective proposers may download the original RFP documents from the Court web site, <https://www.sfsuperiorcourt.org/>. These documents will be available in whole as the RFP and, as requested, individually for your review and use. Requests for individual attachments shall be directed to: solicitationsmailbox@sftc.org. Include in subject line the RFP number and your company name.

A Proposer Response Template has been included (Exhibit 7) for standardization of responses. Proposals should provide straightforward, concise information that satisfies the requirements of Section 6, Proposal Contents, below. All submissions are PDF documents or Excel documents sent via email only to the Court’s Solicitations eMail Box. Emphasis should be placed on conformity to the RFP’s instructions and requirements and completeness and clarity of content.

5.2 Proposals

Proposers must submit an initial proposal (Round 1) and finalists will submit a final proposal (Round 2). Both submissions must be completed by the respective deadlines. The Proposer must submit as PDF documents or Excel documents of the entire proposal via email only to the Court’s Solicitations eMail Box. The electronic files must only be in PDF or Excel formats. The source Excel files used to prepare responses to Exhibits 1–6 must also be submitted and is counted as 1 page (for the purposes of indicating the total number of pages). **The submissions must state the total number of all pages (on the**

cover page), including attachments, and must be signed by an authorized representative of the Proposer and the authorized representative must be identified as such and included in the submission email (either in the ‘From,’ ‘To,’ or in the ‘cc.’) The inclusion of authorized representative is the approval to submit the Proposals. The RFP number and title must appear on the cover page and at the top of excel page(s). The submission must state in the email Subject Line the RFP number and your company’s name.

5.3 Proposal Delivery Method and Address

Proposals must ONLY be delivered via email by the deadline date and time listed on the cover sheet of this RFP to:

Superior Court of California, County of San Francisco
Subject Line: RFP-38-21-002-EFM-(your company name)
solicitationsmailbox@sftc.org

A response email will be sent after proposal received. If you have not received a response during regular business hours within two hours of submitting your proposal, send an email to the Solicitations Email box (without attachments) stating you haven’t received a response. In the subject line input: RFP number, your company name, and in all caps: RESPONSE NEEDED.

The Court will make every effort to receive proposals and will respond accordingly but the Court cannot be liable for technical interruptions that prevent a proposal from being received on time. It is recommended to submit at least one business day in advance of the deadline.

5.4 Late Proposals

Late proposals will not be accepted. If you have not received an immediate response (within two hours after submission during regular business hours) as confirmation of receipt of your email, it is recommended to send a followup email asking for response. The Court will make every effort to receive all timely submitted Proposals, but the Court will not be responsible for technical interruptions that prevented the Court from receiving the Proposal submission in a timely manner.

6. PROPOSAL CONTENTS

The following information must be included in the proposal using the Proposer Response Template (Exhibit 7). A proposal lacking any of the following information may be deemed non-responsive.

6.1 Organization Information and Qualifications

The Proposer must provide the following information about the organization and its qualifications.

- 6.1.1 **Proposer Information:** Proposer's name, address, telephone, and federal tax identification number. Note that if Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- 6.1.2 **Designated Representative:** Name, title, address, telephone number, and e-mail address of the individual who will act as Proposer's designated representative for purposes of this RFP.
- 6.1.3 **Reference Client Projects:** Names, addresses, email address, and telephone numbers of a minimum of three clients for whom the Proposer has provided similar services. The Court may check references listed by Proposer. Proposer must include a summary description of the engagement for each reference. Failure of references to respond to reference check may deem the Proposer as non-responsive.

6.2 Team Qualifications

The Proposer must provide a description of the team or teams that will deliver services under the Agreement. This must identify individuals and Proposer organizations responsible for:

- 6.2.1 **Standards Management:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual's background, experience, and ability in performing his/her proposed role and activities.
- 6.2.2 **Implementation and Deployment:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual's background, experience, and ability in performing his/her proposed role and activities.
- 6.2.3 **Support and Maintenance:** This must specify the manager leading the effort and the subject matter experts delivering each of those services. These are considered key staff members. For each key staff member, the Proposer must provide a resume describing the individual's background, experience, and ability in performing his/her proposed role and activities.

6.3 Proposed Approach and Methods.

The Proposer must provide a description of the proposed approach for completing work under the Agreement.

6.3.1 Standards Management: The Proposer must describe its approach to collaborating with the Court in the design, construction, and implementation of the California e-filing standards and operating architecture.

6.3.2 Development and Maintenance of Conformant Interfaces: The Proposer must describe its approach to the development and certification of the EFM solution. This approach must describe the tasks and schedule for:

- The construction of the EFM.
- Development of California ECF conformation interfaces between these application services and the Court's CMSs, California ECF-conformant EFSPs, and the IAM.
- Certification of the operation of these application services and interfaces.

6.3.3 Implementation and Deployment: The Proposer must describe its approach to the implementation of an EFM solution for the Court. The guideline for implementation is 6-9 months unless otherwise mutually agreed upon by the Court and the Proposer. This approach must describe the tasks and schedule for implementation. The Proposer must also describe:

- What factors will impact the schedule for implementation construction of the EFM solution.
- The tasks, resources, and work products required from the participating court to ensure on-time implementation. This must describe the timeframe in which the court must perform these tasks and provide resources and work products.
- The factors that would cause variation in the schedule for implementation.
- The type, quantity, and time commitment of Proposer staff involved in each court implementation.
- The approach and capacity of the Proposer to successfully execute multiple concurrent implementations of the EFM solution application services.

6.3.4 Integration with the Court's Case Management Systems:

- The Court's deployed CMS applications (Integrated Justice System);
- CMS application system (C-Track) (in development); and
- All San Francisco-certified EFSP solutions.

This will also involve providing application services, maintenance, and support that meet or exceed certain requirements and service levels.

6.3.5 Application Service Operations: The Proposer must describe its approach to operating the EFM in a manner that ensures that it meets the Service Level Requirements set forth in Exhibit 5.

6.3.6 **Support and Maintenance:** The Proposer must describe its approach to providing maintenance and support for the application services.

6.4 Responses to Requirements

Responses to the requirements listed in Exhibits 1 through 6 of this RFP must be provided in this section of the proposal. Proposers must use the Microsoft Excel template provided (Exhibit 7) and complete all six required worksheet tabs. For each requirement, Proposers must fill in the response column with one of the choices below. If the Proposer wishes to provide any explanatory details, those should be included in the “Explanation” column next to the requirements, however, the Explanation column should not duplicate or replace answers in the Response Template (Exhibit 7). The following answer key should be used when responding to the requirements:

- 3 – The requirement is currently supported in the Proposer’s product and service offerings.
- 2 – The requirement is not supported in the current version of the proposed solution and service offerings, but the required feature is currently in development or testing and is planned for the next release of the proposed solution within 9 months.
- 1 – The requirement is not supported in the Proposer’s product and service offerings, but the Proposer plans to support the requirement in the proposed solution or as part of this procurement within 2 years.
- 0 – The requirement is not supported, and the Proposer has no plan to support it within 2 years.

Note: *Proposers must answer requirements with **only one** of the above keys. Any requirement that is answered in any other way will be treated as a negative / non-response.*

6.5 Fee Structure

Under the Agreement, the selected and contracted Proposer will receive revenue for successfully processing filings received from an EFSP and successfully submitted to the CMS of the Court during the term of the Agreement. This fee shall be charged to EFSPs. The Proposer shall not collect revenue from the Court for any of the EFM services provided under the Agreement, and includes, but is not limited to:

- Meeting functional requirements.
- Meeting standards management requirements.
- Implementation and ongoing service requirements.
- Development and maintenance of conformant interfaces.
- Implementation and deployment services.

- Meeting application service operating requirements.
- Providing maintenance and support.
- Providing a Proposer warranty.

The fee or fees to be charged to EFSPs will be specified in the Agreement. Proposer must specify those fees in the Fee Structure portion of the proposal (Exhibit 7). In addition, the Proposer must specify fee payment clearing and settlement timeframes.² Initial proposal submission should be the best offer from a Proposer. Submissions must follow the RFP guidelines stated in Section 5.

6.6 Certifications, Attachments, and Other Requirements

- 6.6.1 **Proof of Good Standing:** If Proposer is a corporation, the Proposer must present proof that it is in good standing and qualified to conduct business in California.
- 6.6.2 **Business License:** Proposer must provide copies of current business licenses.
- 6.6.3 **Proof of Solvency:** Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).
- 6.6.4 **Acceptance of Terms and Conditions:** Proposer must complete and provide the Bidder's Acceptance of Terms and Conditions (Attachment 3). On Attachment 3, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other change. A material exception to a Mandatory Term will render a proposal non-responsive.
- If exceptions are identified or additional provisions proposed, the Proposer must also submit a red-lined version of the Terms and Conditions (Ts&Cs) that clearly tracks proposed changes and a written explanation or rationale of the benefit to the Court resulting from the proposed exception. (Potential proposers can request, via Solicitation Mailbox, a Word version of the Ts&Cs for red-line purposes.)
- 6.6.5 **Payee Data Record:** Proposer must complete and provide the Payee Data Record Form (Attachment 4).
- 6.6.6 **General Certifications:** Proposer must complete and provide the General Certifications Form (Attachment 5).
- 6.6.7 **Darfur Contracting Act Certification:** Proposer must complete and provide the Darfur Contracting Act Certification (Attachment 6).
- 6.6.8 **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 7).

² While it is not a requirement of this RFP, a Proposer may submit a proposal to collect funds for statutory court filing fees from EFSPs that would be forwarded to the Court. If this is the case, the timeframes for transferring funds to the Court must be specified in the proposal. Such a proposal (and funds settlement timeframe) could be a factor in the award of an Agreement.

- 6.6.9 **Iran Contracting Act:** Proposer must complete and provide the Iran Contracting Act Certification (Attachment 8).
- 6.6.10 **Small Business Declaration:** Proposer must complete and provide the Small Business Declaration (Attachment 9) only if it wishes to claim the small business preference associated with this solicitation.
- 6.6.11 **Bidder DVBE Declaration:** Proposer must complete and provide the Bidder DVBE Declaration (Attachment 10) only if it wishes to claim the DVBE incentive associated with this solicitation.
- 6.6.12 **Bidder Declaration:** Proposer must submit a Bidder Declaration (Attachment 11) for each DVBE that will provide goods and/or services in connection with the contract. If Proposer itself is a DVBE, it must also complete and sign the Bidder DVBE Declaration.

7. OFFER PERIOD

A Proposer's proposal is an irrevocable offer for 180 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.

8. EVALUATION OF PROPOSALS

As described in Attachment 1, Administrative Rules Governing RFPs, this solicitation process will follow a phased approach designed to increase the likelihood that proposals will be received without disqualifying defects. The additional steps will (1) ensure that Proposers clearly understand the requirements of the RFP and needs of the Court before submitting a final proposal; (2) ensure that the evaluation team clearly understands what each Proposer intends to offer before proposals are finalized; and (3) provide the Proposer the opportunity to modify its proposal to address solutions more specifically to the Court's needs.

At the time proposals are reviewed, each proposal will be evaluated for the presence or absence of the required proposal contents. The initial proposals will be reviewed to determine which are responsive to all the requirements. The Court's Procurement staff will receive and review the initial proposal to determine whether the proposal (or a portion thereof):

- Is non-responsive to a requirement; and
- Is otherwise defective.

The Court makes no warranty that all errors, defects, or other problems will be identified. The Proposer is solely responsible for submitting a proposal that is free of errors and defects and complies with all requirements.

Any Proposer submitting a proposal that is deemed non-responsive due to omission(s), error(s), or defect(s) will be notified via email and participation in this RFP will end for that Proposer.

Based on initial review of Proposals for defective / non-responsive issues, all Proposals lacking any error, defect, or problem will be submitted to the EFM RFP Evaluation Team (“Team”). The Team will conduct an initial review of two Categories--Approach and Methods, and Requirements Response—and will conduct an initial scoring. Those Proposers who score 40 points or higher will be invited to a follow up interview. The Team will prepare an agenda of items to be discussed separately with each qualifying Proposer and will email the agenda to the Proposer. The agenda will include a discussion of the Proposer’s solution, methodology, proposed support, implementation plans, validation plans, and proposed contracts, as appropriate. The Team will arrange with each Proposer to discuss the items on the agenda. These discussions are confidential.

The primary purpose of the discussion is to ensure that the Proposer’s final proposal will be responsive. The Team may identify concerns, ask for clarification, and express its reservations if, in the opinion of the Team, a particular requirement of the RFP is not appropriately satisfied.

At the conclusion of the discussions, the evaluation team will document the clarified items and how the Proposer will respond to the noted items. The Team may schedule additional discussions with a Proposer at its discretion. If additional discussions are scheduled, the process set forth above (“Confidential Discussions with Proposer”) will be repeated. The Team may require the resubmission of selected materials as part of this process.

The Court may amend the RFP if, as a result of the Confidential Discussions with Proposer, it believes that the program would be more successful if changes are made to the requirements or RFP. If so, the Court will restructure/amend the solicitation at that time. If this is the case, the Court may request another round of initial proposals by **all** that submitted initial proposals without omissions/errors/defects.

If, after discussion with a Proposer, the Team is of the opinion that the proposal cannot be revised and resubmitted in a reasonable time to satisfy the requirements of the RFP, and that further discussion would not likely result in an acceptable proposal in a reasonable time, the Proposer will be sent an email notice that the proposal has been rejected and that a final proposal submitted along such lines would be non-responsive.

In the next phase of the evaluation, the Proposers will submit final proposals, Round 2. After final proposals are submitted, the Team will review, evaluate, and score the final proposals using the evaluation criteria set forth in this RFP and the process described in Attachment 1. In this process, the Court may, at its discretion, request presentations and demonstrations.

Based on the evaluation criteria and weighting set forth below, the Agreement will be awarded to the highest scoring Proposer that can provide the requested services in the easiest/smoothest manner for the Court.

If an Agreement is awarded, an intent to award at <https://www.sfsuperiorcourt.org/>

Category	Factors	Total Possible Points
Fee Structure	Overall cost based on the fee structure described in the proposal and charged to filers and any other stakeholders.	20
Organization Information and Qualifications	Level of Proposer organization experience, financial stability, and qualifications.	15
Team Qualifications	Level of Proposer's service delivery teams' experience and qualifications.	5
Approach and Methods	Extent to which the proposed approach and methods are likely to deliver the services required in a cost-effective manner for the Court and filers.	20
Requirements Response	Degree to which the Proposer's proposed solution meets the requirements set forth in Exhibits 1-6 and narrative responses.	30
Acceptance of Terms and Conditions	Level of Proposer's acceptance of Terms and Conditions.	7
DVBE Incentive	DVBE incentive points.	3

9. FINALISTS' PRESENTATIONS (SOLUTIONS DEMONSTRATIONS AND INTERVIEWS)

The Court may conduct interviews with some Proposers to clarify aspects set forth in their proposals or to assist in evaluation of the top-ranked proposals. The interview process may require a demonstration. The interviews / demonstrations will be conducted via video conference (Zoom). The Court will not reimburse Proposers for any costs incurred to enable participation in any aspect of responding to / participating in this RFP. The Court will notify eligible Proposers for interview arrangements.

10. CONFIDENTIAL OR PROPRIETARY INFORMATION

The proposal will be retained by the Court for official files and will become a public record. California JBEs are subject to Rule 10.500 of the California Rules of Court, which governs public access to Judicial Administrative Records: www.courts.ca.gov/documents/title_10.pdf.

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the Court's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the Court finds or reasonably believes that the materials marked confidential and/or proprietary are **not** exempt from disclosure, the Court will

disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public opening of certain proposals. If required to do so by the Public Contract Code, the Court may disclose all information contained in a proposal, including information marked as confidential or proprietary. This RFP for EFM is not required to conduct public opening of the proposals.

11. SMALL BUSINESS PREFERENCE

11.1 Participation Not Mandatory

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

11.2 Small Business Enterprise (SBE) Incentive

Eligibility for and application of the small business preference is governed by the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services by the Courts. The Proposer will receive a small business preference if, in the Court's sole determination, the Proposer has met all applicable requirements. If Proposer receives the SBE preference, the score assigned to **its proposal will be increased by an amount equal to 5 percent 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.

11.3 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.

11.4 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 9). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

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

11.6 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

12. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

12.1 Qualification Not Mandatory

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

12.2 DVBE Point Award

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures of which the Court as a Judicial Branch Entity is also bound. Proposer will receive a DVBE incentive if, in the sole determination of the Court, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 8, above.

12.3 Qualification

To receive the DVBE incentive, at least three percent 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 DGS.

12.4 Process

If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the Bidder DVBE Declaration (Attachment 10). Proposer must also submit all materials required in the Bidder DVBE Declaration.
- Proposer must submit with its proposal a Bidder Declaration (Attachment 11) 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 also complete and sign the Bidder Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a Bidder Declaration. **NOTE:** The Bidder Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

12.5 Failure to Complete Forms

Failure to complete and submit these forms as required will result in Proposer 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 Proposer not receiving the DVBE incentive.

12.6 Application of DVBE Incentive

Since 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 Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

12.7 Meeting DVBE Commitments

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 Court 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 MISREPRESENTATION 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.

13. PROTESTS

Any protests will be handled in accordance with the Protest Procedures outlined in the Administrative Rules Governing RFPs (Attachment 1), Section K (Protest Procedures). Failure of a Proposer 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 Court to receive a solicitation specifications protest is set forth in Section 3.1 (Proposed Procurement Schedule). The post-award protest deadline for submission will be 5 business days after the Notice of Intent to Award has been posted. The protesting party will have 10 Court days after the Court receives the protest to submit all required information. Protests should be sent to the Solicitations e-Mail Box:

Superior Court of California, County of San Francisco
Subject Line: PROTEST - RFP No. 38-21-002 EFM (your company name)
solicitationsmailbox@sftc.org