

**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: Marie-Claude Ceppi  
 Telephone No.: 212-428-2727  
 Email: Mceppi@courts.state.ny.us

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

PER RFB SPECIFICATIONS

<b>Bid Number:</b> OCA/DOT-140	<b>Commodity Group:</b>
<b>Opening Date:</b> OCTOBER 28, 2008 <b>Time: 3:00 P.M.</b>	<b>Commodity Name:</b> FILEMAKER CONSULTANT

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)  <b>UCS ATTACHMENT I, III, IV and V ATTACHED &amp;          INCORPORATED HEREIN.</b>	Bidder's Quotation and Specific Description of Item Offered  <b>ALL BID RESPONSES MUST BE ENTERED ON THE          ENCLOSED BID RESPONSE FORM UNLESS SPECIFIED          OTHERWISE HEREIN.</b>
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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 <b>Email:</b>	

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**DOCUMENT 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 filed 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)
- \_\_\_\_ Attachment V - Consultant Disclosure Form (UCS 475)
- \_\_\_\_ List of at least three (3) references (names, contacts, addresses, phone numbers, emails)
- \_\_\_\_ Original bid response + five (5) complete copies
- \_\_\_\_ Signed Documents Enclosure Checklist

**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.**

NB: There is no Attachment II

Organization's Name: \_\_\_\_\_

Authorized Officer's Name and Title:

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**\*\*\* GENERAL SPECIFICATIONS \*\*\***

**I. The RFB/RFP Process**

**Note to Bidders**

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, and Attachment V - Consultant Disclosure Form (UCS 475), 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/Office of Court Administration (hereafter "UCS/OCA") 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](http://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](mailto: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](http://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.

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**Online RFB/RFP Package : Disclaimer:**

Bidders accessing any UCS/OCA solicitations and related documents from the New York State UCS website [www.nycourts.gov/admin/bids](http://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 **in writing** only, by e-mail or by fax, to:

Marie-Claude Ceppi  
Management Analyst  
[Mceppi@courts.state.ny.us](mailto:Mceppi@courts.state.ny.us)  
Fax: (212) 428-2819

The **deadline** to submit questions is **October 20, 2008 at 5:00 pm**. No questions will be entertained after this deadline. All questions will be answered individually in writing and a Questions & Answers (Q&A) sheet with all the questions received and their answers will be posted on the UCS website.

**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), Attachment V - Consultant Disclosure Form (UCS 475), 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.

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**Binding Nature of Bid/Proposal on Bidders:**

All bids/proposals shall remain binding on bidders until such time as the UCS/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.

**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 Marie-Claude Ceppi R-840”**  
**“Sealed bid - Do not open”**  
**”OCA/DOT-140 due October 28, 2008 at 3:00 p.m.”.**

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

**Marie-Claude Ceppi**  
**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 UCS/OCA-designated person by October 28, 2008 at 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 the UCS/OCA bidders list, bidders are requested to send a no-bid letter to UCS/OCA, Attn: Marie-Claude Ceppi, 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-140.

**Rejected and Unacceptable Bids/Proposals:**

The UCS/OCA reserves the right to reject any and all proposals or bids submitted in response to this solicitation for failure to comply with the requirements of the solicitation. In addition, UCS/OCA may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or contract; or who have previously defaulted on any contractual obligations, (as surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York; or who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts.

**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 products/services at any time during the past three (3) years.

**II. RFP # OCA/DOT-140**

**Purpose and Scope:**

The UCS/OCA, on behalf of its Division of Technology (hereafter “DOT”) is soliciting sealed bids for the purpose of establishing an estimated quantity term contract for provision of FileMaker consultant services to design and deploy FileMaker applications for use on the UCS Intranet and the UCS Website (see Detailed Specifications). The DOT shall communicate directly with the Account Manager who will be the designated contact for this contract.

**Detailed Specifications:**

- Design and deploy FileMaker applications for use on the UCS Intranet in a Citrix environment and on the UCS Website using Instant Web Publishing
- Document all applications and provide detailed instructions for use and deployment
- Prepare and conduct training
- Assist with the recovery of corrupt FileMaker files
- Assist with Server/Server Advanced configuration
- Answer general FileMaker questions
- Test and train the UCS on new FileMaker related technology such as plugins

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- Assist in the deployment of operational products and procedures such as file retention
- Ability to work directly with users with limited supervision by the UCS/OCA, DOT
- Knowledge of best practices using features such as Custom Functions and Custom Menus

**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**.

The number of hours needed to perform the services required in these specifications is estimated at four hundred (400) per year. The actual number of hours needed might be fewer or higher.

**Term of Award:**

A single contract will be awarded for an initial term of two (2) years, from January 1, 2009 to December 31, 2010, with three renewal terms of one year each. The renewal terms shall be optional at the sole discretion of UCS/OCA and shall be upon the same terms and conditions as the initial term, including pricing,. UCS/OCA shall also have the option to extend the contract for a maximum of one hundred and eighty (180) days after either the initial term or the last renewal term exercised by UCS/OCA.

**Developer Qualifications:**

Bidder shall assign one or more developer(s) to work on the services that will be contracted, but no more than four (4) developers. Bidder shall also name one (1) Account Manager who will be the designated contact with OCA regarding all aspects of the contract. Bidder shall also provide a resume for the developer(s) proposed to be assigned to the contract as well as for the Account Manager, including business address, phone and fax numbers and e-mail address. Developer resumes will be verified to ensure that the developer has the experience required by these specifications. OCA/DOT reserves the right to interview and to reject candidates proposed for assignment as developers both initially and throughout the course of the agreement that results from this RFP. The awarded contractor shall not remove developers assigned to the contract without good cause, unless requested by OCA/DOT. OCA/DOT reserves the right to require the selected contractor to remove assigned developers from the contract in the event of unsatisfactory performance.

**Description of Bidder's and Developers' experience:**

Bidder is required to describe and to document its past and current experience and qualifications as outlined in paragraph "Method of Award" or bidders' response may be rejected.

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**Travel:**

The awarded vendor will be expected to travel throughout New York State, especially to Troy (Albany) and New York City, to attend regular meetings with the DOT Small Systems Group. Travel expenses must be included in the rates bid and will not be separately reimbursed.

**Pricing:**

Bidders shall quote a **single consulting rate per hour** based on approximately four hundred (400) hours per year. Rates shall include all services and deliverables described in these specifications, as well as all expenses, including but not limited to, travel and administrative expenses. Pricing shall be firm during the initial term of the contract as well as any renewal or extension periods. Please see the Pricing Sheet.

**Ownership of Source Code/Confidentiality:**

The UCS/OCA, DOT, shall retain the exclusive ownership of source codes, and all codes and files developed by contractor, or any person acting on behalf of contractor. Neither Contractor nor its developers may make use of such codes and files or information for any purpose outside the scope of the agreement with UCS without the prior written consent of UCS/OCA/DOT.

Bidders and awarded contractor will be required to maintain the confidentiality of any and all information, records, files, documents or reports generated by, or contained in, any media format provided to contractor or its developers by UCS, or otherwise obtained by contractor or its developers in the performance of contractual services. Neither the contractor nor any of its developers or employees shall at any time be permitted to utilize any such information for any purpose outside the scope of the agreement resulting from this RFP without the express written authorization of OCA/DOT.

**Method of Award: see next page**

**Method of Award:**

A single contract will be awarded to the responsible bidder who scores the highest total points for the following categories:

**1. Cost** **Max. 25 points**

Lowest cost gets maximum points; next lowest cost gets a fraction of points

**Formula:** (lowest \$ cost/2nd lowest \$ cost, etc.) x max. points = points

**Example:** lowest = \$100 25 points; 2<sup>nd</sup> lowest = \$125

$$\text{\$ } 100 : \text{\$ } 125 = 0.8$$

$$0.8 \times 25 = 20$$

Lowest = 25 points; 2<sup>nd</sup> lowest = 20 points

**2. Contractor's Qualifications and Experience** **Max. 75 points**

- a. FileMaker Development experience with UCS or other government agency 10 points
- b. FileMaker Certification 9 or higher 8 points
- c. Knowledge of working in a Microsoft Windows server environment 2 points
- d. Experience designing and deploying FileMaker automation robots or similar FileMaker automation tools for Instant Web Publishing 10 points
- e. Experience training technical and non-technical staff 10 points
- f. Working relationship with FileMaker Inc., including sales and technical staff 10 points
- g. Experience: Number of years 5 points
- h. Regular participation in FileMaker events including user groups and the FileMaker Developer conference 10 points
- i. Experience with FMStudio, FileMaker PHP API, or PHP 10 points

**Total Points Max. 100 points**

In addition to the evaluation criteria set forth above, bidder must be responsible as defined in section I.2 of the General Specifications and in the section headed "Rejected and Unacceptable Bids/Proposals."

**Subcontracting:** No subcontracting will be allowed.

**Insurance:**

Bidder must include with its response a certificate of general liability insurance coverage in the minimum amount of \$1,000,000 for each occurrence. This insurance coverage must be provided at no cost to the UCS and must remain in force throughout the period a contractual agreement exists with UCS.

**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.

**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 RFP, but which are necessary to the provision of the products or services required by this RFP, shall be included in bidders proposal.

**Silence of Specifications**

The apparent silence of the specifications contained in this RFP 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.

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**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.