

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID—

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
 OR AS OTHERWISE SPECIFIED**

NYS OFFICE OF COURT ADMINISTRATION
 25 BEAVER STREET
 NEW YORK, NY 10004
 (Agency Name and Address)

Direct Inquiries to: Jeff Casper
 Phone: (212) 428-2867
 Email: JCASPER@courts.state.ny.us

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

PER RFB SPECIFICATIONS

Bid Number: OCA/DOT-129	Commodity Group:
Opening Date: September 17, 2010 Time: 3:00 P.M.	Commodity Name: FTR 5.4 Software Licenses

<p>Agency's Specification of item(s) Required (include quantities)</p> <p>UCS ATTACHMENTS I, III AND IV MADE PART AND INCORPORATED HEREIN.</p>	<p>Bidder's Quotation and Specific Description of Item Offered</p> <p>ALL BID RESPONSES <u>MUST</u> BE ENTERED ON THE ENCLOSED BID RESPONSE FORM UNLESS SPECIFIED OTHERWISE HEREIN.</p>
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NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed bids for furnishing the item(s) in this Request for Bid will be received at the above address. When submitting a bid, 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 bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

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

5. Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE BIDS 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.

BIDS 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:	

DOCUMENTS ENCLOSURE CHECKLIST

_____ Pricing Sheet - the pricing sheet must be included in bidder's proposal. Failure to do so will disqualify bidder's response.

The following documents must be fully executed and included in bidder's proposal. Failure to do so 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 or
 - 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)
- _____ Proof of workers compensation and disability benefit insurance coverage under NYS law (please check the Workers Compensation Board's website at www.wcb.state.ny.us for the forms relevant to your company)
- _____ List of at least three (3) references (names, contacts, addresses, phone numbers, emails)
- _____ Original bid response + five (5) complete copies
- _____ Signed Documents Enclosure Checklist

NB: There is no Attachment II

To be complete, a bidder's bid response must include ALL the above documents. 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 - Required Forms:

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

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms, Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) as well as 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 this solicitation.

2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (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 can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact the Unified Court System or the Office of the State Comptroller for a copy of the paper form.

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Bidders' authorized signature of the RRB/RFP Form will serve as confirmation that bidders have knowingly filed their questionnaire online if paper questionnaire is not included with bidders bid/proposal submission.

Online RFB/RFP Package : Disclaimer:

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 in question.

Questions:

Questions may be addressed by e-mail only to:

Jeff Casper
JCASPER@courts.state.ny.us

The **deadline** to submit questions is **September 3, 2010 by 5:00 pm**. No questions will be entertained after this deadline. All questions will be answered individually in writing by e mail. A Q&A including all questions received and their answers will be posted on the UCS website a couple of days after the deadline of September 3, 2010.

IMPORTANT: All communications and 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 the 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.

Bid Response/Proposal: Original and Copies:

Bidders shall submit all the following required **original RFB/RFP documents:** Bid/Proposal; Executed RFB/RFP Form; Attachment I - pages 3 and 4 of 10; Attachment III - Vendor Responsibility Questionnaire (checkmark the appropriate box for paper questionnaire or online submission in Documents Enclosure Checklist); Attachment IV - Disclosure of Prior Non-Responsibility Determinations (UCS 420) Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423), and any other required documentation, brochures, samples, etc. listed on the Document Enclosure Checklist. Failure to provide all original documents or the failure to provide the requested number of copies may result in disqualification of a bidder's response.

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, whichever occurs first.

OCA/DOT-129
FTR 5.4 SOFTWARE LICENSES

Bid Opening Date: September 17, 2010
Bid Opening Time: 3:00 pm

Packaging, Identifying and Delivering of Bids/Proposals:

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

All bid/proposal submissions must be securely contained in a sealed package or carton and clearly labeled on two sides as follows:

“Deliver immediately to Jeff Casper R-840”
“Sealed bid - Do not open”
“OCA/DOT-129 due on September 17, 2010 at 3:00 p.m.”.

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

Jeff Casper
Senior Management Analyst
NYS Office of Court Administration
25 Beaver Street, R-840
New York, NY 10004

Failure to seal and mark the 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 on September 17, 2010 by 3:00 pm at the latest or bids will be declared a “late bid” and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

No-Bids:

In order to remain on OCA’s bidders list, bidders are requested to send a no-bid letter to OCA, Attn: Jeff Casper, 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/DOT-129.

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 State of New York; or who has any proceeding pending against them relating to the responsibility or qualification to receive or perform public contracts; or whose proposal is incomplete in any material respect .

Responsible Bidder:

A bidder shall be defined as “responsible” in accordance with, but not limited to, references, past performance

history, financial stability, compliance with this RFB's general and detailed specifications, the criteria set forth in paragraph 2 of the General Specifications (Attachment III-Vendor Responsibility Questionnaire) and the criteria set forth in the paragraph headed "Rejected and Unacceptable Bids/Proposals" as well as any other criteria necessary and reasonable to establish the bidder's responsibility.

References:

Each bidder must provide at least three (3) references including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

Changes:

Under no circumstances should the awarded contractor act on any verbal communications of judicial and non-judicial personnel. Any and all communications must be in writing. The awarded contractor assumes all risks in acting otherwise.

Compliance with Laws:

Awarded contractor must be compliant with all applicable federal, state and local laws, rules and regulations prior to and during the provision of all services under the contract resulting from this RFB/RFP.

Implied Requirements:

Products and services that are not specifically requested in this RFB, but which are necessary to the provision of the products or services required by this RFB, shall be included in bidders proposal.

Silence of Specifications:

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

New York State Office of General Services Appendix B (July, 2006):

The New York State Office of General Services General Specifications (Appendix B), dated July, 2006 (hereinafter Appendix B) are attached hereto. The following paragraphs of Appendix B are incorporated herein: 72 (a), 72 (b), 72 (f), 72 (i) and 75. All references to 'Authorized Users' in the incorporated paragraphs of Appendix B shall be deemed to be changed to 'New York State Unified Court System'.

Financial Stability:

Upon request by UCS/OCA, each bidder shall provide a copy of its financial filings as audited by a certified auditing firm for the past three consecutive years, as well as copies of the bidder's last three (3) annual reports.

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

II. RFB# OCA/DOT-129

Purpose and Scope:

The UCS/OCA, on behalf of the UCS/OCA Department of Technology (DOT), is soliciting sealed bids/proposals to purchase:

1. FTR Reporter version 5.4 FPP; PSP-00199-GR54-0E
2. FTR Reporter 5.4 Enterprise (5-24 seat); PSP-00199-GR54-0E
3. FTR Reporter 5.4 Enterprise (25+ seat); PSP-02099-GR54-0E
4. FTR Reporter 5.4 Upgrade (from any version); PSP-01399-GR54-0E
5. Log Notes Enterprise 2.2; PSP-02199-GL22-0E
6. Log Notes Enterprise 5.4; PSP-02099-GL54-0E
7. Log Notes Up-Grade from 2.2 to 5.4; PSP-01399-GL54-0E
8. The Record Manager; PSP-00199-TR54-0E

Term of Award:

A single contract will be awarded for an initial term of two (2) years. The UCS/OCA reserves the right to renew the contract for three (3) additional one-year periods and to extend the contract at the end of either the initial term or first or second renewal periods for a maximum of one hundred and eighty (180) days, at the same terms and conditions including pricing.

Pricing:

Bidders shall quote their price per license including any future updates and they shall indicate any volume discounts.

Method of award:

A single award shall be made to the lowest dollar cost, responsible bidder. Lowest dollar cost is defined as the lowest Grand Total purchasing price of an **estimated** maximum order of fifty (50) each per year of the listed software units for the initial two (2)-year term of the resulting contract.

Bidder must be responsible as defined in section I.2 of the General Specifications and in the paragraphs headed “Rejected and Unacceptable Bids/Proposals” as well as “Responsible Bidder.”

Estimated Quantities:

Any quantity specified in this RFB/RFP constitutes an **estimate only** and accordingly, no commitment or guarantee to reach any specified volume of business is made or implied. Accordingly, the award shall be for an **estimated quantity term contract**.

Bidder’s Qualifications:

Contractor must be an authorized FTR reseller in good standing with ample capital or sufficient FTR credit to secure and deliver the required products and services.

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.

PRICING SHEET

Software Unit	Cost per Unit	Estimated Quantity per Year	Estimated Annual Cost
FTR Reporter version 5.4 FPP; PSP-00199-GR54-0E	\$_____	x 50	\$_____
FTR Reporter version 5.4 Enterprise (5-24 seat); PSP-01099-GR54-0E	\$_____	x 50	\$_____
FTR Reporter version 5.4 Enterprise (25+ seat); PSP-02099-GR54-0E	\$_____	x 50	\$_____
FTR Reporter version 5.4 Upgrade (from any version); PSP-01399-GR54-0E	\$_____	x 50	\$_____
Log Notes Enterprise 2.2; PSP-02199-GL22-0E	\$_____	x 50	\$_____
Log Notes Enterprise 5.4; PSP-02099-GL54-0E	\$_____	x 50	\$_____
Log Notes Upgrade from 2.2 to 5.4; PSP-01399-GL54-0E	\$_____	x 50	\$_____
The Record Manager; PSP-00199-TR54-0E	\$_____	x 50	\$_____

Total Cost per Year (All Units) \$_____ X 2 = Grand Total Cost for 2-year initial term \$_____

Please indicate any volume discounts:

Organization's Name: _____

Authorized Officer's Name: _____

Authorized Officer's Signature: _____ Date: _____