

INVITATION TO BID

*SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO*

**REGARDING:**

IFB 19-36 Scanners *[Amended]*

**BIDS DUE:**

**May 13, 2019** NO LATER THAN **3:00 P.M.** PACIFIC TIME

1. **BACKGROUND INFORMATION**

The Superior Court of California, County of San Bernardino (“Court”) is seeking bids from qualified persons or entities (hereinafter referred to as “Bidder” or “Bidders”) for the purchase of scanners for use with the Tyler Case Management System (CMS) for the interactive scanning of all incoming documents into the case record at event entry.

The type of award anticipated is Firm Fixed Price. 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/RequestforBid.aspx*](http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx).

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

**2.1.** The Court seeks IT goods meeting the following specifications:

(22) each Canon DR-G2110 Scanner

(340) each Canon DR-M260 Scanner

(340) each Fujitsu FI-7160 Document Scanner *[Amended]*

 Note: The Court will purchase only one of the quantity (340) scanners.

*[Amended]*

**2.2.** The Court may require a sample of each scanner to demonstrate functionality with the Tyler CMS if the brand and/or model number are not the same as above. Court will notify Bidder if samples are required and Bidder must deliver samples to the Court no later than May 20, 2019. The Court will not pay for said samples. The Bidder is responsible for the cost of delivery to and pick-up from the Court. The Court, in its sole discretion, will determine if the scanners function correctly with Tyler CMS as it is configured for the Court. *[Amended]*

**2.3.** Bidder should also calculate freight costs to ship goods to: 770 South Gifford Street, San Bernardino, CA 92415.

**2.4** Entire order must be delivered in full by June 28, 2019.

1. **TIMELINE FOR THIS IFB**

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

| **EVENT** | **DATE** |
| --- | --- |
| IFB issued**:** | April 29, 2019 |
| Deadline for questions | May 6, 2019*3:00 PM Pacific Time* |
| Questions and answers posted | May 9, 2019 |
| **Latest date and time bids may be submitted**  | **May 13, 2019*****3:00 PM Pacific Time*** |
| Public opening of cost bids | May 14, 2019*3:00 PM Pacific Time* |
| Notice of Intent to Award (*estimate only*) | May 28, 2019 |
| Execution of contract (*estimate only*) | June 4, 2019 |

1. **IFB ATTACHMENTS**

| **ATTACHMENT**  | **DESCRIPTION** |
| --- | --- |
| Attachment 1 - Administrative Rules RFQs-IFBs-RFPs | These rules govern this solicitation. **Please read carefully.** |
| Attachment 2 – General Terms and Conditions | If selected, the person or entity submitting a bid must accept a purchase order containing these terms and conditions.  |
| Attachment 3 – Bidder’s 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 – Small Business Declaration ***[Amended.]*** | Form for Bidder to claim the small business preference associated with this solicitation. |
| Attachment 7 - Postconsumer-Content Certification | Form for Bidder to certify recycled content of goods to be provided. |
| Attachment 8– Unruh Civil Rights Act and California Fair Employment and Housing Act Certification  | Form for Bidder to certify Unruh Civil Rights Act and California Fair Employment and Housing Act compliance. |
| Exhibit A: Payment Provisions | This form contains information regarding contemplated payment terms and requirements to process invoices for payment. |
| Exhibit B: Cost Worksheet  | Excel worksheet for Bidder to enter its cost bid. |

1. **PAYMENT INFORMATION**

See Exhibit A: Payment Provisions.

1. **PRE-BID 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 BIDS**
	1. Bids should provide straightforward, concise information that satisfies the requirements of the “Bid Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.
	2. The Bidder must submit its bid 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 bid. The original must be signed by an authorized representative of the Bidder. The original non-cost portion of the bid must be submitted to the Court in a single sealed envelope, separate from the cost portion. *The Bidder must write “non-cost” and the IFB 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 bid. The original must be signed by an authorized representative of the Bidder. The original cost portion of the bid must be submitted to the Court in a single sealed envelope, separate from the non-cost portion. *The Bidder must write “cost” and the IFB title and number on the outside of the sealed envelope.*
			1. The Bidder must submit **an electronic version of the entire bid** on CD-ROM or USB Flash Drive with the cost portion. The files contained on the CD-ROM or USD Flash Drive should be in PDF, Word, or Excel formats.
	3. Bids must be delivered by the date and time listed on the coversheet of this IFB to:

Superior Court of California, County of San Bernardino

Attn: Purchasing

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0066

(909) 708-8747

* 1. Late bids will not be accepted.
	2. Only written bids will be accepted. Bids must be sent by registered or certified mail, courier service (e.g. FedEx or UPS), or delivered by hand. Bids may not be transmitted by fax or email. *The IFB title and number must be stated on the outside of the delivery envelope or package.*

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1. **BID CONTENTS**

All information submitted in bid must be clearly legible.

* 1. Non-cost Portion. The following information must be included in the non-cost portion of the bid. A bid 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 IFB.
		3. Model number(s), specifications, or other description of the goods the Bidder proposes to supply to the Court, including warranty information.
		4. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has provided similar goods. The Court may check references listed by the Bidder.
		5. Attachments 3-8.

Bidder must include the following properly completed attachments or exhibits:

* + - 1. Acceptance of Terms and Conditions
			2. General Certifications Form
			3. Good Standing Form
			4. Small Business Declaration. Bidder must complete this form and submit the completed form with its bid only if it wishes to claim the small business preference associated with this solicitation.
			5. Postconsumer-Content Certification. Bidder must complete this form and submit the completed form with its bid.
			6. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. Bidder must complete this form and submit the completed form with its bid only if its cost bid exceeds $100,000.00, including the initial term and all options.
		1. TheBidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (ii) a certificate of registration issued under Revenue and Taxation Code section 6226.
	1. Cost Portion. The following information must be included in the cost portion of the bid:
		1. Bidder must include the properly completed Exhibit B: Cost Worksheet that includes a “Not To Exceed” pricing for all goods and expenses payable under the contract, if awarded, including the initial term and all available options.

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 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 Court reserves the right to negotiate extensions to this period.

1. **EVALUATION OF BIDS**
	1. The Court will publically open bids on the date and at the time noted in Section 3.0 at the following Court location:

San Bernardino Justice Center

1. West Third Street, 11th Floor Reception Area

San Bernardino, CA 92415

* 1. The Court will evaluate bids as described in the Administrative Rules (Attachment 1). Award, if made, will be to the lowest responsible bidder meeting specifications. If a contract will be awarded, the Court will post a Notice of Intent to Award at [http://www.sb-court.org/GeneralInfo/RequestforBid.aspx](http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx).
1. **CONFIDENTIAL OR PROPRIETARY INFORMATION**

**BIDS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT**. The Court will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Bidder that is not a publicly-traded corporation. All other information in bids will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the bid (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the bid (a) purporting to limit the Court’s right to disclose information in the bid, or (b) requiring the Court to inform or obtain the consent of the Bidder prior to the disclosure of the bid (or portions thereof). Any bid that is password protected, or contains portions that are password protected, may be rejected. Bidders are accordingly cautioned not to include confidential, proprietary, or privileged information in bids.

1. **SMALL BUSINESS PREFERENCE**

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a bid 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 bid will be increased by an amount equal to 5% of the points assigned to the highest scored bid. 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 bid 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 bid 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.

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1. **DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

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 **the bid due date and time**. Protests should be sent to:

Superior Court of California, County of San Bernardino

Attn: Steve Pascover, Advisory Attorney

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0302

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