

**SUPREME COURT OF LOUISIANA  
INFORMATION TECHNOLOGY DEPARTMENT  
COURT CASE MANAGEMENT INFORMATION SYSTEMS DIVISION  
NEW ORLEANS, LA 70130**

**RFP 2017-002  
REQUEST FOR PROPOSALS FOR  
SOFTWARE TO SUPPORT A LOUISIANA CHARGE CODE SYSTEM**

**I. PURPOSE:**

The Supreme Court of Louisiana, Court Case Management Information Systems Office of the Information Technology Division (IT), invites qualified vendors to submit proposals for software to implement a statewide charge code project.

**II. SUBMISSION OF PROPOSALS:**

Proposals will be opened at the Supreme Court at 400 Royal Street at 4:00p.m. (CST) on Monday, November 27, 2017. No proposals will be accepted after this deadline. Proposals may be submitted in paper format (with one original and three copies required), or electronically via email or secure file upload. Proposals should be sent to the following address:

Attn: Norman Gobert, CMIS Director  
Supreme Court of Louisiana  
400 Royal Street, Suite 1190  
New Orleans, LA 70130

**Email:** CHARGECODERFP@lasc.org

Any proposals which are received after this deadline will not be considered. All envelopes containing a paper proposal must bear the name of the entity making the proposal, and must have the following clearly written or typed on the face of the envelope: "Proposal for Charge Code Software."

All questions relative to this request for proposals ("RFP") should be directed to Norman Gobert who may be reached via e-mail at CHARGECODERFP@lasc.org. As set out in more detail below, all questions should be submitted by 4 p.m. (CST), on Friday, November 4, 2017. The preferred method of receiving questions is via e-mail. Any oral explanations or instructions shall not be binding. All communications regarding the RFP shall be directed to Mr. Gobert. The Court specifically reserves the right to reject, in full or in part, all proposals submitted, and/or to cancel this RFP, when such action is in the Court's best interests. Any contract which may be

awarded shall be based upon the proposal which is most advantageous to the Court and its employees, costs and other factors considered. All contracts are subject to the availability of funds.

### **III. PROPOSERS' QUESTIONS:**

Questions should be submitted in writing (preferably via e-mail) to Norman Gobert at the address above by 4 p.m. (CST), on Friday, November 4, 2017. The Court is under no obligation to respond to such inquiries, but may choose to do so. The Court, in its discretion, may choose to post some or all of the questions and answers on its website: [www.lasc.org](http://www.lasc.org) and/or provide them to known proposers.

### **IV. TIMETABLE FOR PROPOSALS**

Issue Date of RFP	Thursday, October 26, 2017
Proposers' questions due	Friday, November 4, 2017
Deadline for Receipt of Proposals	Monday, November 27, 2017 4:00pm Central Time

Proposals will be opened at 4:00 pm Central Time, Monday, November 27, 2017

### **V. BACKGROUND**

#### **A. Organizational Background and Jurisdiction:**

The Supreme Court of Louisiana is the highest court in the State. Its principal office is located in the Parish of Orleans, State of Louisiana. A large majority of Court employees are housed in the 400 Royal Street Courthouse or in other New Orleans locations, along with satellite offices in various locations throughout the State.

The Court Case Management Information Office of the Information Technology Division (CMIS/IT) is responsible for the collection of state-wide court filing and disposition records. These records are stored in a central repository and used for analysis, and qualifying records are distributed to state and federal agencies.

#### **B. System Users**

We anticipate 250 active user accounts in the Charge Code system, of which all have the ability to add and maintain system data associated with their user roles and jurisdictions. In addition to the active users of the system, the Court plans to make this system available on a read-only basis to the public. Users of the Charge Code system will be expected to perform one of the following team roles:

1. Louisiana Supreme Court Representative
2. District Attorney's Office Representative
3. Prosecutor's Office Representative
4. Clerk of Court's Office Representative (city and district level)
5. Other Criminal Justice Stakeholders

### **C. Environment, Infrastructure, and Server Technology**

The Court maintains a central production data center and a remote Business Continuity hot site. Microsoft Windows-based servers are used predominantly, and Microsoft Hyper-V is used exclusively for server virtualization. The standard for relational database deployments is the Microsoft SQL Server family.

### **D. Desktop Operating Systems and Office Suite**

Louisiana has a non-unified court system. Although the Louisiana Supreme Court has general supervisory jurisdiction over all other courts, each court operates independently. There is no standard desktop or laptop PC. Users of the Louisiana Charge Code system will have a variety of hardware running a variety of operating systems, and using a variety of web browsers. The users will access the system primarily through an internet connection.

## **VI. SCOPE OF WORK**

### **A. Organizational Goals**

The primary purpose behind the Louisiana Charge Code system project is to unify the storage, maintenance, and consumption of state and municipal charge code information in an accessible electronic format. This charge code solution is designed to provide a common method to electronically exchange the charge information among justice partner agencies (law enforcement, district attorneys, prosecutors, and courts) and allow the agencies to look up and consume charge codes in a standardized format that has been developed collaboratively. This electronic charge code project will help eliminate human error introduced into the process as multiple actors within and across agencies re-type charges at key case events. The goal is to improve the state's ability to post complete, accurate, and timely information to the Louisiana Computerized Criminal History and the FBI National Instant Check System databases.

The Court desires to acquire and implement a system for the Louisiana Charge Code project that will support:

1. Configurability to the charge code model, by court and user
2. Compatibility across web browsers, e.g. Internet Explorer/Microsoft Edge, Firefox, Google Chrome, Safari.
3. Simplified data entry, ease of navigation.

4. Ad-hoc reporting, with the ability to aggregate data within user types, jurisdictions, law, etc.
5. Workflow using business rules and user tasks.
6. The ability to interface with existing systems through an API and an export functionality
7. Security for roles and rights management that integrates with the LASC Active Directory environment

## **B. Proposer's Responsibilities**

It will be the responsibility of the proposer to perform the tasks necessary to implement the new software program to support the Louisiana Charge Code System including, but not limited to, the following:

1. Provide, configure, install, test and make integration ready a new Louisiana Charge Code System.
2. Provide complete user, operational and system documentation for the new system.
3. Provide instructor-led, onsite training for administrative/clerical staff and IT staff in its operation, functions, and capabilities.
4. Provide train-the-trainer instructions for Court staff to prepare them to train end-users. Provide end-user documentation and training materials that can be used by the Court to conduct training.
5. Provide ongoing maintenance and second tier support subsequent to going live.
6. Provide system-updated, new functionality releases.
7. Provide for the ability to readily interface with other applications in the future.
8. Specify the recommended technical environment including hardware and software required by the proposed system.

## **C. Court Responsibilities**

1. The Court plans to procure and install any recommended hardware and system software.
2. The Court expects to provide first-level help desk services.
3. The Court expects to be able to provide a certain portion of system administration and technical support.
4. The Court will provide access to the data to populate the Louisiana Charge Code solution

## **E. Turnkey Louisiana Charge Code System**

This RFP requests the planning, configuration, limited customization, installation, testing, implementation and training for a turnkey Louisiana Charge Code System. The following additional tasks must be performed:

1. Design and implement standard reports.
3. First year maintenance and support for the system.

4. Identify resources to be allocated by the court to complete the implementation process from project initiation to final go live in a detailed Document of Understanding that specifically outlines what the proposer will provide and what the Court is expected to provide including a solution roadmap.
5. Provide interface capacity with existing court case management system vendors through an export function.
6. Contractor shall provide project coordinator for the above items.

## **E. Interface and Integration Options**

In addition to direct access and the ability to manage law and charge code data, partner criminal justice agencies and designated users from municipalities will also need a mechanism to request data for integrating into their own systems.

Use of the charge code system data by outside applications, such as case management systems, will initially be provided by using a download/export functionality. This export of data will serve as the information for justice partner agencies to integrate into their systems and they can update it using the latest export per their own update schedule. To simplify this process and minimize impact to the system, the system will need to provide the ability to define and export predefined sets of information that can be compiled and made available for download to justice partner agencies on a scheduled basis. This would help to control what information can be exported and when that information will be exported. This will help ensure that all justice partner agencies share current version controlled information.

Even though the court does not plan to build out a live service process for integrating with the law and charge code data at this time, the selected system should have options to leverage that technology for this purpose in the future.

## **F. Louisiana Charge Code System Functionality**

1. User account administration: SC-IT staff will be responsible for creating and maintaining user accounts including user ID's and roles assigned. Users will have the ability to change individual user account passwords.
2. User account security, access to the application and its functions, will be at the role level.
3. System configuration will be at the jurisdiction, role, and user levels.
4. System administration: ability to maintain options available via drop down lists.
5. Full change logging with old value, new value, date of change, time of change, user ID making change.
6. Group/bulk/batch action: the ability to apply the same activity to a group of users based upon role or user level, or jurisdiction
7. Law/Charge Code Data Model

The existing Law and Charge Code data model should be viewed as a nearly complete base that will serve as the primary repository for the charge code and law information for both state and municipal data. The additional requirements needed in the data model will come from auditing, reporting, and workflow modifications to accommodate create/edit/draft data.

Many of the following categories of information in the existing data model below are conceptualized as “datasets” so that users across the state will be consistent in how they refer to the same information. The act of updating or managing this information is currently referred to as “Data Maintenance” and will be handled through user rights and role management as an administrative privilege. These predefined lists will be used for some objects and allow designated users to update those lists so that users across the entire system can relate to information consistently across all laws and charge codes. This functionality will be similar to that of today’s system but with a few adjustments to the data structures to enable the ability store additional, required information that was not provided in the earlier stages of the project.

## **Law**

- Level
- Law Category
- Law Section Type
- Law Status
- Law Book
- Penalty
  - Hard Labor
- Parole
- Probation
- Penalty Location
- Suspension

## **Charge Code**

- Bail Bond Election
- Charge Description
- DNA Collection
- Degree
- NCIC Code
- Agency
- Charge Code Special Condition Eligibility
  - Special Condition
    - Special Condition Type
- OMV Code
- Charging Language
- Charge Type
- Severity Level
- Conviction Record

- Charge Code Category
  - Category
- Enhancer
  - Family Category
    - Charge Family
- Charge Code Keyword
  - Keyword
  - Measure
- Charge Code Status
- Charge Code Statistical Reporting Category
  - Statistical Reporting Category
- Jurisdiction
- Charge Code Law
  - Law

*Associated to both a Law and a Charge Code*

- Level
- Charge Family
- Charge Code Keyword
- Law Jurisdiction
  - Jurisdiction
    - Jurisdiction Level

#### 8. Ability to Manage Draft Data

In addition to the primary data structure shown above, an intuitive and manageable data model needs to be created that will support storage and isolation of draft versions of Laws and Charge Codes. Drafts are items that have either been newly created but not yet approved, or are existing items where the edited process has been initiated for various reasons (Edit, Amend, Repeal, and Unconstitutional). Drafts allow users to isolate changes from inadvertently affecting current laws/charges codes until the changes are approved. Not only does the data need to be isolated but drafts require a tailored workflow experience to enforce validation and business logic requirements.

#### 9. Ability to Manage Workflow

a. The following workflow processes are required for various draft processes:

- Create existing and new Law workflows:
- Create
- Clerical Edit
- Amend
- Repeal
- Unconstitutional
- Copy

b. When a new law is created or an existing law is edited a managed check list should appear to help the end user navigate reviewing related items before finalizing the changes. This includes updating/verifying related Charge Codes. Updates to existing

laws aside from clerical edits will create new versions of those laws and charge codes. This is important so that previous versions of laws are maintained for historical use and reference.

Create Charge Code workflows:

- Create
- Copy
- Clerical Edit
- Copy

- c. A tiered approval process is desired to ensure that law and charge code changes are indeed ready for activation and pushed to production. This will help to reduce errors and provide sufficient accountability before changes are issued.

#### 10. Alerts/System Notifications

The use of configurable System Notifications is required to provide feedback to users during both the creation and editing process of laws and charge codes, as well as the tiered approval process to help users ensure completion of all steps and affected areas of a law or charge code when they have work to perform within the edit/creation process.

#### 11. Feedback Mechanism

The system requires that an end user has the ability to send requests for assistance or to report system issues. This functionality should leverage the existing LASC IT help desk system/email inbox.

#### 12. Support External User Access

Designated users within differing jurisdictions (municipalities, criminal justice partners, and the Louisiana District Attorney's Association across the state of Louisiana need the ability to access the system to create, edit, and manage their respective ordinances/laws and charge codes within the appropriately defined workflow.

The external end-user interface will need to ensure that workflow and access will be configurable to suit the appropriate jurisdiction, specifically for this external portal.

#### 13. Ability to Support Interface and Integration Options

In addition to direct access and the ability to manage law and charge code data, justice partner agencies and designated users from municipalities will also need a mechanism to request data for integration into their own systems.

Use of the charge code system data by outside applications, such as case management systems, will initially be provided by using a download/export functionality. This export of data will serve as the information for justice partner agencies to integrate into their systems and they can



update it using the latest export per their own update schedule. To simplify this process and minimize impact to the system, the system will need to provide the ability to define and export a predefined sets of information that can be compiled and made available for download to justice partner agencies on a scheduled basis. This would help to control what information can be exported and when that information will be exported, and in-turn will help ensure that all justice partner agencies share current, version controlled information.

Even though the court does not plan to build out a live service process for integrating with the law and charge code data at this time, the selected system should have options to leverage that technology for this purpose in the future.

#### 14. Ability to Support Public Access

The general public should have a simplified view of the charge code system via a web-browser that allows them to search and/or filter down to a specific law and charge codes. This public interface will not allow a user any rights to add or update information nor will it provide the means to download the information like the external access does.

#### 15. Ability to Define and Manage Security

The system should provide roles and rights management options out of the box. Security is a primary requirement for the charge code system to ensure municipal users, designated justice partner agency users and Louisiana Supreme Court users each have the appropriate access. The following security requirements are needed:

The system should provide municipalities, state-level justice partner agencies, and Louisiana Supreme Court users access to manage/update their respective laws and charge codes while also allowing them to view other groups laws and charge codes.

The system should provide rights to particular users who can review and approve draft changes/updates as described earlier in the workflow section.

#### 16. Ability to Support Reporting

In addition to direct access and the ability to manage law and charge code data, designated users should be able to access useful auditing and reporting information based upon their user roles and rights. The ability to audit is important to show how, when and by whom changes have been made across the system. Reporting should also be able to provide snapshots of various aspects of the system including total laws/charge codes of various categories, total items in draft, total items awaiting approval, total changes made per period, etc. The system should provide the ability for system administrators and designated end-users to configure reports to accomplish these functions.

## **VII. CONTENTS OF THE PROPOSAL**

Your proposal should address each of the areas outlined below (as applicable) and provide the information requested. As your proposal will be evaluated based on the information you provide, failure to provide a complete and comprehensive presentation of your solution could negatively affect the Court's evaluation of your proposal. Your response should include the following:

- A. Technical Proposal**
- B. Qualifications**
- C. Business Proposal**
- D. Price-Business Proposal Form**

## **A. Technical Proposal**

The Technical Proposal should include, but is not limited to, the following:

### **1. Proposer's Executive Overview/Summary**

Proposer's Executive Overview/Summary should include, but is not limited to, the following:

- Overview/summary of the proposed solution
- Explanation demonstrating an understanding of the needs of the Court as expressed in this RFP
- How the proposed solution will satisfy those needs
- Discussion of the overall approach to the management of this effort
- Brief discussion of the total organization
- Use of Court personnel for project
- Function and use of subcontractors, if any

### **2. Proposer's Technical Overview/Summary**

Proposer's Technical Overview/Summary should include, but is not limited to, the following:

- Overview/summary of the proposed technical solution with enough detail to demonstrate an understanding of the current environment and scope of the project
- Overview of the project approach and methodology
- Overview of the project team members, their role, and a summary of their experience. List any other projects they will be working on at the same time they will be working on the Court project. Describe the means of communication between the proposer's project team and the Court project team. Describe the amount of on-site vs. off-site work. Describe the type and amount of off-shore work, if applicable.

### **3. Proposer's Detailed Explanation of Proposed Solution(s)**

Proposer's Detailed Explanation of Proposed Solution(s) should include, but is not limited to, the following:

#### **a. Implementation Schedule**

Implementation Schedule should include, but is not limited to, the following:

- Complete from contract signing to installation and acceptance
- Installation
- Testing
- Pilot
- Staffing deployment schedule
- Escalation Policies  
Escalation Practices
- Escalation Contacts

#### **b. Detailed Technical Information**

The Detailed Technical Information should include, but is not limited to, the following:

- Detailed technical specifications of any proposed equipment or services
- Detailed functional capabilities of the proposed solution
- Detailed explanation of performance capabilities and specifications
- Detailed explanation of response times
- Software provided with the solution
  - o Identify the manufacturer
  - o Functional capabilities
  - o Warranties
    - o Support levels
    - o Include applicable license agreements and documents authorizing the proposer to use the software products
- Source Code
  - o Provide company's policy regarding software escrow and updates
- Include a complete explanation of all services included in the proposal and otherwise available
- Manuals (i.e. operational, technical, etc.) - include a copy for each evaluator or make manuals available in an electronic format.
  - o Software Manuals
  - o Equipment Manuals - Include a detailed explanation of any environmental requirements for the proposed solution

#### **c. Installation and Support**

The Installation and Support information should include, but is not limited to, the following:

- Detailed information on the installation requirements
- Detailed information on the schedule
- Detailed onsite training solution(s)
  - o Including any other training solution(s) available
- The number of Court employees necessary in order to maintain the function of the equipment and software
  - o the minimum training and skill levels anticipated for Court employees
- Detailed hardware maintenance
- Detailed software maintenance
- Explanation of any proposed support services including performance guarantees
- Detailed explanation of all proposed maintenance
  - o Explanation of the response time(s)
- Forms or agreements, i.e. Service Level Agreements (SLA), including performance commitments
- Detailed warranties, i.e.
  - o Functional warranties
  - o Performance warranties
  - o Quality of workmanship warranties
- Explain the ownership rights to all proposed intellectual property including customizations to the system

## **B. Qualifications**

The information regarding Qualifications should include, but is not limited to the following:

### **1. Proposer's Experience and Qualifications**

The proposal must set forth a description of the proposer's experience in developing and implementing software solutions to support charge code systems or other similar systems. Explain how the proposer is qualified to provide and implement this charge code solution system for the Court. In addition, explain the proposer's qualifications to complete a project of this scope.

The Court may, in its discretion, consider (1) the experience of a predecessor firm or of a firm's key personnel which was obtained prior to the date proposer was

established, and/or (2) any subcontractor proposed by proposer. **Provide a detailed, narrative statement providing adequate information to establish that you meet this requirement.** Include all appropriate documentation.

## **2. Employee and Company Information**

The Employee and Company Information should include, but is not limited to, the following:

- Total number of employees
- Year business started
- State of incorporation
- Location of headquarters
- Key Staff
  - Resumes of key staff
- Non-Key Staff
  - Identify by number and areas of responsibility for this project

## **3. Proposer's References**

The Proposer's References shall include, but are not limited to, the following:

- A reference from an official in each court where the proposer has a charge code system or similar system operating or under development.
- If you do not have more than one (1) currently operating charge code system, then provide at least two (2) additional references from similar projects.
- References provided should be for projects of similar scope and complexity and should include
  - Client name
  - Client address
  - Contact name
  - Telephone number
  - Email address
  - Technical contact name
  - Technical contact telephone number
  - Technical contact email address
  - Brief summary of the project
  - Letters of reference (if available)

**Please note that the Court may or may not elect to contact references provided.**

#### **4. Subcontractor's References**

The Subcontractor's References shall include, but are not limited to, the following:

- References provided should be for projects of similar scope and complexity and should include
  - Percentage of work to be performed by the subcontractor(s) if 10% or greater
  - Client name
  - Client address
  - Contact name
  - Telephone number
  - Email address
  - Brief summary of the project
  - Letters of reference (if available)

**Please note that the Court may or may not elect to contact references provided.**

#### **5. Financial Stability**

Proposer should provide proof of financial stability, as follows

- a. Financial Statements for the most recent three fiscal years – any one of the following is acceptable

- Balance Sheet
- Income Statement
- Profit and Loss Statement

Provide either audited, complied, or reviewed financial statements. Tax returns may be substituted for financial statements.

- b. Dun and Bradstreet information (if available)
- c. Letters from banks (if available)

#### **6. Failed Projects**

The Failed Projects Information should include, but is not limited to, the following:

- Explanation of any instance where the company won a bid to provide its system and was unsuccessful in implementing it

- Explanation of any litigation in which the company has been involved or is currently involved

## **C. Business Proposal**

The Business Proposal should include, but is not limited to, the following:

### **1. Impact of the Solution(s)**

The Impact of the Solution(s) should include, but is not limited to, the following:

- Proposer should submit an overview/summary of the impact of the implementation of the proposed solution on the Court with regards to the everyday operations of the Court, judicial personnel, and Court staff.
- Any factors, benefits, or needs that the proposer considers important to the Court, but that are not otherwise addressed in the proposal, should be included.
- Proposer should address Risk Analysis. What internal and external factors could significantly negatively impact the probability of completing the project on budget?
- Proposer should address Risk Mitigation. After understanding the scope of this RFP and the Court's desired outcome, what actions can be taken to mitigate the identified risk?
- The proposer should address Risk Sharing. Are there opportunities for mutually beneficial risk sharing?

### **2. Bill of Materials**

The Bill of Materials should include all components without including the cost.

### **3. Associated Costs**

Associated Costs should include, but are not limited to, the following:

- The proposer's Total Cost of Ownership per year, first year (first year warranty and maintenance should be included in the original cost of the solution on the date of acceptance), second year with maintenance, third year with maintenance, fourth year with maintenance and fifth year with maintenance.
- Costs should be differentiated between the hosted and non-hosted options.
  - Examples of costs for proposers to consider in their response:
- Options and alternatives

- Post implementation training
- Other one-time costs

#### **4. Implementation Plan**

The Implementation Plan should include, but is not limited to, the following:

- Include payment schedule associated with
  - Milestones
  - Deliverables

#### **D. Price-Business Proposal Form**

Please complete the Price-Business Proposal Form, attached hereto as Appendix B.

### **VIII. EVALUATION CRITERIA**

The Court will evaluate all proposals and, if a proposer is to be selected, select a proposer on the basis of the following criteria:

All **responsive** proposals will be evaluated in accordance with the following criteria.

1. **Technical Proposal (30 points)** – The degree, completeness and suitability of the proposer’s technical solution to meet or exceed the requirements in this RFP.
2. **Business Proposal (25 points)** – The impact of the proposed solution on the business and financial operations of the Court. The value of the proposed solution to meet or exceed the needs of this RFP with specific respect to cost, risk, and financing options.
3. **Qualifications (20 points)** – The proposer's experience and references to provide evidence of its depth and breadth of experience in the development of a charge code system or other similar system and evidence of successful past performance with other project(s) of similar scope.



## **IX. CONTRACT AWARD**

Submit your best terms from a cost or price and from a technical standpoint. The Court reserves the right to enter into a contract without further discussion of the proposal based on the content of the proposals submitted. Ordinarily, nonresponsive proposals will be rejected outright. Nevertheless, the Court may elect to conduct discussions, including the possibility of limited proposal revisions, but only for those proposals reasonably susceptible of being selected for award. If improper revisions are submitted, the Court may elect to consider only your unrevised initial proposal. The Court may also elect to conduct negotiations, beginning with the highest ranked proposer, or seek best and final offers. If negotiations are conducted, the Court may elect to disregard the negotiations and accept your original proposal.

## **X. PUBLIC NATURE OF PROPOSAL AND PROSPECTIVE CONTRACT**

All proposals submitted in response to this request for proposals, and any contract which might ultimately be agreed upon, will be open to public inspection by any interested person, firm or corporation.

**It should be noted and understood that all proposals, contracts and other documents presented in connection with this RFP become the property of the Court.**

## **XI. SUBMISSION OF CONFIDENTIAL INFORMATION/REDACTION**

Trade secrets or other proprietary information submitted by a proposer as part of its RFP may not be subject to public disclosure, provided the proposer specifies the relevant law supporting its request for confidentiality. However, the proposer must invoke the protections of this section prior to or upon submission of its proposal, must identify the specific data or other materials to be protected, and must state the reasons why protection is necessary. Any aspect of the proposal which addresses the price of providing the requested services will not be considered confidential under any circumstance. Any proposal marked as confidential or proprietary in its entirety may be rejected without further consideration or recourse.

The proposer must clearly designate the part of the proposal that contains a trade secret and/or privileged or confidential proprietary information as “confidential” in order to claim protection, if any, from disclosure. The proposer shall mark the cover sheet of the proposal with the following legend, specifying the specific section(s) of the proposal sought to be restricted in accordance with the conditions of this legend:

*“The data contained in pages \_\_\_\_\_ of the proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential information and such data shall only be disclosed for evaluation purposes, provided that if a contract is awarded to this proposer as a result of or in connection with the submission of this proposal, the Supreme Court shall have the right to use or disclose the data therein to the extent provided in the contract.”*

Further, to protect such data, each page containing such data shall be specifically identified and marked “CONFIDENTIAL.” All markings must be conspicuous; use color, bold, underlining, or some other method in order to distinguish the mark from the other text. You are required to mark the original copy of your offer to identify any information that is exempt from public disclosure. **In addition, you must submit one complete copy of your offer from which you have removed any information that you marked as exempt, i.e., a redacted copy.** The information redacted should mirror in every detail the information marked as exempt from public disclosure. The redacted copy should:

- a. Reflect the same pagination as the original, and
- b. Show the empty space from which information was redacted

Proposers must be prepared to defend the reasons why the material should be held confidential. If a competing proposer or any other person seeks review or copies of another proposer’s confidential data, the Court will notify the owner of the asserted data of the request. If the owner of the asserted data does not want the information disclosed, it must agree to indemnify and hold the Court harmless against all actions or court proceedings that may ensue (including attorney’s fees), which seek to order the Court to disclose the information. If the owner of the asserted data refuses to indemnify and hold the Court harmless, the Court may disclose the information.

## **XII. COURT DISCRETION**

The Court specifically reserves the right to reject, in full or in part, all proposals submitted, and/or to cancel this request for proposals, when such action is in the Court's best interests. In addition, the Court specifically reserves the right to waive any of the technical requirements of the proposal, when such action is in the Court's best interests.

Any contract which may be awarded shall be based upon the proposal which is most advantageous to the Court and its employees, costs and other factors considered. All contracts are subject to the availability of funds.

## **XIII. CHANGES, ADDENDA, WITHDRAWALS**

The Court reserves the right to change the calendar of events or issue addenda to the RFP at any time. The Court also reserves the right to cancel or reissue the RFP.

If the proposer needs to submit changes or addenda, such shall be submitted in writing, signed by an authorized representative of the proposer, and cross-referenced clearly to the relevant proposal section. **All such changes must be received prior to the deadline for proposal submission.**

## **XIV. COST OF PREPARING PROPOSALS**

The Court is not liable for any costs incurred by proposers prior to issuance of or entering into a contract. Costs associated with developing the proposal, preparing the proposal, and any other expenses incurred by the proposer in responding to the RFP are entirely the responsibility of the proposer, and shall not be reimbursed in any manner by the Court.

## **XV. AUDIT OF RECORDS**

The State Legislative Auditor or other auditors so designated by the Court shall have the option to audit all accounts directly pertaining to the resulting contract for a period of three (3) years after project acceptance or as required by applicable State or Federal law. Records shall be made available during normal working hours for this purpose.

## **XVI. RECORDS RETENTION**

The successful proposer shall maintain all records relating to any contract which is agreed upon for a period of at least three (3) years after acceptance by the Court.

## **XVII. CHOICE OF LAW**

The resulting contract shall be governed by Louisiana law.

## **XVIII. NO ARBITRATION**

The resulting contract shall not contain any provision mandating that the parties submit to arbitration.

## **XIX. FIXED PRICING REQUIRED**

Any pricing provided by proposer shall include all costs for performing the work associated with that price. Except as otherwise provided in this RFP, proposer's price shall be fixed for the duration of any resulting contract. This clause does not prohibit proposer from offering lower pricing after award.

## **XX. PUBLICITY**

Contractor shall not publish any comments or quotes by Court employees, or include the Court in either news releases or a published list of customers, without the prior written approval of the Court.

## **XXI. TERMINATION DUE TO UNAVAILABILITY OF FUNDS**

Payment and performance obligations under the resulting contract shall be subject to the availability and appropriation of funds therefor. When funds are not appropriated or

otherwise made available to support continuation of performance, the contract shall be canceled.