

IFB Title: Phoenix SAP HANA Database and Developer Tools with H4S4
IFB Number: IFB-BAP-22-126RB

INVITATION FOR BIDS

JUDICIAL COUNCIL BRANCH ACCOUNTING AND PROCUREMENT

Regarding:

***PHOENIX SAP RENEWALS: SAP HANA DATABASE MAINTENANCE AND
DEVELOPER TOOLS WITH H4S4***

IFB NUMBER: IFB-BAP-22-126RB

BIDS DUE:

November 23, 2022, NO LATER THAN 5:00 P.M. PACIFIC TIME

1 BACKGROUND INFORMATION

The Judicial Council's Phoenix Program manages an SAP system and required support for the 58 California Trial Courts. The Program recently migrated from SAP ECC 6.0 to S4HANA and as such requires to maintain license for the SAP HANA database. The Program also requires certain platform development tools to maintain its user interface, as well as new SAP materials for a requisite upgrade to HCM for S/4HANA. This IFB is requesting bids to:

- Continue annual maintenance for SAP HANA Database (Enterprise Edition);
- Continue subscription for development tools that are recently being migrated from SAP Cloud Platform to the SAP Business Transformation Platform; and
- Provide the necessary material licenses and maintenance for the requisite HCM for S/4HANA solution.

The Judicial Council may elect to procure all or any portion of the list of goods described below from a single or from multiple vendors.

2.0 DESCRIPTION OF GOODS

The Judicial Council seeks goods meeting the following specifications:

- A. Products to replace those referenced in expiring contracts for SAP HANA Database maintenance.

Quantity	Product Description
1	7003650 – Annual Maintenance Fees for SAP HANA Database (Enterprise Edition) This begins January 1, 2023.

Prior product contract was for Annual Maintenance 7003650 on SAP HANA Database Enterprise Edition 20-50 units (21 units/1300+GB Cumulative) one-time 7020050.

- B. Products to support development of end user applications (Fiori)

Quantity	Product Description
10	SAP Business Application Studio: blocks of 1 User (1 year) This begins January 1, 2023, and is a net new license.
1	SAP FIORI CLOUD, Standard Base 8004018 (1year) which currently provides access to SAP WebIDE for developers. This

begins December 8, 2022, and ends December 7, 2023, and represents a 1-year renewal of the prior contracted goods.

C. Conversion and maintenance products required to upgrade from SAP HCM Compatibility Packs to HCM for S/4HANA and provide ongoing support

Quantity	Product Description
5,500*	7020940 SAP Payroll Processing for SAP S/4HANA 7020924 SAP Core Human Capital Management for SAP S/4HANA 7020923 SAP Time Tracking for SAP S/4HANA 7018532 SAP U.S. Payroll Tax Calculation by BSI (if required to convert current license) Potential other conversion materials as required and annual ongoing maintenance. This begins January 1, 2023.

**5,500 employees processed in the SAP S/4HANA system*

3.0 TIMELINE FOR THIS IFB

The Judicial Council has developed the following list of key events related to this IFB. All dates are subject to change at the discretion of the Judicial Council.

EVENT	DATE
IFB issued	November 7, 2022
Deadline for questions	November 10, 2022
Questions and answers posted (<i>estimate only</i>)	November 15, 2022
Latest date and time Bids may be submitted	November 21, 2022
Bids publicly opened Public cost opening may be viewed via Microsoft Teams at 1:00 p.m. (PDT), using a URL and meeting number (Microsoft Teams) which will be posted on the court's website prior to date hereof, Meeting number:	November 23, 2022
Notice of Intent to Award (<i>estimate only</i>)	November 30, 2022
Execution of contract (<i>estimate only</i>)	No later than December 7, 2022
Initial Term	December 8, 2022, to December 31, 2025
First Option Term	January 1, 2025, to December 31, 2026
Second Option Term	January 1, 2026, to December 31, 2027

4.0 IFB ATTACHMENTS

The following attachments are included as part of this IFB:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing IFBs (IT Goods)	These rules govern this solicitation.
Attachment 2: Judicial Council Terms and Conditions for IT goods	<p>If selected, the person or entity submitting a bid (“Bidder”) must sign a Judicial Council Standard Form agreement containing its terms and conditions modified by:</p> <p>i) SAP General terms and conditions found at: https://www.sap.com/docs/download/agreements/general-terms-and-conditions/ops/sap-general-terms-and-conditions-on-premise-united-states-english-v3-2019.pdf</p> <p>ii) SAP Software User Rights found at: https://www.sap.com/docs/download/agreements/product-use-and-support-terms/sur/sap-software-use-rights-english-v10-2019.pdf JUDICIAL</p>
Attachment 3: Bidder’s Acceptance of Terms and Conditions	On this form, the Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: Small Business Declaration	Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 5: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the bid.
Attachment 6: Iran Contracting Act Certification	Bidder must complete the Iran Contracting Act Certification and submit the completed certification with its bid.
Attachment 7: Unruh and FEHA Certification	Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Darfur Contracting Act Certification	Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9: DVBE Bidder- Declaration	Bidder must complete DVBE-Bidder-Declaration-with-instructions if it wishes to claim the preference associated with this solicitation.
Attachment 10: DVBE Declaration	Bidder must complete DVBE-Declaration-with-instructions if it wishes to claim the preference associated with this solicitation.

5.0 SUBMISSIONS OF BIDS

- 5.1. Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the IFB’s instructions, requirements, clarity and completeness of content.
- 5.2. The Proposer must submit its proposal in two parts with associated attachments, the Technical Proposal and the Cost Proposal.
 - 5.2.1. Technical Proposal - The Proposer must submit their Technical Proposal as an attachment to an email sent to solicitations@jud.ca.gov.
 - 5.2.1.1. The Technical Proposal must be signed by an authorized representative of the Proposer.
 - 5.2.1.2. The Proposer must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the Proposal attachments.
 - 5.2.2. Cost Proposal - The Proposer must submit their Cost Proposal as an attachment to an email sent to solicitations@jud.ca.gov.
 - 5.2.2.1. The Cost Proposal must include all components, including annual and total cost for each of the required goods for either the 1 year requested or the 3-year initial term and the one year 2 option terms, as applicable for each component.
 - 5.2.2.2. The Proposer must indicate on the subject line of the submission email the IFB title and number and also indicate the IFB number and title on the Proposal attachments.
- 5.3. Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received prior to the due date and time, or the proposal will not be accepted.

6.0 BID CONTENTS

- 6.1 Non-Cost Information. The following must be included in the non-cost information. A bid lacking any of the following may be deemed non-responsive.
 - a. Bidder’s name, address, telephone and fax numbers, and federal tax identification number. Note that if Bidder is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
 - b. Name, title, address, telephone number, and email address of the individual who will act as Bidder’s designated representative for purposes of this IFB.
 - c. Model number(s), specifications, or other description of the goods Bidder proposes to supply to the Judicial Council, including warranty information.

- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has provided similar goods. The Judicial Council may check references listed by Bidder.
- e. Acceptance of the Terms and Conditions.
 - i. On Attachment 3, the Bidder must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, or other modification.
 - ii. If exceptions are identified, the Bidder must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.
- f. Certifications, Attachments, and other requirements.
 - i. Bidder must include the following certifications in its bid:
 - Conflict of Interest:** Bidder certifies that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
 - Conflict Materials:** Bidder certifies that either (i) it is not a scrutinized company as defined in PCC 10490(b), or (ii) the goods or services the Bidder would provide to the Judicial Council are not related to products or services that are the reason the Bidder must comply with Section 13(p) of the Securities Exchange Act of 1934. (Note: PCC 10490(b) defines a “scrutinized company” as “a person that has been found to be in violation of Section 13(p) of the Securities Exchange Act of 1934 by final judgment or settlement entered in a civil or administrative action brought by the Securities and Exchange Commission and the person has not remedied or cured the violation in a manner accepted by the commission on or before final judgment or settlement.”)
 - ii. **Sellers Permit:** Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.

- iii. **Good standing:** If (i) Bidder is a corporation, limited liability company, or limited partnership, and (ii) the agreement resulting from this IFB will be performed in California, proof that Bidder is in good standing and qualified to conduct business in California.
- iv. **Unruh and FEHA Certification:** Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.
- v. **Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims, and as set forth in Attachments 1 and 2. *See Gov. Code Sections 4552-4554.*
- vi. **Darfur Contracting Act:** Bidder must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its bid.

6.2 Cost Information. The following must be included in the cost information.

- i. The cost per unit for the goods described in the non-cost information.
- ii. Annual and total cost for the required goods for the 3-year initial term and the one year 2 option terms.

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.

7.0 OFFER PERIOD

A Bidder's bid is an irrevocable offer for ninety (90) days following the bid due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

8.0 EVALUATION OF BIDS

The bids will be publicly opened as per schedule or timeline indicated on Section 3 above.

The Judicial Council will evaluate the bids as described in the Administrative Rules. Award, if made, will be to the lowest responsible bidder meeting specifications.

The Judicial Council may conduct interviews with Bidders to clarify aspects of their bids. The interview process may 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 Judicial Council's offices. The Judicial Council will not reimburse Bidders for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Bidders regarding interview arrangements.

If a contract will be awarded, the Judicial Council will post an intent to award notice at www.courts.ca.gov.

9.0 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 Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly traded corporation. All other information in proposals 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 Judicial Council's right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this IFB constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 12. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

10.0 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 Judicial Council's DVBE Rules and Procedures. Bidder will receive a DVBE incentive if, in the Judicial Council'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.

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 the Bidder Declaration (Attachment 9). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Bidder must submit with its bid a DVBE Declaration (Attachment 10) 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 Judicial Council 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 Judicial Council’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 Judicial Council 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.

FRAUDULENT MISREPRETATION 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.

11.0 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 Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Bidder will receive a small business preference if, in the Judicial Council'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 given a 5% preference consistent with Public Contract Code Section 12012.2(c). 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 Judicial Council 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 MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

12.0 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 Judicial Council to receive a **solicitation specifications protest** is **November 10, 2022**. Protests should be sent to:

The Contracts Manager
Branch Accounting and Procurement | Administrative Division

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Judicial Council of California
455 Golden Gate Ave., San Francisco, CA 94102-3688

Protests of an Intent to Award shall be filed with the Judicial Council within five working days after the Notice of Intent to Award is published. Authority to protest may be limited to participating bidders.