

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID/PROPOSAL—

(This is not an order)

BID MUST BE MADE ON THIS SHEET
OR AS OTHERWISE SPECIFIED

Bid Number: OCA/CS-171	Commodity Group:
Issue Date: 03/25/10	
Opening Date: APRIL 22, 2010 Time: 2:00 PM	Commodity Name: Ordering & Inventory Software-Hosting, Support & Maintenance

Gabrielle Tanski
NYS Office of Court Administration
42 Karner Road
Albany, NY 12205
(Agency Name and Address)

Direct Inquiries to: Gabrielle Tanski
Telephone No.: 518-285-5011
Email: gtanski@courts.state.ny.us

Price to include delivery to (describe exact location and method of delivery)

Per attached RFB/RFP Specifications

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities) <u>UCS ATTACHMENTS I AND III AND IV</u> INCORPORATED HEREIN.	Bidder's Quotation and Specific Description of Item Offered Respondents are to submit all required documentation and pricing in the format prescribed by the attached RFB/RFP Specifications.
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NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed responses for furnishing the item(s) in this Solicitation will be received at the above address. When submitting a response, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your response deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the Solicitation Forms. The Bid/Proposal response must be completed in the name of the respondent (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE SOLICITATION NUMBER, THE OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED RESPONSE.

5. Mail the bid/proposal response to the above agency address in sufficient time for it to be received before the specified bid opening. LATE RESPONSES WILL BE REJECTED.

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

RESPONSES MUST BE SIGNED

Bidder's Firm Name		Employer's Federal Identification Number	
Address Street	City	State	Zip
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number Email Address	

DOCUMENT ENCLOSURE CHECKLIST

_____ Fully executed Pricing Sheet: **The Pricing Sheet must be included in bidder's response or it will be disqualified.**

The following documents must be fully executed and included in bidder's response. Failure to do so (including failure to provide the requested number of copies) may disqualify bidder's response:

- _____ UCS Request for Bid Form with original signature
- _____ Attachment I, p.3 - Non-Collusive Bidding Certificate
- _____ Attachment I, p.4 - Corporate Acknowledgment
- _____ Attachment III - Vendor Responsibility Questionnaire
 - ☐ paper questionnaire
 - ☐ questionnaire file online via OSC VendRep System
- _____ Attachment IV - Procurement Lobbying Forms
 - ☐ Disclosure of Prior Non-Responsibility Determination (UCS 420)
 - ☐ Affirmation of Understanding and Agreement (UCS 421)
 - ☐ Termination Clause (UCS 423)
- _____ Copies of bidder's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications
- _____ Bidder's organizational chart
- _____ Copies of diplomas/certifications/licenses required per the bid specifications
- _____ List of at least three (3) references (names, contacts, addresses, phone numbers, emails)
- _____ One copy of a standard support agreement and one copy of a hosting agreement
- _____ Original bid response + five (5) complete copies
- _____ Signed Document Enclosure Checklist

NB: There is no Attachment II

To be complete, a bidder's bid response must include ALL the above documents. This RFB/RFP Form must be submitted, executed where indicated below. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.

Company Name: _____

Authorized Officer's Name and Title:

Signature: _____ Date: _____

*** * * GENERAL SPECIFICATIONS * * ***

I. The RFB/RFP Process

Note to Bidders

1. Attachment I - Standard Request for Bid Clauses & Forms and Attachment IV- Procurement Lobbying Law required forms

In addition to such other specifications and criteria contained herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms; Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420); Affirmation of Understanding and Agreement (UCS 421); and Termination Clause (UCS 423) pursuant to the Procurement Lobbying Act (which must be downloaded or printed from the UCS Contract & Procurement website under "Addenda" for the appropriate solicitation), are incorporated and made a part of these bid specifications.

2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (hereafter, "UCS") is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

Bidders are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us. Vendors opting to file a paper questionnaire may obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact UCS or the Office of the State Comptroller (hereafter, "OSC") for a copy of the paper form. Bidders who elect to file the Vendor Responsibility Questionnaire online via the OSC VendRep System must checkmark the appropriate box on the Document Enclosure Checklist.

Online RFB/RFP Package

Bidders accessing any Unified Court System/Office of Court Administration (hereafter, "UCS/OCA") solicitations and related documents from the New York State UCS website www.nycourts.gov/admin/bids under "Current Solicitations" shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents

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in question.

Binding Nature of Bid/Proposal on Bidders

All bids/proposals shall remain binding on bidders until such time as the Office of Court Administration (hereafter, "OCA") provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing to the attention of Gabrielle Tanski, at the address listed below, whichever occurs first.

Packaging, Identifying and Delivering of Bids/Proposals

Bidders may **not** submit their bid/proposal responses online.

Bids/Proposals must be **clearly addressed and submitted** to:

Gabrielle Tanski
Senior Court Analyst
NYS Office of Court Administration
42 Karner Road
Albany, NY 12205

All envelopes/cartons must also be labeled with the following information on two sides:

"Deliver immediately to Gabrielle Tanski"

"Sealed bid - Do not open"

"OCA/CS-171 due April 22, 2010 at 2:00 p.m."

Failure to seal and mark a bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by not later than April 22, 2010 at 2:00 pm. Any bid/proposal received after such date and time shall be declared a "late bid" and may be disqualified.

No-Bids

Bidders are requested to send a no-bid letter to OCA, Attn: Gabrielle Tanski, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: OCA/CS-171.

Estimated Quantities

Any requirements specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

Rejected and Unacceptable Bids/Proposals

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bid/proposal from any bidder who is in arrears to the State of New York upon any debt or in the performance of any contract; or who has previously defaulted on any contractual obligation, (as vendor, surety or otherwise), or other obligation to the State of New York; or who has been declared not responsible or disqualified by any agency of the

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State of New York; or who has any proceeding pending against them relating to the responsibility or qualification to receive or perform public contracts.

OCA also reserves the right to reject any bidder: (i) whose facilities and/or resources are, in the opinion of OCA, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of OCA, unable to meet specifications.

References

Bidders must submit with their bid response the names of at least three (3) client references (private, or governmental entities other than UCS) for whom bidder delivered similar services in the past three (3) years, including contact persons, telephone and fax numbers, and email addresses .

Pre-bid Conference

A pre-bid conference will be held on Monday, April 12, 2010 at 11:00 am at the Office of Court Administration, 42 Karner Road, Albany, NY 12205. Participants are requested to notify Gabrielle Tanski of their planned attendance. It is recommended that bidders attend the pre-bid conference.

Questions

Any and all questions bidders may have in connection with this solicitation are to be directed **by email only** to the attention of:

Gabrielle Tanski
Gtanski@courts.state.ny.us

Please indicate in "Subject" field: OCA/CS-171 Question(s)

The deadline to submit questions is April 7, 2010 before 4:00 pm. Questions will receive a written response and a revised Q&A listing all the questions received and their answers will be posted on the UCS website at www.nycourts.gov/admin/bids in the addenda column for the appropriate solicitation and distributed at the pre-bid conference. A final Q&A, revised to include all questions raised at the pre-bid conference and their answers, will be posted on the UCS website shortly after the pre-bid conference. The pre-bid conference is the last opportunity for bidders to raise questions. No questions will be entertained after the closing of the pre-bid conference.

IMPORTANT: All questions regarding this solicitation must be directed solely to the attention of the above-designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of UCS/OCA in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

Compliance with Law

Awarded contractor(s) must comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, fire, health and safety codes, prior to and during the

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provision of all services under the contract resulting from this RFB/RFP

Implied Requirements

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be deemed included in the bid/proposal, except as otherwise specified herein.

Silence of Specifications

The apparent silence of the specifications contained as a part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial and business practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

Independent Contractor Status

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

Termination Pursuant to the Procurement Lobbying Act

UCS shall have the right to terminate the agreement between the awarded vendor and UCS upon thirty (30) days prior written notice in the event that it is found that bidder's/vendor's certification regarding bidder's/vendor's disclosure of prior determinations of non-responsibility, as required by the Procurement Lobbying Act (State Finance Law §139-k), was intentionally false or intentionally incomplete.

Financial Stability

Upon request by OCA, bidder shall provide audited financial statements prepared in accordance with Generally Accepted Accounting Principles for the past three years, and bidder's most recent year-to-date financial statements.

Insurance Requirements :

Bidders shall be required to provide proof of the following insurance coverage, and awarded contractor shall be expected to maintain such coverages at all times during the term of the contract, at its own cost and expense:

Workers' compensation and disability benefit insurance coverage as required under NYS law (see

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Workers' Compensation Board website at www.wcb.state.ny.us for coverage requirements), or, if it is exempt from such coverage, proof of exemption

Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2million, aggregate
Personal Injury and Advertising:	\$1 million aggregate
Products/ Completed Operations	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Professional liability insurance in the minimum amount of \$1,000,000.00 per occurrence and \$3,000,000 aggregate coverage, with appropriate tail coverage.

All insurance coverages shall be obtained from commercial insurance carriers admitted to do business in the State of New York and shall name UCS as an additional insured or loss payee as appropriate, and shall provide for at least thirty (30) days advance written notice to UCS of cancellation or non-renewal.

Confidentiality:

Bidders and awarded contractor are hereby advised that any and all information, records, files, documents or reports generated by, or contained in, any media format (e.g. print, electronic) provided to contractor by an individual or component of the UCS, or otherwise obtained by contractor in the performance of contractual services, shall be considered confidential and shall be treated and maintained accordingly at all times. Neither the contractor nor any of its employees, agents, subcontractors, representatives, interns or volunteers shall at any time be permitted to utilize any such information for any purpose outside the scope of awarded contract without the express written authorization of OCA. Further, any and all data developed by contractor, or any person or entity acting on behalf of contractor, remains the sole property of UCS. Contractor, or subcontractors, may not make use of such data or information without the express knowledge and written consent of OCA.

Confidential/Proprietary Information:

Bidders should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than OCA. Such confidential/proprietary

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information must be easily separable from the non-confidential sections of the proposal. Note: Required financial data is not subject to the New York State Freedom of Information Law and will not be provided to any other party(s).

Changes:

Awarded contractor shall not be permitted to make changes in the conduct of examinations based on instructions of judges or judicial hearing officers. Any changes to the specifications of this RFB and any contract to be awarded hereunder shall be made only upon the mutual written agreement of the parties hereto, and may be further subject to approval by OSC. **Contractor shall assume all risks for violation of this requirement.**

Subcontracting:

No subcontracting will be allowed.

Termination:

In addition to any other rights or remedies it may have, UCS may terminate an agreement with awarded contractor upon written notice to contractor: (i) in the event that any representation made by the contractor in connection with this RFB shall prove to be false or misleading in any material respect, (ii) upon a determination that Contractor is non-responsible or (iii) if Contractor defaults in the observance or performance of any of the terms and conditions of such agreement, and such default is not remedied within thirty (30) days after such notice has been delivered to contractor specifying the occurrence, omission, or failure giving rise to such default.

II. RFB# OCA/CS-171

Purpose and scope

OCA is soliciting sealed bid/proposals for an **internet-based, hosted, order tracking, inventory based software** to enable the NYS Office of Court Administration and its Central Services (hereafter "OCA/CS") to manage inventories, source products and ship orders. **The hosted system and its maintenance must be available on a 24/7/365 basis.** Please refer to the Detailed Specifications.

Term of Award:

A contract will be awarded for an initial term of one year effective June 1, 2010 to May 31, 2011. The contract will reserve the right of UCS to renew the contract for up to three (3) additional one (1) year terms **upon the same terms, prices and conditions.**

The contract will further reserve the right of UCS to extend the contract for a period not to exceed one hundred and eighty (180) days upon the expiration of the initial term or any renewal thereof. The contract, and any renewal or extension thereof, shall be subject to approval by the NYS Office of the Attorney General and by OSC.

Method of award:

Award shall be made to the lowest responsible single bidder determined to be in compliance with this RFB's specifications. "Responsible" shall be determined by, but not limited to, the following criteria: bidder's experience, compliance with the specifications contained herein, references,

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financial stability, performance history and cost.

Award shall be made to the bidder quoting the lowest total dollar cost per year AND deemed responsible as defined in the paragraph above.

Qualifications/Procedures:

Bidder shall provide an organizational chart and a list of the names and titles of the account manager and other staff of bidder who will be responsible for providing administrative and account services under the contract. Bidder shall also provide a resume for the account manager, and resumes for all staff professionals. Contractor shall be expected to provide the Account Manager's business address, phone number(s) and E-mail address upon award of a contract.

Bidder shall also demonstrate its ability to design, develop and deliver an optimal solution working directly with OCA/CS.

Pricing

Bidder must quote a price per year for all services described in these bid specification, including hosting, support and maintenance.

***** DETAILED SPECIFICATIONS *****

The UCS Central Service Unit is a purchasing & distribution branch of the Department of Administrative Services serving 500 + Court/Agencies throughout N.Y. State. A catalog of 300+ items are available to the courts through an online ordering system or manually priced when orders are received by facsimile. Inventories are held in a 10,000 sq. ft. warehouse facility. Dependent upon volume & destination, full or partial orders may be shipped directly from vendors. Delivery receipts are created with each order to verify amounts requested, amounts delivered & pricing.

Software - Required Features:

Order tracking, inventory based software to monitor a live inventory w/connection to online ordering system via the UCS/Administrative services web page.

- Inventory Management
 - Monitor 400+ live inventory with bar codes
 - SKU Management
 - Product Catalog Management
- Order Management
 - monitor & track 2000+ orders yearly

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- returns & credits
 - picking, packing & shipping
- -Customer Management
 - monitor 500+ Court/Agencies
 - multiple delivery addresses
 - phone/fax #'s
 - contact info
 - cost centers
- Vendor Management
 - monitor information for 100+ vendors
 - OGS contract information (data import)
- Purchasing Management
 - monitor Purchase Orders
 - ability to process Purchase Orders
 - link to inventory
 - link to Inventory Management
- E-mail Correspondence Management
- Data Import/Export
- Connection & configuration of UCS Intranet - Administrative Services website for Online Ordering System
 - NYS OCA graphics
 - Home page
 - Category Page
 - Products Page
- Reports generated must satisfy Comptroller & UCS reporting needs. Reports to include:

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- Delivery Receipts
- Inventory Reports
- Catalog Reports
- Detailed activity reports (each item for period)
- Charge back reports (all items purchased for each court for period)
- Journal Voucher (reports for period)
- Set-up, training & configuration for 3 UCS staff members
- Import all inventory, billing, customer & sales information from current system provider
- Dedicated implementation consultant
- Support representative
- Account management
- 24/7/365 System Hosting & Monitoring
 - Production hardware to be in environmentally controlled facility - uninterrupted power systems, fire suppression, nightly back up of data, disaster prevention & recovery, year round system monitoring.
- 24/7/365 Emergency support
- System Maintenance & Upgrades

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PRICING SHEET

Cost per Year must include all services described in these bid specifications, including hosting, support and maintenance.

Total Cost per Year = \$ _____

Company name _____

Company officer's name and title _____

Signature _____ **date** _____

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