SHERIFF'S DEPARTMENT

REQUEST FOR PROPOSALS

FOR

REGIONAL PHOTO SYSTEM SOLUTION

RFP NO. 582-SH

REVISED UNDER BULLETIN #11

FEBRUARY 2024

Prepared By
County of Los Angeles

These guidelines are intended to provide general information only and are subject to revision. The rights and obligations of any party contracting with County will be determined in accordance with the terms of the applicable contract and applicable law.

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1.0 INTRODUCTION

1.1 The Los Angeles County (County) Sheriff's Department (Department) is issuing this Request for Proposals (RFP) to solicit proposals for a contract with an organization that can provide a Regional Photo System (RPS), which includes:

- Repository of booking images (e.g., mugshots and scars, marks, and tattoos SMT),
- Facial Recognition (FR) and SMT searches, and
- Interfacing with internal and external Department systems.

1.2 Titles, captions and headings contained in this solicitation are inserted as a matter of convenience and for reference and are not intended and must not be deemed or construed to define, limit, extend or otherwise describe the scope or any provision of this solicitation.

1.3 Eligible Entities

The County and Proposer agree that Eligible Entities may purchase products or services defined herein under the same terms and conditions as the County, subject to any applicable local purchasing ordinances and laws of the State of California.

For purposes of this RFP, an Eligible Entity is any public law enforcement/public safety agency whose procurement rules, whether internal or enacted pursuant to statute, allow them to purchase goods or services through a procurement vehicle such as this RFP.

The terms, and conditions of any contract issued pursuant to this RFP will be made available, upon request, to public law enforcement/public safety agencies, "Eligible Entities".

The County must not be construed as a dealer, re-marketer, representative, partner, or agent of any type, of Proposer. Eligible Entities will be solely responsible for ordering services and products under any County contract arising from this RFP. Payments for services and products ordered by an Eligible Entity will be the exclusive obligation of such Eligible Entity.

The County will not be obligated, liable, or responsible for any order made by any Eligible Entity or any employee thereof, OR for any payment required to be made with respect to such order; and that any disputes between Eligible Entities and Proposer are not the responsibility of the County. The exercise of any rights or remedies of the Eligible Entities or Proposer will be the exclusive obligation of such party.

The County makes no representation or guaranty with respect to any minimum purchases by the County, or any Eligible Entity or any employee thereof, under any County contract or Eligible Entity contract arising from this RFP.

2.0 PURPOSE - CONTRACT FOR REGIONAL PHOTO SYSTEM SOLUTION (SERVICES)

2.1 Statement of Work

The prospective Contractor (hereafter "Contractor") must implement its proprietary commercial off-the-shelf (COTS) software which meets, or which will meet (by Final Acceptance), all of the County's business and functional requirements listed in Appendix B (Solution Requirements and Response Matrix). Contractor will be required to execute the implementation tasks as well as other tasks outlined in Attachment A.1 (Tasks and Deliverables) to Appendix A (Statement of Work) to this RFP.

The scope of this RFP includes planning, implementation, hosting and maintenance & support of a digital mugshot Solution (Solution) that will meet the requirements set forth in this RFP. The proposed Solution must be based on Contractor's proprietary COTS software application, primary and secondary environments must be housed in a CJIS-compliant cloud and be managed by the selected Contractor.

The scope of work under the resultant Contract will include:

a. Providing a browser-based, web-enabled FR Solution that will enable implementation of state-of-the-art facial comparison technology (e.g., FR algorithms, forensic-level and investigative-level facial comparisons) applications and workflows including integration with the Department's current Multimodal Biometric Identification System (MBIS) and Mobile Gateway, and other related systems,
b. Providing computer hardware,
c. Implementing software,
d. Providing maintenance and support for the County's RPS-installed virtual hardware,
e. Providing maintenance and support for the installed Solution, which must include all software and algorithm periodic patches, updates, and new releases, and
f. Providing training to County-designated Users, technical staff, and helpdesk support staff.

2.2 Sample Contract: County Terms and Conditions

2.2.1 Contractor will be required to abide by all terms and conditions outlined in Appendix C (Sample Contract), to this RFP. Proposers should review

Appendix C (Sample Contract) with its legal counsel prior to submitting a proposal.

2.2.2 Anticipated Contract Term

The term of the resultant Contract will commence upon execution of the Contract by the County and the selected Contractor and will continue until and through six years from the date of the Solution's Final Acceptance, as such term is defined in Appendix C (Sample Contract) to this RFP (Initial Term). At the end of the Initial Term, the County may in its sole option automatically extend the term of the Contract for up to four one-year option periods (Extended Term). Notwithstanding the maximum Contract term of ten years from Final Acceptance, the County retains its sole right to terminate earlier for convenience, non-appropriation of funds, default of Contractor, substandard performance of Contractor, non-responsibility of Contractor, improper consideration given/offered to the County with respect to the award of the Contract, breach of warranty to maintain compliance with the County's Child Support Compliance Program and any other of the County's rights to terminate the Contract.

2.2.3 Contract Rates

Contractor's rates must remain firm and fixed for the term of the Contract.

2.2.4 Days of Operation

Contractor will be required to provide Services (Work) Monday through Friday (Business Days).

Contractor is not required to provide Services on County-recognized holidays. County Project Director will provide a list of the County holidays to Contractor when the Contract is approved and annually at the beginning of each calendar year.

2.2.5 Indemnification and Insurance

Contractor will be required to comply with all provisions contained in Paragraph 18.4 (Indemnification) of Appendix C (Sample Contract), to this RFP. Prior to the commencement of any Work, Contractor must procure, maintain for the duration of the Contract and all extensions, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in Paragraph 14 (General Provisions for all Insurance Coverage) and Paragraph 15 (Insurance Coverage) of Appendix C (Sample Contract), to this RFP.

3.0 MINIMUM MANDATORY REQUIREMENTS

Interested and qualified Proposers that can demonstrate their ability and qualifications to successfully provide the required services outlined in this RFP, are invited to submit a proposal(s), provided they: 1) meet all of the following Minimum Mandatory Requirements to propose, and 2) meet, or will meet (by Final Acceptance), all business and functional requirements for the proposed software that are flagged as mandatory in Appendix B (Solution Requirements and Response Matrix) to this RFP.

3.1 Proposer's Minimum Mandatory Requirements

3.1.1 Proposer must be a current established developer, proprietor, integrator, and provider of digital mugshot systems for a minimum of five years within the last ten years.

Proposer must list references on Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms) to verify this Minimum Mandatory Requirement.

3.1.2 Proposer must be a current established developer, proprietor, integrator, and provider of facial recognition systems for a minimum of seven years within the last ten years, with a minimum of 15 employees, providing a COTS solution [including facial recognition, digital mugshot, and investigative tools as well as professional services (which includes maintenance and support)] as outlined in Paragraph 9 (Project Assumptions - General) of Appendix A (Statement of Work) and Exhibit C (Service Level Agreement) to Appendix C (Sample Contract) to this RFP.

Proposer must list references on Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms) to verify this Minimum Mandatory Requirement.

3.1.3 Proposer's proposed COTS software must currently be in production use and being serviced by Proposer's maintenance program for not less than two consecutive years, at a minimum of one agency supporting more than 30 concurrent users.

Proposer must list references on Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms) to verify this Minimum Mandatory Requirement.

3.1.4 Proposer must have a minimum of one successful digital mugshot implementation of the proposed software (current or one major version prior) within the last 10 years. (A successful implementation is defined as one that has achieved final acceptance from the customer, has been in

production use for a minimum of one year without any major deficiencies, and is being serviced by Proposer's maintenance program.)

Proposer must list references on Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms) to verify this Minimum Mandatory Requirement.

3.1.5 Proposer must have a minimum of three successful facial recognition system implementations of the proposed software (current or one major version prior) within the last 10 years. (A successful implementation is defined as one that has achieved final acceptance from the customer, has been in production use for a minimum of one year without any major deficiencies, and is being serviced by Proposer's maintenance program.)

Proposer must list references on Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms) to verify this Minimum Mandatory Requirement.

3.1.6 If Proposer's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last ten years, then Proposer must not have unresolved questions regarding costs that have been identified by the Auditor-Controller, in an amount over $100,000.00. Costs that are confirmed to be disallowed costs by the contracting County department and remain unpaid for six months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of the County.

3.2 Proposer's RPS Solution's Minimum Mandatory Requirements

Proposer's RPS Solution must meet all the requirements specified below:

3.2.1 Proposer's RPS Solution must have its own imbedded database allowing users to perform FR searches on uploaded probe images.

3.2.2 Proposer's RPS Solution must only contain and access images that originate from a criminal booking.

The RPS Solution must not, in any way, access open-source images from social media origins/platforms (including, but not limited to, Facebook, TikTok, Twitter, Snapchat or Instagram).

3.2.3 Proposer's RPS Solution must be Criminal Justice Information Services (CJIS) and Criminal Offender Record Information (CORI) compliant:

https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center

https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/19-04-cjis.pdf.

3.2.4 Proposer's RPS Solution must have FR features, including investigative tools with the ability to perform forensic-level and investigative-level facial comparisons within the User interface, in accordance with the Facial Identification Scientific Working Group's (FISWG) current "Facial Image Comparison Feature List for Morphological Analysis" guide – link:

https://fiswg.org/FISWG_Morph_Analysis_Feature_List_v2.0_20180911.pdf.

3.2.5 Proposer's RPS Solution must be a browser-based, web-enabled system.

3.2.6 Proposer's RPS Solution must include one CJIS-compliant FR algorithm, which has been tested by the National Institute of Standards and Technology (NIST) and listed on the Face Recognition Technology Evaluation (FRTE) 1:N Identification:

https://pages.nist.gov/frvt/html/frvt1N.html.

Proposer's selected FR algorithm must be from a commercial organization which scored at or above the following factors in the NIST FRTE 1:N Identification "Investigation by Developer" report from 04/29/2024:

a. Mugshot to Mugshot "N = 12,000,000" – within the top 150
b. Mugshot to Webcam "N = 1,600,000" – within the top 125

3.2.7 Proposer's RPS Solution must include one pattern-matching enterprise algorithm for SMTs.

3.2.8 Proposer's RPS Solution must allow users to upload a probe SMT image and have a pattern matching feature for searching and comparing SMT probe images to SMT images in the Solution's database.

3.2.9 Proposer's RPS Solution must include watchlist functionality which, at minimum, includes the ability to search new enrollments and FR inquiries against all watchlists.

4.0 COUNTY'S RIGHTS AND RESPONSIBILITIES

4.1 Representations Made Prior to Contract Execution

The County is not responsible for representations made by any of its officers or employees prior to the execution of the Contract unless such understanding or representation is included in the final, executed Contract.

4.2 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors of County of Los Angeles (Board) retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant Contract, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

4.3 County's Option to Reject Proposals

Proposers are hereby advised that this RFP is a solicitation for proposals only, and is not intended, and is not to be construed as, an offer to enter into a contract or as a promise to engage in any formal competitive bidding or negotiations pursuant to any statute, ordinance, rule, or regulation. The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP or may, in its sole discretion, reject all proposals and cancel this RFP in its entirety. The County will not be liable for any costs incurred by Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

4.4 County's Right to Amend Request for Proposals

The County has the right to amend this RFP by written addendum. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addenda will be made available to each person or organization which the County records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of the County. The County is not responsible for and will not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

4.5 Background and Security Investigations

As a condition of beginning and continuing Work under any resultant Contract, background and security investigations of Contractor's staff may be required at the

discretion of the County. The cost of any required background checks will be the responsibility of Contractor.

5.0 NOTIFICATION TO PROPOSERS

5.1 Public Records Act

5.1.1 Responses to this solicitation will become the exclusive property of the County. Absent extraordinary circumstances, the recommended Proposer's proposal will become a matter of public record when: a) contract negotiations are complete, b) the Department receives a letter from the recommended Proposer's authorized officer that the negotiated contract is the firm offer of the recommended Proposer, and c) the Department releases a copy of the recommended Proposer's proposal in response to a Notice of Intent to Request a Proposed Contractor Selection Review under Board Policy No. 5.055 (Services Contract Solicitation Protest).

Notwithstanding the above, absent extraordinary circumstances, all proposals will become a matter of public record when the Department's Proposer recommendation appears on the Board agenda.

Exceptions to disclosure are those parts or portions of all proposals that are justifiably defined as business or trade secrets, and plainly marked by Proposer as "Trade Secret," "Confidential," or "Proprietary".

5.1.2 The County will not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. A blanket statement of confidentiality or the marking of each page of the proposal as confidential will not be deemed sufficient notice of exception. Proposers must specifically label only those provisions of its respective proposal which are "Trade Secrets," "Confidential," or "Proprietary," in nature.

5.1.3 In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "Confidential," "Trade Secrets," or "Proprietary," Proposer agrees to defend and indemnify the County from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the Public Records Act request.

5.2 Contact with County Personnel

All contact regarding this RFP or any matter relating thereto must be in writing, and e-mailed to:

Email address: tliu@lasd.org
Attention: Mr. Tony Liu, Senior Analyst

If it is discovered that Proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, the County, in its sole determination, may disqualify their proposal from further consideration.

5.3 Mandatory Requirement to Register on County's WebVen

Prior to a contract award, all potential Contractors must register in the County's WebVen. WebVen contains the vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at:

https://camisvr.co.la.ca.us/webven/.

5.4 Protest Policy Review Process

5.4.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest) any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Paragraph 5.4.3 (Grounds for Review) below. Additionally, any actual Proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the Paragraphs below. It is the responsibility of Proposer challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed contract award.

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

5.4.3 **Grounds for Review**

Unless state or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 (Services Contract Solicitation Protest) are limited to the following:

a. Solicitation Requirements Review [referenced in Paragraph 7 (Proposal Submission Requirements) of this RFP].

b. Disqualification Review [referenced in Paragraph 8 (Selection Process and Evaluation Criteria) of this RFP].

c. Department's Proposed Contractor Selection Review [referenced in Paragraph 8.10 (Department's Proposed Contractor Selection Review) of this RFP].

5.5 Conflict of Interest

No County employee whose position in the County enables them to influence the selection of a Contractor for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, nor be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Contractor. Proposer must certify that they are aware of and has read Section 2.180.010 of the Los Angeles County Code as stated in Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms).

5.6 Determination of Proposer Responsibility

5.6.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.

5.6.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of County Code, the County may determine whether Proposer is responsible based on a review of Proposer's performance on any contracts, including, but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by Proposer against public entities. Labor law violations which are the fault of the subcontractors and of which Proposer had no knowledge must not be the basis of a determination that Proposer is not responsible.

5.6.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board, in its discretion, finds that Proposer has done any of the following: a) violated a term of a contract with the County or a nonprofit corporation created by the County, b) committed an act or omission which negatively reflects on Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same, c) committed an act or omission which indicates a lack of business integrity or business honesty;

or d) made or submitted a false claim against the County or any other public entity.

5.6.4 If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department will notify Proposer in writing of the evidence relating to Proposer's responsibility, and its intention to recommend to the Board that Proposer be found not responsible. The Department will provide Proposer and/or Proposer's representative with an opportunity to present evidence as to why Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.

5.6.5 If Proposer presents evidence in rebuttal to the Department, the Department will evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board. The final decision concerning the responsibility of Proposer will reside with the Board.

5.6.6 These terms will also apply to proposed subcontractors of Proposers on County contracts.

5.7 Proposer Debarment

5.7.1 Proposer is hereby notified that, in accordance with Chapter 2.202 of County Code, the County may debar Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of Proposer's existing contracts with the County, if the Board finds, in its discretion, that Proposer has done any of the following: a) violated a term of a contract with the County or a nonprofit corporation created by the County; b) committed an act or omission which negatively reflects on Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; c) committed an act or offense which indicates a lack of business integrity or business honesty; or d) made or submitted a false claim against the County or any other public entity. These terms will also apply to proposed subcontractors of Proposers on County contracts.

5.7.2 A listing of Contractors that are currently on the Debarment List for Los Angeles County may be obtained on the following website:

https://doingbusiness.lacounty.gov/listing-of-contractors-debarred-in-los-angeles-county/.

5.8 Adherence to County's Child Support Compliance Program

Proposers must: a) fully comply with all applicable state and federal reporting requirements relating to employment reporting for its employees, and b) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor (County Code Chapter 2.202).

5.9 Improper Considerations

5.9.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that Proposer's provision of the consideration may secure more favorable treatment for Proposer in the award of the contract or that Proposer's failure to provide such consideration may negatively affect the County's consideration of Proposer's submission. A Proposer must not offer or give either directly or through an intermediary consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the contract.

5.9.2 Notification to County

A Proposer must immediately report any attempt by a County officer, employee, or agent to solicit such improper consideration. The report must be made to the County Fraud Hotline at (800) 544-6861 or https://fraud.lacounty.gov/. Failure to report such a solicitation may result in Proposer's submission being eliminated from consideration.

5.9.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

5.10 County Lobbyist Ordinance

The County has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation or other entity

that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by Proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is not on the Executive Office's List of Terminated Registered Lobbyists.

5.11 Consideration of GAIN/START Participants for Employment

As a threshold requirement for consideration for contract award, Proposers must demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) or Skills and Training to Achieve Readiness for Tomorrow (START) Programs or must attest to a willingness to consider GAIN/START participants for any future employment openings if they meet the minimum qualifications for that opening. Proposers must attest to a willingness to provide employed GAIN/START participants access to Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

Proposers who are unable to meet this requirement will not be considered for contract award. Proposers must submit a completed Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP, along with their proposal.

5.12 Jury Service Program

5.12.1 The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective Contractors should carefully review Paragraph 54 (Compliance with the County's Jury Service Program) of Appendix C (Sample Contract), both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both Contractors and their subcontractors.

<u>Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.</u>

5.12.2 Contractor must certify compliance with the County's Contractor Employee Jury Service Ordinance in Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP. If a Contractor does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then

Contractor must so indicate in Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP, and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing Contractor's application, the County will determine, in its sole discretion, whether Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

5.13 Intentionally Omitted

5.14 Pending Acquisitions/Mergers by Proposing Company

Proposer must notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If Proposer is restricted from legally notifying the County of pending acquisitions/mergers, then it should notify the County of the actual acquisitions/mergers as soon as the law allows and provide to the County the legal framework that restricted it from notifying the County prior to the actual acquisitions/mergers. This information must be provided by Proposer in Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix D (Required Forms), to this RFP. Failure of Proposer to provide this information may eliminate its proposal from any further consideration. Proposer will have a continuing obligation to notify the County and update any changes to its response in Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix D (Required Forms), to this RFP, during the solicitation.

5.15 Intentionally Omitted

5.16 Defaulted Property Tax Reduction Program

The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program (Defaulted Tax Program), (Los Angeles County Code, Chapter 2.206). Prospective Contractors should carefully read the pertinent provisions in Paragraph 55 (Warranty of Compliance with County's Defaulted Property Tax Reduction Program) and 56 (Termination for Breach of Warranty to Maintain Compliance with County's Defaulted Property Tax Deduction Program) of Appendix C (Sample Contract), both of which are incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their subcontractors.

Proposers will be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and will maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or must certify that they are exempt from the Defaulted Tax Program by completing Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP. Failure to maintain compliance, or to timely cure defects, may be cause for

termination of a contract or initiation of debarment proceedings against the non-compliant Contractor or subcontractor (Los Angeles County Code, Chapter 2.202).

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

5.17 Intentionally Omitted

5.18 Proposer's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking

On October 4, 2016, the County approved a motion taking significant steps to protect victims of human trafficking by establishing a zero-tolerance policy on human trafficking. The policy prohibits Contractors engaged in human trafficking from receiving contract awards or performing services under a County contract.

Contractors are required to complete Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP, certifying that they are in full compliance with the County's Zero Tolerance Policy on Human Trafficking provision as defined in Paragraph 78 (Compliance with the County's Zero Tolerance Policy on Human Trafficking) of Appendix C (Sample Contract), to this RFP. Further, Contractors and their subcontractors are required to comply with the requirements under said provision for the term of any contract awarded pursuant to this solicitation.

5.19 Contractor Protection of Electronic County Information

5.19.1 Protection of Electronic County PI, PHI and MI – Data Encryption Standard

The resultant Contract is subject to the encryption requirements set forth below (collectively, the "Encryption Standards"). Proposer must become familiar with the Encryption Standards set forth herein and the pertinent provisions of the Paragraph 19.3 (Protection of Electronic County Information – Data Encryption Standards) of Appendix C (Sample Contract), both of which are incorporated by reference into and made a part of this RFP.

Proposers will be required to complete Exhibit 9 (Proposer's Compliance with Encryption Requirements) to Appendix D (Required Forms) to this RFP, providing information about Proposer's encryption practices and certifying that Proposer will be in compliance with the Encryption Standards at the commencement of the Contract and during the term, and any extensions, of the Contract that may be awarded as a result of this solicitation. Proposers that fail to comply with the certification

requirements of this provision will be considered non-responsive and excluded from further consideration.

Proposers' must use Exhibit 9 (Proposer's Compliance with Encryption Requirements) to Appendix D (Required Forms) to this RFP, to disclose any and all use of remote servers (e.g., cloud storage, Software-as-a-Service or SaaS) for storage of County PI, PHI and/or MI [as such terms are defined in Paragraph 19.3 (Protection of Electronic County Information – Data Encryption Standards) of Appendix C (Sample Contract) to this RFP]. Such disclosure will be subject to written approval of the County's Chief Executive Office. Any use of remote servers may subject Proposer to additional encryption requirements for such remote servers.

5.19.2 Encryption Standards – Stored Data

Contractors' and subcontractors' workstations and portable devices that are used to access, store, receive and/or transmit County PI, PHI or MI (e.g., mobile, wearables, tablets, thumb drives, external hard drives) require encryption (e.g., software and/or virtual hardware) must be in accordance with:

a. Federal Information Processing Standard Publication ("FIPS") 140-2,

b. National Institute of Standards and Technology ("NIST") Special Publication 800-57 Recommendation for Key Management – Part 1: General (Revision 3),

c. NIST Special Publication 800-57 Recommendation for Key Management – Part 2: Best Practices for Key Management Organization, and

d. NIST Special Publication 800-111 Guide to Storage Encryption Technologies for End User Devices.

Advanced Encryption Standard ("AES") with cipher strength of 256-bit is minimally required.

5.19.3 Encryption Standards – Transmitted Data

All transmitted (e.g., network) County PI, PHI and/or MI require encryption in accordance with:

a. NIST Special Publication 800-52 Guidelines for the Selection and Use of Transport Layer Security Implementations, and

b. NIST Special Publication 800-57 Recommendation for Key Management – Part 3: Application-Specific Key Management Guidance.

Secure Sockets Layer (SSL) with cipher strength of 128-bit is minimally required.

5.20 Default Method of Payment: Direct Deposit or Electronic Funds Transfer (EFT)

5.20.1 The County, at its sole discretion, has determined that the most efficient and secure default form of payment for goods and/or services provided under a contract with the County will be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).

5.20.2 Upon contract award or at the request of the A-C and/or the contracting department, Contractor must submit a direct deposit authorization request with banking and vendor information, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

5.20.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit will supersede this requirement with respect to those payments.

5.20.4 Upon contract award or at any time during the duration of the contract, a Contractor may submit a written request for an exemption to this requirement. The A-C, in consultation with the contracting department(s), will decide whether to approve exemption requests.

5.21 Proposer's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

5.21.1 On May 29, 2018, the County approved a Fair Chance Employment Policy in an effort to remove job barriers for individuals with criminal records. The policy requires businesses that contract with the County to comply with fair chance employment hiring practices set forth in California Government Code Section 12952.

5.21.2 Contractors are required to complete Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms), to this RFP, certifying that they, and their subcontractors, are in full compliance with Section 12952, as indicated in Appendix C (Sample Contract) to this RFP. Further, Contractors and their subcontractors are required to comply with the requirements under Section 12952 for the term of any contract awarded pursuant to this solicitation.

5.22 Prohibition from Participation in Future Solicitation(s)

A Proposer, or a Contractor or its subsidiary or subcontractor, is prohibited from submitting a proposal in a County solicitation if Proposer/Contractor has provided

advice or consultation for the solicitation. A Proposer/Contractor is also prohibited from submitting a proposal in a County solicitation if Proposer/Contractor has developed or prepared any of the solicitation materials on behalf of the County. A violation of this provision will result in the disqualification of Proposer/Contractor from participation in a County solicitation or the termination or cancellation of any resultant County contract. (Los Angeles County Code, Chapter 2.202).

5.23 Intentionally Omitted

5.24 Contribution and Agent Declaration

Government Code Section 84308 requires a party to a contract proceeding to disclose any contribution of more than $250 made to a County officer within the preceding 12 months by the party or their agent. State regulations require this disclosure to be made at the time an application is filed, and, if a contribution is made during the contract proceeding, within 30 days of making a contribution or on the date on which the party first appears before or communicates with the agency regarding the proceeding after making the contribution, whichever is earliest. All Proposers are advised that they and all of their subcontractors must complete and return as part of the proposal, the Contribution and Agent Declaration included in Exhibit 16 (Contribution and Agent Declaration Form) of Appendix D (Required Forms). Proposers are further advised that they and their subcontractors must update the Contribution and Agent Declaration Form throughout the pendency of the solicitation if a contribution is made after the initial disclosure when the proposal is submitted, and as requested at any time by the County prior to contract award. Failure by Proposer or any subcontractor(s) to complete and submit the required Contribution and Agent Declaration Form in Exhibit 16, and failure by Proposer or any subcontractor(s) to update the declaration as required by law or as otherwise requested by the County, may eliminate the proposal from further consideration and/or Proposer may be disqualified from a contract award, as determined in the County's sole discretion. Further, all Proposers and their subcontractors are prohibited under Government Code Section 84308 from making a contribution of more than $250 to a County officer for 12 months after the date a final decision is made in the contract proceeding involving this solicitation.

6.0 COUNTY'S PREFERENCE PROGRAMS

6.1 Overview of County's Preference Programs

6.1.1 The County of Los Angeles has three preference programs: the Local Small Business Enterprise (LSBE), Disabled Veterans Business Enterprise (DVBE), and Social Enterprise (SE). The Board encourages business participation in the County's contracting process by continually streamlining and simplifying our selection process and expanding opportunities for these businesses to compete for County opportunities.

6.1.2 The Preference Programs (LSBE, DVBE, and SE) require that a business complete certification prior to requesting a preference in a solicitation. This program and how to obtain certification are further explained in Paragraphs 6.2 (Local Small Business Enterprise (LSBE) Preference Program), 6.4 (Social Enterprise (SE) Preference Program), and 6.5 (Disabled Veteran Business Enterprise (DVBE) Preference Program) of this solicitation. Additional information on the County's preference programs is also available on the Department of Consumer and Business Affair's (DCBA) website at: https://dcba.lacounty.gov.

6.1.3 In no case will the Preference Programs (LSBE, DVBE, and SE) price or scoring preference be combined with any other County preference program to exceed 15% in response to any County solicitation.

6.1.4 Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified LSBE, DVBE, or SE when not qualified.

6.2 Local Small Business Enterprise (LSBE) Preference Program

6.2.1 The County will apply LSBE preference during the solicitation process to businesses that meet the definition of a LSBE, consistent with Chapter 2.204 of the Los Angeles County Code.

6.2.2 The business must be certified by DCBA prior to requesting the LSBE Preference in a solicitation. To apply for certification as an LSBE, businesses should contact DCBA at https://dcba.lacounty.gov.

6.2.3 Businesses requesting the LSBE preference must complete and submit Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms) and submit their LSBE certification approval letter ("Certification for Federally Funded Solicitations") from the DCBA with their proposal.

6.3 Social Enterprise (SE) Preference Program

6.3.1 The County will apply the SE preference during the solicitation process to businesses that meet the definition of an SE for solicitations not subject to the federal restriction on geographical preferences, consistent with Chapter 2.205 of the Los Angeles County Code.

6.3.2 The business must be certified by DCBA, prior to requesting the SE preference in a solicitation. To apply for certification as an SE, businesses should contact DCBA at: https://dcba.lacounty.gov.

6.3.3 Businesses requesting the SE preference must complete and submit Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms) and submit their SE certification approval letter ("Certification for Non-Federally Funded Solicitations") from the DCBA with their proposal.

6.4 Disabled Veteran Business Enterprise (DVBE) Preference Program

6.4.1 The County will apply the DVBE preference during the solicitation process to businesses that meet the definition of a DVBE, consistent with Chapter 2.211 of the Los Angeles County Code.

6.4.2 The business must be certified by DCBA, prior to requesting the DVBE preference in a solicitation. To apply for certification as a DVBE, businesses should contact DCBA at https://dcba.lacounty.gov.

6.4.3 Businesses requesting the DVBE preference must complete and submit Exhibit 2 (Certification of Compliance) of Appendix D (Required Forms) and submit their DVBE certification approval letter from the DCBA with their proposal.

6.5 Preference Program Enterprises (PPEs) - Prompt Payment Program

It is the intent of the County that Certified Preference Program Enterprises (PPEs) receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an approved, undisputed invoice which has been properly matched against documents such as a receiving, shipping, or services delivered report, or any other validation of receipt document consistent with Board Policy 3.035 (Preference Program Payment Liaison and Prompt Payment Program).

7.0 PROPOSAL SUBMISSION REQUIREMENTS

7.1 Proposal Submission Information

Paragraph 7 (Proposal Submission Requirements) contains key project dates and activities as well as instructions to Proposers on how to prepare and submit their proposal.

7.2 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal will be sufficient cause for rejection of the proposal. The evaluation and determination in this area will be at the Department's sole judgment and its judgment will be final. All proposals will be firm and final offers and may not be withdrawn for a period of 180 days following the final proposal submission date.

7.3 RFP Timetable

The timetable for this RFP is as follows:

- Release of RFP 02/16/24
- Request for a Solicitation Requirements Review Due 04/01/24
- Written Questions Due:
  - Part 1 – Pre-Mandatory Proposers' Conference 03/14/24
  - Part 2 – Post-Mandatory Proposers' Conference..... 04/25/24
- Deadline to Reserve Attendance at Mandatory Proposers' Conference ... 04/04/24
- Part 1 – Questions and Answers Released 04/09/24
- Mandatory Proposers' Conference 04/18/24
- Part 2 – Questions and Answers Released 05/17/24
- **Proposals due by 3:00 P.M. (Pacific Time) 06/20/24**

The foregoing dates may be changed at any time at the sole discretion of the Department. Such changes will be made through an addendum and will be posted on the Department's website at: https://lasd.org/transparency/solicitations/.

All potential Proposers are encouraged to monitor the above solicitation website for Bulletins, as they are posted, during the entire solicitation process.

7.4 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting Appendix E (Transmittal Form to Request a Solicitation Requirements Review), to this RFP, to the Department as described in this Paragraph 7.4. A request for a Solicitation Requirements Review may be denied, if in the Department's sole discretion, the request does not satisfy all of the following criteria:

a. The request is made within the time frame identified in the solicitation document (generally within ten business days of the issuance of the solicitation document),

b. The request includes documentation (e.g., letterhead, business card, etc.), which identifies the underlying authority of the person or entity to submit a proposal,

c. The request itemizes in appropriate detail, each matter contested and factual reasons for the requested review, and

d. The request asserts either that:

   i. Application of the minimum mandatory requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity, or,

   ii. Due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Proposers.

The Solicitation Requirements Review will be completed, and the Department's determination will be provided to the requesting person or entity, in writing, within a reasonable time prior to the proposal due date.

7.5 Proposers' Questions

7.5.1 **Part 1 – Pre-Mandatory Proposers' Conference**

Proposers may submit written questions regarding this RFP by e-mail only to the individual identified below. All questions must be received by Thursday, March 14, 2024. All questions, without identifying the submitting company, will be compiled with the appropriate answers, and issued as an addendum to this RFP.

When submitting questions, please specify this RFP, section number, paragraph number, and page number, as well as quote the language that prompted the question. This will ensure that the question can be quickly found in this RFP. The County reserves the right to group similar questions when providing answers.

Questions may address concerns that the application of minimum mandatory requirements, evaluation criteria and/or business requirements would unfairly disadvantage Proposers or, due to unclear instructions, may result in the County not receiving the best possible responses from Proposer.

Questions should only be addressed to:

E-mail address: tliu@lasd.org
Attention: Tony Liu, Senior Analyst

7.5.2 **Part 2 – Post-Mandatory Proposers' Conference**

Proposers will be allowed a second opportunity to submit written questions following the Mandatory Proposers' Conference. All questions must be received by 3:00 p.m. PT on Thursday, April 25, 2024. Proposers may submit their written questions by e-mail to the individual identified in Paragraph 7.5.1 above.

7.6 Intentionally Omitted

7.7 Mandatory Proposers' Conference

7.7.1 A Mandatory Proposers' Conference will be held to discuss this RFP, whereby County staff will provide an overview of the RPS project and respond to questions from potential Proposers.

Attendance at this Conference is mandatory. Proposers who fail to attend the Mandatory Proposers' Conference will have their proposals rejected as non-responsive (disqualified) without review and eliminated from further consideration.

7.7.2 County staff will respond to questions from potential Proposers; however, all subsequent written answers and any bulletins to the RFP will supersede verbal responses provided at the conference.

7.7.3 Proposers who are in attendance will be required to sign a Non-Disclosure Agreement as set forth in Exhibit 14 to Appendix D (Required Forms) in order to be provided certain confidential information necessary to respond to this RFP*.

* If the County is made aware that any Proposer, Proposer's staff or its agents unwittingly or purposefully divulged any of the confidential information provided under the Non-Disclosure Agreement, the County may, in its sole discretion, exercise all appropriate legal remedies (both in law and equity) at its disposal to protect itself and the information subject to the Non-Disclosure Agreement, as well as pursue debarment of Proposer from participation in future County solicitations or from being awarded a contract pursuant to any County solicitation.

7.7.4 Potential Proposer's attendee(s) must be full time employee(s) of the potential Proposer. Proposers must notify Senior Analyst, Tony Liu (tliu@lasd.org) with the number of employees (maximum of three) attending the conference by the date and time specified in Paragraph 7.3 (RFP Timetable) above.

7.7.5 The Mandatory Proposers' Conference is scheduled to take place as follows:

Date: Thursday, April 18, 2024*
Time: 10:00 a.m. (PT)

*Only Potential Proposers who have successfully provided notice of attendance by the date and time specified in Paragraph 7.3 (RFP Timetable) above, will be notified of the location of the conference.

7.8 Preparation of the Proposal

Two separate proposals must be submitted - a Business Proposal and a Cost Proposal. All proposals must be bound and submitted in the prescribed format. Any proposal that deviates from this format may be rejected as non-responsive without review at the County's sole discretion.

7.9 Business Proposal Format

7.9.1 **The content and sequence of the Business Proposal must be as follows:**

- Proposer's Organization Questionnaire/Affidavit and Required Support Documents for Corporations and Limited Liability Companies
- Table of Contents
- Executive Summary (Section A)
- Proposer's Qualifications (Section B)
- Proposer's Approach to Provide Required Services (Section C)
- Terms and conditions in the Sample Contract, and requirements of Appendix A (Statement of Work (SOW)) and Attachment A.1 (Tasks and Deliverables): acceptance of/or exceptions to (Section D)
- Business Proposal Required Forms (Section E)

7.9.2 **Proposer's Organization Questionnaire/Affidavit and Required Support Documentation**

Proposer must complete, sign and date Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix D (Required Forms), to this RFP. The person signing the form must be authorized to sign on behalf of Proposer and to bind the applicant in a contract.

Taking into account the structure of Proposer's organization, Proposer must determine which of the below referenced supporting documents the County requires. If Proposer's organization does not fit into one of these categories, upon receipt of the proposal or at some later time, the County may, in its discretion, request additional documentation regarding Proposer's business organization and authority of individuals to sign contracts.

If the below referenced documents are not available at the time of proposal submission, Proposers must request the appropriate documents from the California Secretary of State and provide a statement on the status of the request.

7.9.3 Required Support Documents: Corporations or Limited Liability Company (LLC):

Proposer must submit the following documentation with the proposal:

a. A copy of a "Certificate of Good Standing" with the state of incorporation/organization and a copy of such Certificate with the California Secretary of State, if Proposer is incorporated outside of California.

b. A conformed copy of the most recent "Statement of Information" as filed with the California Secretary of State listing corporate officers or managers and/or members (if applicable).

7.9.4 Limited Partnership:

Proposer must submit a conformed copy of the Certificate of Limited Partnership or Application for Registration of Foreign Limited Partnership as filed with the California Secretary of State, and any amendments.

7.9.5 Table of Contents

List all material included in the proposal. Include a clear definition of the material, identified by sequential page numbers and by Section and Paragraph reference numbers.

7.9.6 Executive Summary (Section A)

Summarize the contents of Proposer's Business Proposal. The summary must provide the Department with a broad understanding of Proposer's Solution, approach, qualifications, experience, and staffing. This Section of the Business Proposal must, to the extent not provided on Exhibit 1

(Proposer's Questionnaire/Affidavit) to Appendix D (Required Forms) to this RFP, also include among others the following information:

a. Whether or not Proposer intends to perform and complete all Work described in Appendix A (Statement of Work), Attachment A.1 (Tasks and Deliverables) and Appendix C (Sample Contract) as a single Contractor. If Proposer is proposing the use of one or more subcontractors, list the names of each and describe the respective roles they will play during the implementation, and maintenance and support phases, if any. The County reserves its sole right to approve or disapprove the use of any subcontractor.

b. The office name and location(s) including address(es) that Proposer intends to utilize during the implementation, testing and maintenance and support phases of the resultant Contract.

c. A statement identifying Proposer's company structure/organization, the origins of the firm and listing of the name(s) of the parent company and any acquisitions and/or subsidiaries, if any.

d. Copies of business licenses, permits, and fictitious business name filings, as applicable.

7.9.7 **Proposer's Qualifications (Section B)**

Proposer must clearly demonstrate that Proposer's organization has the experience and capability to perform the Work required by this RFP as set forth in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables). Proposer must also demonstrate that Proposer's organization has the experience and financial capability to perform the required services. The following Sections must be included:

7.9.7.1 Proposer's Background and Experience **(Section B.1)**

Provide a summary of relevant background information to demonstrate that Proposer meets the Minimum Mandatory Requirement(s) stated in Paragraph 3 (Minimum Mandatory Requirements) of this RFP and has the capability to perform the required services as a corporation or other business entity.

7.9.7.2 Proposer's Key Staff **(Section B.2)**

Proposer must identify key staff responsible for implementing the Solution, namely:

a. Proposer's Project Director,
b. Proposer's Project Manager, and

c. Proposer's key technical staff (e.g., developers/ programmers, SMEs, help-desk staff, and on-site technical support staff).

and for each of the above, provide a name, summary of background and experience, area(s) of expertise, resume, and applicable certifications.

7.9.7.3 Proposer's References and Contracts **(Section B.3)**

Each Proposer must complete and include Exhibit 4 (Proposer's Debarment History and List of Terminated Contracts) and Exhibit 8 (Proposer's List of References) of Appendix D (Required Forms), to this RFP, as described below. It is Proposer's sole responsibility to ensure that the firm's name, and point of contact's name, title and phone number for each reference is accurate. The same references may be listed on both Exhibits 4 and 8 of Appendix D (Required Forms).

1. The County may disqualify a Proposer as non-responsive and/or non-responsible if:

    a. References fail to substantiate Proposer's description of the services provided, or

    b. References fail to support that Proposer has a continuing pattern of providing capable, productive and skilled personnel, or

    c. The Department is unable to reach the point of contact after reasonable effort. It is Proposer's responsibility to inform the point of contact of availability during normal working hours.

2. Exhibit 8 (Proposer's List of References)

    a. Proposer must provide references from at least three current clients, not including the County of Los Angeles or any of its departments, for which Proposer provided the same or similar work as set forth in this RFP with solutions similar in size and complexity to that of the County procured hereunder. The references must be able to speak to Proposer's services provided within the last five years.

b. Proposer's references must be from three of their largest biometric clients, comparable in size and complexity to the County.

For each reference provided, Proposer should include a narrative as part of proposal Section B, including the names of their involved staff, their corporate position (title), and their responsibilities for each project listed. Indicate the implementation start date and the date of final acceptance. Indicate the date maintenance and support began and the contract end date (if applicable). The narrative should also include:

- a detailed description of the project including the size, scope and original contract amount,
- a description of the hosting environment,
- any problems encountered throughout the system life cycle, and
- troubleshooting, and solutions or workarounds provided.

3. Exhibit 4 (Proposer's Debarment History and List of Terminated Contracts)

The County will conduct a review of Proposer's terminated contracts and debarment history. Proposer must include contracts terminated within the past three years with a reason for termination in Exhibit 4 (Debarment History and List of Terminated Contracts) of Appendix D (Required Forms). Proposer's completed Exhibit 4 (Debarment History and List of Terminated Contracts) must be provided in Section E (Business Proposal Required Forms and Corporate Documents) of Proposer's business proposal.

7.9.7.4 Proposer's Financial Capability **(Section B.4)**

The County will conduct a review of Proposer's financial capability. Proposer must provide copies of the company's most current and prior two fiscal years financial statements. Statements should include the company's assets, liabilities and net worth, and at a minimum should include the Balance Sheet, Statement of Income, and the Statement of Cash Flows. It should be noted that depending on the nature of the entity (e.g., for-profit, non-profit, and governmental) the title of these statements may differ). For example, for a non-profit entity the Balance Sheet is referred to as the Statement of Financial Position. If audited statements are available, these should be submitted to meet this

requirement. Do not submit Income Tax Returns to meet this requirement. Financial statements will be kept confidential if so stamped on each page.

7.9.7.5 Proposer's Pending Litigation and Judgments **(Section B.5)**

Identify by name, case and court jurisdiction any pending litigation in which Proposer is involved, or judgments against Proposer in the past five years. Provide a statement describing the size and scope of any pending or threatening litigation against Proposer or principals of Proposer.

A Proposer that fails to disclose litigation and judgements may be rejected as non-responsive or disqualified.

If a Proposer has no pending litigation, credible threatened litigation, or judgments, then a statement stating so must be provided in Section B.5 (Proposer's Pending Litigation and Judgements) of its Proposal.

7.9.8 **Proposer's Approach to Provide Required Services (Section C)**

In Section C of the Business Proposal, Proposer must describe the Solution to be provided under the resultant Contract, as provided below.

7.9.8.1 Proposer's Approach and Methodology **(Section C.1)**

In Section C.1 of the Business Proposal, Proposer must address its management approach and methodology toward fulfilling the requirements of this RFP, including those set forth in Appendix A (Statement of Work), Attachment A.1 (Tasks and Deliverables) and Appendix B (Solution Requirements and Response Matrix) to this RFP, and any resultant Contract, as well as ***how*** Proposer intends to provide, implement, maintain and support the Solution procured under this RFP.

Proposer's approach and methodology must clearly demonstrate that Proposer accepts and will meet all requirements of this RFP.

7.9.8.2 Statement of Work **(Section C.2)**

In Section C.2 of its Business Proposal, Proposer must provide its response to Appendix A (Statement of Work) to this RFP, which must adhere to the instructions and requirements set forth in this RFP, including Appendix B (Minimum Solution Requirements and Response Matrix). Section C.2 of Proposer's

Business Proposal must include a completed Statement of Work Response Form [refer to Exhibit 12 of Appendix D (Required Forms) to this RFP].

a. In its response to Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables) to this RFP, Proposer must describe how it intends to provide the Solution, sequentially addressing how Proposer will execute each Task in the SOW. Proposer must also discuss the following:

   - COTS software – development/configuration approach,
   - Virtual Hardware – hardware deployment approach,
   - Testing,
   - System Interfaces,
   - Security strategy,
   - Data conversion,
   - Report design approach,
   - Business continuity strategy,
   - Training and documentation, and
   - Transition to Production.

   Proposer must submit a proposed draft Detailed Work Plan (DWP) identifying all resources to be allocated to the project at the Task level, and the number of hours estimated to complete each Task.

   The DWP must include a master schedule/timeline which incorporates all Tasks, showing critical path dependencies along with all possible parallel Tasks.

   The DWP must be submitted in both .pdf and editable Microsoft Project™ formats (.mpp). Acceptable versions of .mpp are 2007 or higher.

b. Resources. Proposer must identify by name, each of Proposer's staff identified in the DWP to perform each Task, and their qualifications to perform the Task. Key staff to identify include, but are not limited to, the following:

   - Project Manager,
   - developers/programmers,
   - on-site technical support, and
   - Helpdesk staff.

c. Proposer must review all Contractor and County "assumptions" listed in Paragraph 9 (Project Assumptions –

General) of Appendix A (Statement of Work) to this RFP. Proposer must comment on each assumption listed demonstrating to the County's satisfaction its understanding thereof.

7.9.8.3 Solution Requirements **(Section C.3)**

As part of its Business Proposal submission, Proposer must adhere to the instructions for, and provide a response to, Appendix B (Minimum Solution Requirements and Response Matrix) to this RFP, to specify to what extent and how the proposed Solution will meet each of the requirements specified within.

The County understands that some of the business and functional requirements listed in Appendix B may not be readily available "out-of-the-box" in the proposed COTS software. Proposer is admonished to provide full disclosure for each function that will, or may, require configuration or programming in order to achieve the functional requirement. For each such configuration and/or programming identified, Proposer must include estimated timeframes and resources needed to achieve each such requirement and include same in the DWP.

**Any additional programming gaps that are discovered during implementation that were not identified by Contractor as part of its Business Proposal submission, must be remedied by Contractor at Contractor's sole expense.

For this Section C.3, Proposer must also provide a flow chart and narrative describing the proposed Solution architecture, and a detailed description of its proposed business continuity plan to ensure uninterrupted operation of the Solution.

7.9.8.4 Proposer's Quality Control Plan **(Section C.4)**

Present a comprehensive Quality Control Plan to be utilized by Proposer as a self-monitoring tool to ensure the required services are provided as specified in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables).

The plan should include, but not be limited to, the following factors:

- Activities to be monitored to ensure compliance with all contract requirements,

- Monitoring methods to be used,
- Frequency of monitoring,
- Samples of forms to be used in monitoring,
- Title/level and qualifications of personnel performing monitoring functions, and
- Documentation methods of all monitoring results, including any corrective action taken.

7.9.9 **Intentionally Omitted**

7.9.10 **Terms and Conditions in the Sample Contract, and Requirements of the Statement of Work (SOW): Acceptance of/or Exceptions to (Section D)**

It is the duty of every Proposer to thoroughly review Appendix A (Statement of Work), Attachment A.1 (Tasks and Deliverables), and Appendix C (Sample Contract) to this RFP, to ensure compliance with all terms, conditions, and requirements.

Proposers should review Appendix C (Sample Contract) to this RFP with its legal counsel prior to submitting a proposal.

It is the County's expectation that in submitting a proposal, Proposer will accept, as stated, the County's terms and conditions in the Sample Contract, and the County's requirements in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables). However, Proposers are provided the opportunity to take exception to the County's terms, conditions, and requirements.

7.9.10.1 Section D of Proposer's response must include:

a. A statement offering Proposer's acceptance of, or exceptions to, all terms and conditions listed in Appendix C (Sample Contract) to this RFP,

b. A statement offering Proposer's acceptance of, or exceptions to, all requirements listed in Appendix A (Statement of Work), and

c. A statement offering Proposer's acceptance of, or exceptions to, all requirements listed in Attachment A.1 (Tasks and Deliverables) to Appendix A (Statement of Work) to this RFP.

For each exception, Proposer must provide:

- An explanation of the reason(s) for the exception,
- The proposed alternative language, and
- A description of the impact, if any, to Proposer's price.

7.9.10.2 Indicate all exceptions to the Sample Contract, Statement of Work and/or its Attachment A.1 (Tasks and Deliverables) to this RFP, by providing a 'red-lined' version of the language in question. The County relies on this exception's procedure. Any Proposer who fails to make timely exceptions as required herein, may be barred, at the County's sole discretion, from later making such exceptions, including during any contract negotiations.

The County reserves the sole right to determine if Proposers' exceptions are material enough to deem the proposal non-responsive and not subject to further evaluation.

7.9.10.3 Statement of Work **(Section D.1)**

The selected Contractor will be required to provide and complete all Tasks, SubTasks, Deliverables, goods, services, and other work described in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables) to this RFP, including all Attachments thereto, as such may be modified by the County prior to the commencement of contract negotiations.

Proposer may, however, provide additional detail and specificity to Appendix A (Statement of Work) and Attachment A.1 (tasks and Deliverables) to this RFP, while maintaining the original scope and format of such Statement of Work as provided in this Paragraph 7.9.10. Based on the response, Proposer must check the appropriate box on Exhibit 10 (Statement of Work Certification) to Appendix D (Required Forms) to this RFP. Failure by Proposer to provide such certification will deem its proposal non-responsive, subject to disqualification from further consideration.

7.9.10.4 Sample Contract **(Section D.2)**

It is the duty of every Proposer to thoroughly review Appendix C (Sample Contract) to this RFP, including all applicable insurance provisions and all Exhibits, and Attachments thereto, to ensure compliance with all its terms and conditions. Proposers should review Appendix C (Sample Contract) to this RFP with its legal counsel prior to submitting a proposal. It is

the County's expectation that in submitting a proposal, Proposers will accept all the terms and conditions of Appendix C (Sample Contract) to this RFP, as such may be modified by the County prior to the commencement of contract negotiations.

Section D.2 of Proposer's response to this RFP must include a certification of Proposer's acceptance of all terms and conditions specified in Appendix C (Sample Contract) to this RFP. Proposer must complete Exhibit 11 (Sample Contract Certification) of Appendix D (Required Forms) to this RFP. Failure by Proposer to provide such certification will deem its proposal non-responsive, subject to disqualification from further consideration.

By responding to this RFP, each Proposer acknowledges and agrees that any statistical, technical, or background information included in this RFP is provided for informational purposes only, without any warranties or representations with respect to the future.

The County reserves the right to make changes or edits to this RFP, including its Appendices, Attachments, and Exhibits at its sole discretion and at any time during the solicitation process. All prospective Proposers will be notified by the Department as such changes occur.

7.9.11 **Business Proposal Required Forms (Section E)**

Proposal must include all completed, signed, and dated forms identified in Appendix D (Required Forms).

Exhibit 2	Certification of Compliance
Exhibit 3	Request for Preference Consideration
Exhibit 4	Proposer's Debarment History and List of Terminated Contracts
Exhibit 5	Community Business Enterprise (CBE) Information
Exhibit 6	Minimum Mandatory Requirements
Exhibit 7	Declaration
Exhibit 8	Proposer's List of References
Exhibit 9	Proposer's Compliance with Encryption Requirements
Exhibit 10	Statement of Work Certification
Exhibit 11	Sample Contract Certification
Exhibit 14	Non-Disclosure Agreement
Exhibit 16	Contribution and Agent Declaration Form

7.10 Cost Proposal Format

Proposer's Cost Proposal must contain all costs related to completing all work outlined in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables) to this RFP, and the resultant Contract. The Cost Proposal must be completed as specified in Exhibit 13 (Cost Proposal Form) and Exhibit 15 (Virtual Hardware and Software Delivery List and Specification Sheet) of Appendix D (Required Forms). Please refer to Paragraph 7.12 (Proposal Submission) below, for Cost Proposal submission instructions.

Cost Proposals represent Proposer's fully burdened firm-fixed price cost for Solution implementation and annual maintenance and other professional services, all as defined in Appendix C (Sample Contracts) including all Exhibits and Attachments thereto. Cost proposal must be realistic and not be capable of being construed as non-responsible for providing the goods and Services proposed as part of the Solution in response to this RFP. Should Proposer fail to account for any component or Services in the Cost Proposal which are necessary to perform the Services defined in this RFP, Appendix A (Statement of Work), Attachment A.1 (Tasks and Deliverables), and Appendix C (Sample Contract), Proposer will be required to provide the same at Proposer's sole expense.

The content and sequence of the Cost Proposal must be as follows:

a. Cover Page – identifying, at a minimum, the name of the firm, title of this RFP, date of submission and identification of printed documents as "Original" or "Copy".

b. Exhibit 13 (Cost Proposal Form) of Appendix D (Required Forms), to this RFP.

c. Exhibit 15 (Virtual Hardware and Software Delivery List and Specification Sheet) of Appendix D (Required Forms), to this RFP.

7.11 Firm Offer – Withdrawal of Proposal

Until the proposal submission deadline, errors in proposals may be corrected by a request in writing to withdraw the proposal, and by submission of another set of proposals with the mistakes corrected. Corrections will not be accepted once the deadline for submission of proposals has passed.

7.12 Proposal Submission

Proposals must be submitted as follows:

7.12.1 Business Proposal – The original Business Proposal, four numbered exact hard copies, and two electronic copies on two separate flash drives must be enclosed in a sealed envelope or box, and plainly marked in the

upper left-hand corner with the name and address of Proposer and bear the words:

"BUSINESS PROPOSAL FOR REGIONAL PHOTO SYSTEM SOLUTION RFP NUMBER 582-SH"

7.12.2 Cost Proposal – The original Cost Proposal, four numbered exact hard copies, and two electronic copies on two separate flash drives must be submitted in a separate sealed package, plainly marked in the upper left-hand corner with the name and address of Proposer and bear the words:

"COST PROPOSAL FOR REGIONAL PHOTO SYSTEM SOLUTION RFP NUMBER 582-SH"

7.12.3 While both the Business and Cost Proposals may be boxed and delivered together, they must be SEALED SEPARATELY within the box, if one box is used. The Cost Proposal will be handled separately from the Business Proposal during the evaluation process.

Note: Each of the two flash drives may contain both the Business Proposal and Cost Proposal.

7.12.4 The proposal(s) must be delivered or mailed to:

Los Angeles County Sheriff's Department
Fiscal Administration Bureau – Contracts Unit
211 West Temple Street – 6th Floor West
Los Angeles, California 90012
Attention: Mr. Tony Liu, Senior Analyst

7.12.5 It is the sole responsibility of the submitting Proposer to ensure that its response to this RFP (including both the Business Proposal and the Cost Proposal) is received before the submission deadline. Submitting Proposers will bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any proposals received after the scheduled closing date and time for receipt of proposals, as listed in Paragraph 7.3 (RFP Timetable) above, will not be accepted and will be returned to the sender unopened. Timely hand-delivered proposals are acceptable. No facsimile (fax) or electronic mail (e-mail) copies will be accepted.

7.12.6 All proposals will be firm offers and may not be withdrawn for a period of one year following the last day to submit proposals. Until the proposal submission deadline, errors in proposals may be corrected by a written request to withdraw the proposal and to submit another set of proposals

with mistakes corrected. Corrections will not be accepted once the deadline for submission of proposals has passed.

8.0 SELECTION PROCESS AND EVALUATION CRITERIA

8.1 Selection Process

8.1.1 Only potential Proposers who attend the Mandatory Proposers' Conference in its entirety will be permitted to submit a written proposal in response to this RFP. There will be no exceptions to this requirement. [See Paragraph 7.7 (Mandatory Proposers' Conference) above].

8.1.2 All proposals will be screened to ensure that both Proposer and it's proposed Solution have met the Minimum Mandatory Requirements to continue in the RFP process. Compliance with the Minimum Mandatory Requirements will be verified by information from reference sources contacted by the County. Ineligible Proposers will be informed in writing. Ineligible Proposers will be afforded the opportunity to request a Disqualification Review pursuant to Paragraph 8.6 of this RFP.

8.1.3 The County will conduct a comprehensive, fair, and impartial evaluation of proposals received in response to this RFP. The County will select the successful Proposer through a formal evaluation process established prior to the opening and evaluation of proposals. The evaluation process will remain fixed throughout the procurement cycle. Consideration will be given to capabilities or advantages that are clearly described in the proposals, confirmed by any demonstrations and/or oral presentations, and verified by information from reference sources contacted by the County.

8.1.4 The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). The selection process will begin upon receipt of all timely submitted proposals. Evaluation of the proposals will be made by an evaluation committee selected by the Department.

8.1.5 The evaluation committee will evaluate the proposals and will use the evaluation approach described herein to select a prospective Contractor. The evaluation committee may utilize appropriate experts to assist in the evaluation process.

8.1.6 All proposals will be evaluated based on the criteria listed in Paragraph 8.2 (Proposal Evaluation Overview) below. All proposals will first be screened to determine compliance with the Minimum Mandatory Requirements. All proposals that pass the initial screening will then be evaluated based on the evaluation criteria and corresponding weighting

factors (evaluation criteria) listed in Paragraph 8.2 below. The proposals will be scored and ranked in numerical sequence from high to low.

8.1.7 The highest-ranking qualified Proposer(s) being evaluated will also be invited to provide a demonstration and presentation as provided in Paragraph 8.4 (Phase 2 – One Day Demonstration and Leave Behind Software) below. The County reserves the sole right to determine the number of highest-ranking qualified Proposers that will be invited to Phase 2.

8.1.8 After a prospective Contractor has been selected, the County and prospective Contractor will negotiate a contract for submission to the Board for its consideration and possible approval. If a satisfactory contract cannot be negotiated with a selected prospective Contractor, the County may, at its sole discretion, disqualify such selected prospective Contractor and begin contract negotiations with the next qualified Proposer, as determined by the County.

8.1.9 Notwithstanding the foregoing, the County retains the right to select a proposal other than the qualified proposal with the highest number of points if the County determines, in its sole and reasonable discretion that another proposal is the most overall qualified, responsive, responsible, and in the best interest of the County.

8.2 Proposal Evaluation Overview

8.2.1 Evaluation of proposals will be based on a combination of the proposed technical Solution, management approach to implementation, Proposer's and proposed key staff qualifications, Proposer's demonstration of its proposed COTS product, cost, and other factors, as specified in this Paragraph 8.2. The evaluation criteria and corresponding percentages and weighting factors for the major categories that will be used to evaluate the proposals during the evaluation phase will be comprised of the factors itemized in the table below:

EVALUATION CRITERIA CATEGORY – PROPOSAL SECTION	SUBCATEGORY WEIGHT	CATEGORY WEIGHT (%)	MAXIMUM POINTS
BUSINESS PROPOSAL		75%	7,500
Proposer's Qualifications	10%		
Proposer's Approach to Providing Required Services	65%		

• *Proposer's Approach and Methodology* • *Statement of Work* • *Solution Requirements* • *Quality Control Plan*			
COST PROPOSAL		25%	2,500
TOTAL		100%	10,000

8.2.2 After receipt of a proposal, but prior to award of any contract, the Department, at its sole discretion, may require any or all Proposers to submit additional information and/or to meet in person with Department personnel.

8.2.3 Failure of a Proposer to satisfactorily respond to each RFP item, or any other information requested by the Department, may deem its proposal non-responsive and subject to the disqualification from consideration. Notwithstanding, the County in its sole discretion may waive any informality in a proposal and/or request for additional information, provided the sum and substance of the proposal has been met.

8.2.4 The Department, in its sole discretion, may reject any and all proposals submitted in response to this RFP. The County reserves the sole right to cancel this RFP at any time without cause.

8.2.5 An Evaluation Committee composed of the Department's representatives and possibly other County department personnel will evaluate the qualified Business Proposals. In addition, the Evaluation Committee may utilize the services of appropriate subject-matter experts (SMEs), stakeholders, or third-party consultants to assist in the evaluation process.

8.2.6 Each Evaluation Committee member, participating SME, stakeholder, consultant, and Contracting staff member will perform their respective functions under a formal, signed Certification of No-Bias/Conflict of Interest and Non-Disclosure Agreement. The names of Evaluation Committee members and participating SMEs will not be made public at any time.

8.2.7 All Cost Proposals will remain sealed until the completion of the Phase 2 evaluation process. All Cost Proposals will be reviewed and scored by the Department's Contracts Unit and project stakeholders.

8.2.8 A successful proposal will not necessarily be one that sets forth the lowest price.

8.2.9 The Department reserves the right to reject any or all proposals, seek additional candidates, or further negotiate terms, price and conditions submitted by any Proposer who is ultimately selected for contract award.

8.2.10 The evaluation process will be conducted in two phases:

8.2.10.1 Phase 1, Written Response (Business Proposals) Evaluations

The Evaluation Committee will conduct an evaluation of all qualified Proposers' Business Proposals to this RFP. The highest-ranking Proposer(s) will be determined and invited to proceed to the Phase 2 - One-Day Demonstration. The County reserves the sole right to determine the number of highest-ranking qualified Proposers that will be invited to Phase 2.

8.2.10.2 Phase 2, One-Day Demonstrations and Leave-Behind Software

For Phase 2, the highest-ranking Proposer(s) from Phase 1 will be invited to conduct a one-day, on-site presentation and demonstration of its proposed COTS software.

8.2.10.3 Phase 2 Proposers will be required to provide the County with temporary web access to a URL with the most current fully functional version of its proposed COTS software for further evaluation and hands-on testing by the County's Evaluation Committee and SMEs. This temporary access key must be valid for ten business days at no charge to the County.

8.2.10.4 Phase 2 culminates with Proposer's delivery of an updated Business Proposal and Cost Proposal, as applicable. The evaluation scores will be reviewed and revised by the Evaluation Committee based on the Phase 2 Demonstration. The County may in its sole discretion forego the requirement for an updated Business Proposal and Cost Proposal. The selected Proposer will proceed to contract negotiations.

8.2.10.5 The Evaluation Committee will be tasked to review and revise their scores as necessary based on the information and additional feedback from the SMEs following the Demonstrations.

8.2.10.6 At the conclusion of the Demonstrations, the Cost Proposals will be unsealed by the Department's administrative staff and will

be scored. Both the Business Proposal and Cost Proposal scores will be combined to reach a final score. The selected Proposer will proceed to contract negotiations.

8.3 Phase 1 - Written Responses (Business Proposals)

8.3.1 Adherence to Minimum Requirements (Pass-Fail)

Proposer references will be contacted to validate Proposer's qualifications to propose. The County reserves the right to contact individuals, entities or organizations that have had recent contracts or relationships with Proposer and staff intended for this effort, whether they were identified as references, to verify that Proposer has successfully performed its contractual obligations in other similar efforts.

8.3.2 References will be asked about Proposer's experience and proven ability to successfully partner with, and deliver projects to, agencies similar in size and/or scope to the Department. The references' responses will be documented to provide the Evaluation Committee with the initial scoring for use during the Phase 1 evaluation. Proposers that meet the Minimum Mandatory Requirements to propose will first be screened for compliance with all required submission material and adherence to the proposal response instructions [see Paragraph 7 (Proposal Submission Requirements) above]. Qualified proposals will be initially reviewed to ensure the response is in the required format and contains all required sections, forms, signatures, and legal notices as prescribed.

8.3.3 All written proposals will be evaluated without consideration for cost and will receive an initial evaluation score. The highest-ranked Proposers will be invited to conduct both a scripted and unscripted demonstration of its proposed COTS software, as further explained in Paragraph 8.4 below. The County reserves the sole right to determine the number of highest-ranking qualified Proposers that will be invited to Phase 2.

8.4 Phase 2 – One-Day Demonstration and Leave-Behind Software

8.4.1 The purpose of the demonstration is to provide members of the evaluation committee, subject-matter experts (SMEs), and other project stakeholders with a functional overview of the Solution presented in response to this RFP. Presenting Proposers will:

a. Focus on the Proposed Solution – Proposers will be required to focus their presentations on the proposed Solution architecture that was presented in their RFP response.
b. Follow the Scripted Scenarios – The County will provide all invited Proposers with three scenarios no less than three weeks prior to

demonstration date. Proposers will create a scripted demonstration to partially validate the proposed Solution for each scenario.

c. Facial Recognition Functionality – Proposers will be responsible for demonstrating the proposed Solution's capability of utilizing a facial recognition algorithm when conducting facial recognition searches.
d. Proposers will be responsible for demonstrating the proposed Solution's functionality on multiple platforms (e.g., web browser, smartphone browser, tablet). Each platform will have the same functionality regardless of screen size.
e. Breakout Session – Proposers will provide a breakout session during the demonstration, not to exceed 90 minutes in length, to afford the evaluation committee and select SMEs an opportunity for a hands-on demonstration of the proposed COTS software.
f. Avoid Marketing – Proposers must not include marketing materials in their demonstrations (e.g., brochures, handouts, promotional items, or any other marketing tools).

8.4.2 The County will schedule the demonstration at a designated facility within the County. The invited Proposers will be required to be on-site for the demonstration. Proposers will be responsible for their own travel accommodations. The County will not make any travel arrangements or cost reimbursements. Proposer's questions regarding the demonstration may be submitted during the RFP question and answer window provided in the timetable specified in Paragraph 7.3 (RFP Timeline) of this RFP.

8.4.3 During the demonstration, the evaluation committee, project stakeholders, and SMEs, may ask questions regarding the proposed Solution's functionality and capabilities. Proposers must be able to address all questions during the demonstration. Proposers attending the demonstration will not be allowed to request time to provide responses outside of the demonstration. Each demonstration will not exceed eight hours (i.e., one business day). It is important that Proposers have the appropriate business and technical personnel available in-person (not to exceed three) to address any questions posed by the County during the demonstration. A conference line will be provided for additional support resources unable to attend the demonstration.

8.4.4 Prior to the demonstration, the County will notify selected Proposers and provide an agenda and pertinent information regarding the format of the demonstration. All products demonstrated must be exactly as those proposed in Contractor's RFP response.

8.4.5 As part of Phase 2, Proposers will be required to provide the County with temporary web access (URL), accessible from any County computer to the most current fully functional version of the proposed COTS software for further evaluation and hands-on testing by the County's Evaluation

Committee and SMEs. The County's temporary access to Proposer's URL must be valid for ten business days.

8.4.6 Proposer must provide the County with access to a "quick-reference" user guide, for use by the Evaluation Committee, SMEs, and other Project stakeholders.

8.4.7 At the conclusion of Phase 2, Proposers will be offered the opportunity to submit revised Business and Cost Proposals, as applicable, within two weeks from the date of its demonstration, based on the information and feedback received during the Phase 2 – One-Day Demonstration period. Proposers may opt out of submitting a revised Proposal if, in Proposer's analysis, revisions are not required. In such an instance, Proposer will be asked to submit a written statement acknowledging such.

8.4.8 Proposer's final, fully burdened Cost Proposal, must include pricing for all elements listed in Exhibit 13 (Cost Proposal Form) of Appendix D (Required Forms), to this RFP.

8.4.9 The revised Business and Cost Proposals, if any, will be evaluated and scored to select the highest-ranking Proposer that will or may move on to Phase 3 - Contract Negotiations.

8.4.10 The non-selected Proposers will be formally notified in writing.

8.4.11 County, in its sole discretion, reserves the right to dismiss any Proposer that fails to demonstrate its ability to be both responsive and/or responsible during Phase 2 or any other portion of the selection process. In such case, County may invite the next highest-ranking Proposer to participate in Phase 2.

8.5 Phase 3 - Contract Negotiations

Phase 3 consists of Contract negotiations and the finalizing of technical documents (e.g., SOW, PCD, Service Level Agreement (SLA), Detailed Work Plan, payment structure, etc.). Phase 3 – Contract Negotiations will be evaluated on a pass/fail basis.

8.5.1 County and Proposer will engage in non-protracted contract negotiations.

8.5.2 County and Proposer will engage in a scope and functionality review.

8.5.3 Prior to signing a contract, the Department will meet with selected Proposer to finalize key issues, which include, but may not be limited to, the following:

8.5.3.1 Contract language exceptions,

8.5.3.2 A review of scope, SOW, SLA, and Cost, and negotiate a payment schedule (original and revised Cost Proposals reviewed side-by-side), and

8.5.3.3 A review of the initial draft of PCD strategies and approaches.

At the conclusion of the evaluation process, the Evaluation Committee will make a recommendation to seek approval for the selection of a Proposer.

If contract negotiations do not successfully conclude within a reasonable timeframe as determined solely by County, then the next highest-ranking Proposer may be selected to begin Phase 3.

8.6 Disqualification Review

8.6.1 A proposal may also be disqualified from consideration if the Department, at any time during the review/evaluation process, determines such proposal to be non-responsive, including if it fails to meet the Minimum Mandatory Requirements. If the Department determines that a proposal is disqualified due to Proposer's failure to meet the Minimum Mandatory Requirements or that its proposal is otherwise non-responsive, the Department will provide Proposer with a written notification, which will include the deadline for requesting a Disqualification Review.

8.6.2 Upon receipt of the written determination of non-responsiveness, Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

8.6.3 A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all the following criteria:

a. The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination), and

b. The request for a Disqualification Review asserts that the Department's determination of disqualification due to non-responsiveness was erroneous and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

8.6.4 The Disqualification Review will be completed, and the determination will be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

8.6.5 Proposer can also be disqualified for reasons described throughout this RFP.

8.7 Business Proposal Evaluation and Criteria (75%)

8.7.1 Business Proposals that have passed the Minimum Mandatory Requirements will be evaluated for quality and evidence provided in support of Proposer's ability to meet the requirements of this RFP, including Paragraph 3 (Minimum Mandatory Requirements) of this RFP, and scored based on the Evaluation Criteria set forth in this Paragraph 8.7 (Business Proposal Evaluation and Criteria).

All information received during the evaluation process will be considered, including: Proposer's written proposal, demonstration of the Solution, and any direct hands-on observations made by the evaluators while directly reviewing the proposed Solution.

8.7.2 **Proposer's Qualifications (10%)**

Each Proposer will be evaluated based on information provided in Section B (Proposer's Qualifications) of the Business Proposal in response to Paragraph 7.9.7 [Proposer's Qualifications (Section B)] of this RFP. Proposer will be evaluated on its experience and capacity as a corporation or other business entity to perform the required work based on information provided in Section B.1 (Proposer's Background and Experience) of its Business Proposal.

Proposer will also be evaluated on the verification of references provided in Section B.2 (References and Contracts) of its Business Proposal. In addition to the references provided, a review will include the County's Contract Database and Contractor Alert Reporting Database, if applicable, reflecting past performance history with the County or other contracts. This review may result in point deductions up to 100% of the total points awarded in this evaluation category. Additionally, a review of terminated contracts will be conducted which may result in point deductions. Finally, Proposers will also be evaluated on any interview(s) and/or presentation(s), if appropriate.

A review will be conducted to evaluate Proposer's financial capability as provided in Section B.3 (Financial Capability) of its Business Proposal.

A review will be conducted to determine the significance of any litigation or judgments pending against Proposer as provided in Section B.5 (Pending Litigation and Judgments) of its Business Proposal.

8.7.3 Proposer's Approach to Providing Required Services (65%)

8.7.3.1 Each Proposer will be evaluated on the management approach and methodology Proposer intends to use to fulfill the requirements set forth in this RFP, which will be based on the information provided in Section C (Proposer's Approach to Providing Required Services) of its Business Proposal in response to Paragraph 7.9.8 of this RFP, including Sections C.1 (Proposer's Approach and Methodology), and C.2 (Statement of Work).

8.7.3.2 In Section C.3 (Solution Requirements) of the Business Proposal and Attachment C.5 (Solution Response Time Requirements) to Exhibit C (Service Level Agreement) to Appendix C (Sample Contract) to this RFP, Proposer will be evaluated by taking into account the Solution described in its Business Proposal, demonstrations, and direct observations by evaluators.

8.7.3.3 In Section C.4 (Quality Control Plan) of the Business Proposal, Proposer will be evaluated on its ability to establish and maintain a complete Quality Control Plan to ensure the requirements of this contract are provided as specified.

Initially, all proposals received in a timely manner will be given a preliminary score by the evaluation committee. The highest-ranking Proposers, as solely determined by the County, will be invited to conduct demonstrations of their Solutions in accordance with Paragraph 8.4 (Phase 2 – One-Day Demonstration and Leave Behind Software) of this RFP to corroborate their Business Proposals.

At the conclusion of the demonstrations, the evaluation committee will be afforded the opportunity to revise their preliminary scoring for this section (i.e., one or more components of the demonstration contradict Proposer's written proposal), to arrive at a final score.

8.7.4 Exceptions to Terms and Conditions of Sample Contract and/or Requirements of the Statement of Work

Proposer will be evaluated on their willingness to accept the Terms and Conditions outlined in Appendix C (Sample Contract) and the Requirements outlined in Appendix A (Statement of Work) and Attachment A.1 (Tasks and Deliverables), as stated in Paragraph 7.9.10 [Terms and Conditions in the Sample Contract, and Requirements of the

Statement of Work (SOW): Acceptance of/or Exceptions to (Section D)] of this RFP. The County may deduct rating points or disqualify the proposal in its entirety if the exceptions are material enough to deem the proposal non-responsive.

Proposers are further notified that the County may, in its sole determination, disqualify any Proposer with whom the County cannot satisfactorily negotiate a contract within a reasonable amount of time as determined solely by the County.

8.8 Cost Proposal Evaluation Criteria (25%)

Cost Proposals will be evaluated based on the pricing information submitted by Proposers for each section on Exhibit 13 (Cost Proposal Form) of Appendix D (Required Forms), to this RFP, per instructions specified therein and in Paragraph 7.10 (Cost Proposal Format) of this RFP. The maximum number of possible points for each Cost Proposal section will be awarded to the Cost Proposal with the lowest cost in that section, with all other proposals for that section compared to the lowest cost, and points awarded accordingly. The points for all sections will then be totaled for a Cost Proposal. Sections without any cost proposed will be deemed "included" as part of the Solution price and cannot later be modified during contract negotiations.

However, should one or more of Proposers request and be granted the LSBE Preference, SE Preference or the DVBE Preference, the cost component points will be determined as follows:

a. Fifteen percent of the lowest cost proposed will be calculated, and that amount which will not exceed $150,000 will be deducted from the cost submitted by all Proposers who requested and were granted any one of the preferences.

b. In no case will any Preferences be combined to exceed fifteen percent of the lowest responsible bid.

8.9 Intentionally Omitted

8.10 Department's Proposed Contractor Selection Review

8.10.1 Departmental Debriefing Process

Upon completion of the evaluation, and prior to entering negotiations with the selected Proposer, the Department will notify the remaining Proposer(s) in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, any non-selected Proposer may submit a written request for a Debriefing within the timeframe specified in the letter. A request for a Debriefing may, in the Department's

sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the Debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer will be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Proposers will not be discussed, although the Department may inform the requesting Proposer of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Proposer of the manner and timeframe in which the requesting Proposer must notify the Department of its intent to request a Proposed Contractor Selection Review [see Paragraph 8.10.2 (Proposed Contractor Selection Review) below] if the requesting Proposer is not satisfied with the results of the Debriefing.

8.10.2 **Proposed Contractor Selection Review**

8.10.2.1 Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in Paragraph 8.10.1 (Departmental Debriefing Process) above, may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as specified by the Department.

8.10.2.2 A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

a. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department), and

b. The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:

i. The Department materially failed to follow procedures specified in its solicitation document. This includes:

- Failure to correctly apply the standards for reviewing the proposal format requirements.

- Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
- Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.

ii. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in Proposer receiving an incorrect score and not being selected as the recommended Contractor.

iii. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.

iv. Another basis for review as provided by state or federal law.

v. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, Proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.

8.10.2.3 Upon completing the Proposed Contractor Selection Review, the Department representative will issue a written decision to Proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision will additionally instruct Proposer of the manner and timeframe for requesting a County Independent Review [See Paragraph 8.11 (County Independent Review Process) below].

8.11 County Independent Review Process

Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for a County Independent Review in the manner and timeframe specified by the Department in the Department's written decision regarding the Proposed Contractor Selection Review.

A request for a County Independent Review may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

a. The request for a County Independent Review is submitted timely (i.e., by the date and time specified by the Department), and

b. The person or entity requesting review by a County Independent Review has limited the request to items raised in the Proposed Contractor Selection Review as listed in Paragraph 8.10.2 (Proposed Contractor Selection Review) above.

Upon completion of a County Independent Review, Internal Services Department will forward the report to the Department, which will provide a copy to Proposer.