

## **Solicitation DA00125-14**

### **HP Loadrunner Maintenance**

**Bid designation: Public**



**San Diego Superior Court**

## Bid DA00125-14 HP Loadrunner Maintenance

Bid Number **DA00125- 14**  
 Bid Title **HP Loadrunner Maintenance**

Bid Start Date **Jun 4, 2014 4:32:25 PM PDT**  
 Bid End Date **Jun 16, 2014 2:00:00 PM PDT**  
 Question & Answer End Date **Jun 11, 2014 2:00:00 PM PDT**

Bid Contact **Deborah Arnold**  
**PURCHASING**

Contract Duration **One Time Purchase**  
 Contract Renewal **Not Applicable**  
 Prices Good for **60 days**

Bid Comments **The Superior Court of California, County of San Diego is requesting quotes for HP Loadrunner Software & Support. Please see attached Request for Quotation documents for specifics and requirements.**  
**PLEASE NOTE:**  
 \* Vendors must currently be an authorized HP Partner.  
 \* Request for Quotation form must be completed and submitted with quote.  
 \* ALL BIDS MUST BE SUBMITTED ELECTRONICALLY THROUGH BIDSYSNOC TO BE CONSIDERED.

### Item Response Form

Item **DA00125-14--01-01 - HP Loadrunner Maintenance - Part # T6234AAE-USA-R**  
 Quantity **1 lot**  
 Unit Price   
 Delivery Location **San Diego Superior Court**  
SUPERIOR COURT CENTRAL DIVISION  
 CENTRAL DIVISION, HALL OF JUSTICE  
 330 W BROADWAY  
 ADMIN SVC DEL ONLY 8-330  
 SAN DIEGO CA 92101  
**Qty 1**

#### Description

HP LoadRunner Controller & Monitors Software USA 9x5 Maintenance  
 Part #: T6234AAE-USA-R  
 HP SAID #: 1041 4096 6553  
 HP ONLY Provided Support  
 Software Technical Support  
 Software Electronic Support  
 Standard Office Hours, Standard Office Days  
 Standard Response  
 License to Use and Software Updates  
 HP Recommended Software Updates Method  
 HP Recommended Doc Updates Method  
 Term: 07/01/2014 – 06/30/2015

ATTACHMENT



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE QUALIFICATION DECLARATION

Complete this form only if Bidder wishes to claim the DVBE incentive associated with this solicitation. Review the DVBE Incentive Qualification Declaration Instructions (SDSC Form #PUR-003A) prior to completing this form. If Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

Check the applicable box(es) and complete the section for which bidder is seeking qualification for DVBE incentive.

SECTION A. BIDDER IS A DVBE

Complete this section if Bidder is a DVBE.

- 1. DVBE Supplier ID number:
2. DVBE Certification active from: to
3. Percentage of the contract work Bidder will subcontract to non-DVBE subcontractors:
4. All disabled veteran owners and managers of Bidder must complete and sign the DVBE Status Declaration (SDSC Form #PUR-004). Bidder must submit the completed DVBE Status Declaration along with this DVBE Incentive Qualification Declaration.
5. Bidder must submit a copy of its DVBE certification along with this DVBE Incentive Qualification Declaration.

SECTION B. BIDDER HAS A DVBE BUSINESS UTILIZATION PLAN (BUP)

Complete this section if Bidder has an approved DVBE BUP on file with the Department of General Services (DGS) and this solicitation is for goods (IT or Non-IT), or IT services (do not complete if this solicitation is for non-IT services).

- 1. Date BUP was approved by DGS:
2. Date through which BUP is valid:
3. Bidder must submit a copy of its "Notice of Approved DVBE Business Utilization Plan" issued by DGS along with this DVBE Incentive Qualification Declaration.

SECTION C. BIDDER WILL USE DVBE SUBCONTRACTORS

Complete this section if the Bidder will use DVBE Subcontractors.

Enter the total number of DVBE subcontractors that Bidder will use for this contract:

Provide the following information or materials for each DVBE Subcontractor the Bidder will use for this contract. Attach additional sheets if necessary.

- 1. Subcontractor Name:
2. Subcontractor Contact Person:
3. Subcontractor Address:
4. Subcontractor Telephone Number:
5. Subcontractor Email Address:
6. Subcontractor DVBE Supplier ID Number:
7. Subcontractor DVBE Certification Active from: to
8. Bidder must submit a copy of Subcontractor's DVBE certification along with this DVBE Incentive Qualification Declaration.
9. Describe the goods and/or services to be provided by Subcontractor in connection with the contract:

**ATTACHMENT**

10. Explain how Subcontractor is performing a "commercially useful function" for purposes of this contract. (See Incentive Qualification Declaration Instructions for the definition of "commercially useful function.")

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Enter the percentage of the total bid price for the goods and/or services to be provided by Subcontractor: \_\_\_\_\_%

12. Provide written confirmation from Subcontractor that it will provide the goods and/or services identified above if Bidder is awarded the contract.

13. All disabled veteran owners and managers of Subcontractor must complete and sign the DVBE Status Declaration. Bidder must submit the completed DVBE Status Declaration along with this DVBE Incentive Qualification Declaration.

**CERTIFICATION**

I, the official named below, declare under penalty of perjury under the laws of the state of California that the information provided on this form is true and correct and that I am duly authorized to legally bind the Bidder to this certification.

Company Name: \_\_\_\_\_

Tax ID Number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Executed in the County of \_\_\_\_\_ in the State of \_\_\_\_\_.

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

\_\_\_\_\_  
Type or print name/title

\_\_\_\_\_  
Signature

## ATTACHMENT



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

**DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)  
INCENTIVE QUALIFICATION DECLARATION INSTRUCTIONS**

**General Instructions**

In this form, "Bidder" refers to a person or entity that submits a response to a competitive solicitation issued by the court, including Request for Quotations (RFQs), Inquiry for Bids (IFBs), and Request for Proposals (RFPs); and "bid" refers to a response to a competitive solicitation issued by the court, including RFQs, IFBs, and RFPs.

If Bidder wishes to claim the DVBE incentive in a solicitation where a DVBE incentive is offered, it must submit a DVBE Incentive Qualification Declaration (SDSC Form #PUR-003).

The court will determine whether Bidder is eligible to receive the DVBE incentive based on information provided in the DVBE Incentive Qualification Declaration. The court may, but is not obligated to, verify or seek clarification of any information set forth in the DVBE Incentive Qualification Declaration. If Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

**Section A Instructions**

1. Provide Bidder's DVBE Supplier ID number, if applicable. This number is in Bidder's Department of General Services (DGS) Supplier Profile, accessible at <https://www.bidsync.com/DPXBisCASB>.
2. Provide the applicable dates. These dates are listed in Bidder's DGS Supplier Profile website.
3. This percentage is equal to the amount to be paid by Bidder to the non-DVBE subcontractors divided by Bidder's total bid price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by Bidder to non-DVBE subcontractor is \$35,000 and Bidder's total bid price is \$125,000, enter "28%" ( $35000 \div 125000 = 0.28$ ;  $0.28 \times 100 = 28$ ).
4. The DVBE Status Declaration (SDSC Form #PUR-004) is separate from the DVBE Incentive Qualification Declaration. The Bidder must submit along with the DVBE Incentive Qualification Declaration a DVBE Status Declaration completed and signed by the disabled veteran owners and managers of Bidder.
5. Each entity certified as a DVBE by DGS will have received a DVBE certification. Bidder must submit a copy of its DVBE certification.

**Section B Instructions**

Complete this section if Bidder has an approved DVBE BUP on file with the Department of General Services (DGS) and this solicitation is for goods (IT or Non-IT), or IT services (do not complete if this solicitation is for non-IT services).

1. Provide the date on which DGS approved Bidder's BUP.
2. Provide the date through which the BUP is valid.
3. Bidder must provide a copy of its "Notice of Approved DVBE Business Utilization Plan" issued by DGS. This copy must be provided along with the DVBE Incentive Qualification Declaration.

**Section C Instructions**

A DVBE Subcontractor (Subcontractor) is any certified DVBE (whether a person, firm, corporation, or organization) contracting to perform part of Bidder's contract.

Enter the total number of Subcontractors Bidder will use for the contract. Provide complete information (items 1-13 of Section C) for **each** Subcontractor. Attach additional sheets if necessary.

1. Provide the full legal name of Subcontractor.
2. Provide the name of a contact person at Subcontractor. The contact person must be able to verify the information provided in the DVBE Incentive Qualification Declaration regarding that Subcontractor.
3. Provide the full address of Subcontractor.
4. Provide Subcontractor's telephone number, including area code.
5. Provide Subcontractor's email address. If Subcontractor does not have an email address, write "N/A."

**ATTACHMENT**

6. Provide Subcontractor's DVBE Supplier ID number. This number is in Subcontractor's DGS Supplier Profile, accessible at <https://www.bidsync.com/DPXBisCASB>.
7. Provide the applicable dates. These dates are in Subcontractor's DGS Supplier Profile, accessible at <https://www.bidsync.com/DPXBisCASB>.
8. Each entity certified as a DVBE by DGS will have received a DVBE certification. Bidder must submit a copy of each Subcontractor's DVBE certification. Provide a copy of Subcontractor's DVBE certification.
9. Provide a detailed description of the goods and/or services Subcontractor will provide for the contract.
10. Provide an explanation of how Subcontractor's goods and/or services constitute a "commercially useful function" for purposes of the contract. Pursuant to Mil. & Vet. Code § 999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does all of the following: (i) is responsible for the execution of a distinct element of the work of the contract; (ii) carries out the obligation by actually performing, managing, or supervising the work involved; (iii) performs work that is normal for its business services and functions; (iv) is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and (v) is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. Note: a person or entity will not be considered to perform a "commercially useful function" if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DVBE participation.
11. This percentage is equal to the amount to be paid by Bidder to Subcontractor divided by Bidder's total bid price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by Bidder to Subcontractor is \$6,600 and Bidder's total bid price is \$75,000, enter "8.8%" ( $6600 \div 75000 = 0.088$ ;  $0.088 \times 100 = 8.8$ ).
12. The Bidder must submit a written confirmation from the Subcontractor, indicating that Subcontractor will provide the required goods and/or services if Bidder is awarded the contract.
13. The DVBE Status Declaration is a separate form from the DVBE Incentive Qualification Declaration. The Bidder must submit along with the DVBE Incentive Qualification Declaration a DVBE Status Declaration completed and signed by all disabled veteran owners and managers of the Subcontractor.

**Certification Instructions**

Provide Bidder's full legal name, federal tax ID number, address, and telephone number on the appropriate lines. The certification must be signed by an authorized Bidder representative. Provide the name and title of the authorized Bidder representative, and the date, county and state where that person signed the certification.

ATTACHMENT



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) STATUS DECLARATION

Complete this form only if Bidder wishes to claim the DVBE incentive associated with this solicitation. Review the DVBE Status Declaration Instructions (SDSC Form #PUR-004A) prior to completing this form. If Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

Each DVBE and each DVBE Subcontractor must complete a separate form.

SECTION A. MUST BE COMPLETED BY ALL DVBEs

DVBE Name: \_\_\_\_\_

DVBE Supplier ID Number: \_\_\_\_\_

SECTION B. MUST BE COMPLETED BY ALL DVBEs

Check only one box in Section B and provide original signatures of all disabled veteran (DV) owners and managers of the DVBE.

[ ] I (we) declare that the DVBE is not a broker or agent, as defined in Mil. & Vet. Code § 999.2(b), of the goods and/or services provided by the DVBE in connection with the solicitation identified above.

[ ] Pursuant to Mil. & Vet. Code § 999.2(f), I (we) declare that the DVBE is a broker or agent for the following principal. (attach additional sheets if more than two principals)

Principal Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Principal Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Disabled veteran owners and managers of the DVBE: (attach additional sheets if necessary)

I, the official named below, declare under penalty of perjury under the laws of the state of California that the information provided on this form is true and correct.

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

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of DV Owner/Manager

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

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of DV Owner/Manager

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

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of DV Owner/Manager

**ATTACHMENT**

**SECTION C. MUST BE COMPLETED BY DVBEs THAT PROVIDE RENTAL EQUIPMENT AND ARE NOT BROKERS/AGENTS**

Check applicable boxes in Section C and provide original signatures of all DV owners and managers of the DVBE.

- Pursuant to Mil. & Vet. Code § 999.2 (c), (d) and (g), I am (we are) the DV(s) with at least 51% ownership of the DVBE, or DV manager(s) of the DVBE. The DVBE maintains certification requirements in accordance with Mil. & Vet. Code § 999 et seq.
- The undersigned owner(s) own(s) at least 51% of the quantity and value of each piece of equipment that will be rented in connection with this solicitation. I (we), the DV owner(s) of the equipment, have submitted to the Department of General Services my (our) personal federal tax return(s) at time of certification and annually thereafter as defined in Mil. & Vet. Code § 999.2 (c) and (g).

**Disabled veteran owners of the DVBE:** *(attach additional sheets if necessary)*

I, the official named below, declare under penalty of perjury under the laws of the state of California that the information provided on this form is true and correct.

Name of DV Owner: \_\_\_\_\_ Tax ID Number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of DV Owner

Name of DV Owner: \_\_\_\_\_ Tax ID Number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of DV Owner

**Disabled veteran managers of the DVBE:** *(attach additional sheets if necessary)*

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

\_\_\_\_\_  
 Type or print name \_\_\_\_\_  
 Signature of DV Manager

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

\_\_\_\_\_  
 Type or print name \_\_\_\_\_  
 Signature of DV Manager



**ATTACHMENT****SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO****DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)  
STATUS DECLARATION INSTRUCTIONS****General Instructions**

In this form, "Bidder" refers to a person or entity that submits a response to a competitive solicitation issued by the court, including Request for Quotations (RFQs), Inquiry for Bids (IFBs), and Request for Proposals (RFPs); and "bid" refers to a response to a competitive solicitation issued by the court, including RFQs, IFBs, and RFPs.

If Bidder wishes to claim the DVBE incentive in a solicitation where a DVBE incentive is offered, it must submit a DVBE Status Declaration (SDSC Form #PUR-004) completed by each DVBE that will provide goods and/or services in connection with its bid. If Bidder is itself a DVBE, it must complete the DVBE Status Declaration itself. If Bidder will use one or more DVBE subcontractors, each DVBE subcontractor must complete a DVBE Status Declaration.

If Bidder does not wish to claim the DVBE incentive, Bidder should not submit a DVBE Status Declaration. In addition, if Bidder wishes to claim the DVBE incentive using a DVBE Business Utilization Plan (BUP) on file with the Department of General Services (DGS), Bidder should not submit a DVBE Status Declaration. Note that a BUP cannot be used to qualify for the DVBE incentive in a non-IT services solicitation.

The court will determine whether Bidder is eligible to receive the DVBE incentive based on information provided in the DVBE Status Declaration. The court may, but is not obligated to, verify or seek clarification of any information set forth in the DVBE Status Declaration. If Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

**Section A Instructions**

Provide the full legal name of the DVBE, and the DVBE's Supplier ID number. This number is in the DVBE's DGS Supplier Profile, accessible at <https://www.bidsync.com/DPXBisCASB>.

**Section B Instructions**

Check only one box. If the DVBE is not a broker or agent, check the first box. If the DVBE is a broker or agent, check the second box and provide the name, address, and phone number of the principal for which the DVBE is an agent or broker. Mil. & Vet. Code § 999.2(b) defines "broker" or "agent" as an individual or entity that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to [a court], unless one or more of the disabled veteran owners has at least 51% ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.

All disabled veteran (DV) owners and managers of the DVBE must sign and date Section B. If there are insufficient signature lines for all DV owners and managers to sign, attach additional sheets.

**Section C Instructions**

The DVBE must complete Section C only if both of the following are true: the DVBE will provide rental equipment in connection with the contract, and the DVBE checked the first box in Section B, indicating that it is not a broker or agent.

If the DVBE will not provide rental equipment in connection with the contract, or the DVBE checked the second box in Section B, indicating that it is a broker or agent, the DVBE should skip Section C.

Check each box in Section C for which the corresponding statements are true.

All DV owners of the DVBE must sign and date Section C. Each DV owner of the DVBE must also provide his or her federal tax ID number, address, and telephone number. If there are insufficient lines provided for all DV owners, attach additional sheets.

All DV managers of the DVBE must sign and date Section C. If there are insufficient lines provided for all DV managers, attach additional sheets.



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## SMALL BUSINESS DECLARATION

Solicitation Number: \_\_\_\_\_

Complete this form only if the Bidder will claim the Small Business<sup>1</sup> Preference associated with the solicitation. Review the Small Business Declaration Instructions (SDSC Form # PUR-011A) prior to completing this form. If the Bidder submits incomplete or inaccurate information, it will not receive the preference.

**SECTION A. BIDDER IS A SMALL BUSINESS** *Complete this section if the Bidder is a Small Business.*

- 1. DGS Supplier ID number: \_\_\_\_\_
- 2. Small Business Certification active from \_\_\_\_\_ to \_\_\_\_\_.
- 3. **A copy of the Small Business certification approval letter for the Bidder must be submitted along with this declaration.**
- 4. Will the Bidder subcontract any portion of the contract work to subcontractors?  Yes  No

If no, skip to the Certification section. If yes, complete a-c below.

- a. State the percentage of the contract work the Bidder will subcontract: \_\_\_\_\_%
- b. Describe the goods and/or services to be provided by the Bidder itself in connection with the contract: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- c. Explain how the Bidder is performing a “commercially useful function” for purposes of this contract. (See the instructions for the definition of “commercially useful function.”)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION B. BIDDER IS A NON-PROFIT VETERAN SERVICE AGENCY (NVSA)** *Complete this section if the Bidder is an NVSA.*

- 1. DGS Supplier ID number: \_\_\_\_\_
- 2. NVSA Certification active from \_\_\_\_\_ to \_\_\_\_\_
- 3. **A copy of the Bidder’s NVSA certification approval letter must be submitted along with this declaration.**

<sup>1</sup> Unless otherwise stated, any reference to small businesses also includes microbusinesses, as defined by Gov. Code section 14837.

**SECTION C. CERTIFICATION**

I, the official named below, declare under penalty of perjury under the laws of the State of California, that the information provided in this form is true and correct. I am duly authorized to legally bind the Bidder to this certification. This certification is made under the laws of the State of California.

Company Name: \_\_\_\_\_

Tax ID Number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Executed in the County of \_\_\_\_\_ in the State of \_\_\_\_\_.

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

\_\_\_\_\_  
Type or print name/title

\_\_\_\_\_  
Signature



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

### SMALL BUSINESS DECLARATION INSTRUCTIONS

#### General Instructions

In this form, "DGS" refers to the Department of General Services. "Small Business" refers to an entity certified by DGS as a small business or a microbusiness. "Bidder" refers to a person or entity that submits a response to a competitive solicitation issued by the court, including RFQs, IFBs, and RFPs. "Bid" refers to a response to a competitive solicitation issued by the court.

If the Bidder will claim the small business preference in a solicitation where a small business preference is offered, it must complete the Small Business Declaration (SDSC Form #PUR-011). If no small business preference is offered, or the Bidder does not claim the small business preference, the Bidder should not complete the Small Business Declaration.

The court will determine whether the Bidder is eligible to receive the small business preference based on information provided in the Declaration. The court may, but is not obligated to, verify or seek clarification of any information set forth in the Declaration. If the Bidder submits incomplete or inaccurate information, it will not receive the small business preference.

#### SECTION A. BIDDER IS A SMALL BUSINESS Instructions *Complete this section if the Bidder is a Small Business.*

1. Provide the Bidder's DGS Supplier ID number. This number is in the Bidder's DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
2. Provide the applicable dates. These dates are listed in the Bidder's DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
3. Each entity certified as a Small Business by DGS will have received a Small Business certification approval letter. The Bidder must submit a copy of its Small Business certification approval letter.
4. If the Bidder will subcontract any portion of the contract work, answer "yes" and complete subparts a-c. If the Bidder will not subcontract any portion of the contract work, answer "no" and skip to Certification.
  - a: This percentage is equal to the amount to be paid by the Bidder to all subcontractors divided by the Bidder's total bid price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by the Bidder to subcontractors is \$35,000 and the Bidder's total bid price is \$125,000, enter "28%" ( $35,000 \div 125,000 = 0.28$ ;  $0.28 \times 100 = 28$ ).
  - b: Provide a detailed description of the goods and/or services the Bidder itself will provide for the contract. In other words, provide a detailed description of the goods and/or services that will not be subcontracted. Attach additional sheets if necessary.
  - c: Provide an explanation of how the Bidder's goods and/or services constitute a "commercially useful function" for purposes of the contract. Pursuant to Gov. Code §14837, a business is deemed to perform a "commercially useful function" if the business does all of the following:
    - (i) Is responsible for the execution of a distinct element of the work of the contract.
    - (ii) Carries out its obligation by actually performing, managing, or supervising the work involved.
    - (iii) Performs work that is normal for its business services and functions.
    - (iv) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment.
    - (v) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

Note: a business will not be considered to perform a "commercially useful function" if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of Small Business participation. Attach additional sheets if necessary.

#### SECTION B. BIDDER IS A NON-PROFIT VETERAN SERVICE AGENCY (NVSA) Instructions *Complete this section if the Bidder is an NVSA.*

1. Provide the Bidder's DGS Supplier ID number. This number is in the Bidder's DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
2. Provide the applicable dates. These dates are listed in the Bidder's DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
3. Each entity certified as an NVSA by DGS will have received a certification approval letter. The Bidder must submit a copy of its certification approval letter.

#### SECTION C. CERTIFICATION Instructions

Provide the Bidder's full legal name, tax ID number, address, and telephone number in the appropriate boxes. The certification must be signed by an authorized Bidder representative. Provide the name and title of the authorized Bidder representative, and the date, county, and state where that person signed the certification, on the appropriate lines.



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
 CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SUITE 357, SAN DIEGO, CA 92101

**REQUEST FOR QUOTATION**

**THIS IS A REQUEST FOR QUOTE, NOT AN ORDER**

Date: June 3, 2014

RFQ/Tracking Number: DA00125-14

**Bids are Due: June 16, 2014**

**no later than 2:00 p.m.**

Buyer's Name:

Email:

Telephone Number:

Fax Number:

The court is requesting quotations for the goods/services listed below. Calculate and enter unit price, extended price, and sales tax if applicable into the appropriate box for each item. The court is not exempt from California sales tax.

Delivery Date: TBD

Payment Terms: NET 30 Days

Quantity	Unit	Description of Goods/Services	Unit Price	Extended Price
1	LOT	HP LoadRunner Controller & Monitors Software USA 9x5 Maintenance Part #: T6234AAE-USA-R HP SAID #: 1041 4096 6553 HP ONLY Provided Support Software Technical Support Software Electronic Support Standard Office Hours, Standard Office Days Standard Response License to Use and Software Updates HP Recommended Software Updates Method HP Recommended Doc Updates Method Term: 07/01/2014 – 06/30/2015	\$	\$
		<b>ALL BIDS MUST BE SUBMITTED ELECTRONICALLY THROUGH BIDSYNC TO BE CONSIDERED.</b>	\$	\$
			Sales Tax	\$
			\$	\$
			Sales Tax	\$
			\$	\$
			Sales Tax	\$
			\$	\$
			Sales Tax	\$
<b>Total</b>			\$	\$

See page \_\_\_ for additional items.

Company Name: \_\_\_\_\_ Auth. Rep. Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Authorized Representative

**Instructions and Conditions**

1. Bidders must submit bid offer on this Request for Quotation sheet via BidSync.com.
2. Court may reject any or all bids.
3. Quotations are to be firm for a period of 60 days.
4. No substitutions allowed, except as indicated.
5. All items shall be offered Freight On Board (FOB) destination with inside delivery.

**REQUEST FOR QUOTATION**

6. Tie Bids: In the event of a tie, the contract will be awarded to the winner of a single coin toss. The coin toss will be witnessed by two court employees. The court will provide notice of the date and time of the coin toss to the affected Bidders, who may attend the coin toss at their own expense.
7. Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Rev. & Tax. Code § 6066 et seq. or (b) a certificate of registration issued under Rev. & Tax. Code § 6226.
8. Americans with Disabilities Act: The court complies with the Americans with Disabilities Act (ADA) and similar California statutes. Requests for accommodation of disabilities by Bidders should be directed to:  
[ADA.Coordinator@sdcourt.ca.gov](mailto:ADA.Coordinator@sdcourt.ca.gov)
9. Disabled Veteran Business Enterprise (DVBE) Incentive: Bidder will receive a DVBE incentive if, in the court's sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 3% of the lowest responsible bid. DVBE incentive qualification is not mandatory. Failure to qualify for the DVBE incentive will not render a bid non-responsive.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Bidder may have an approved Business Utilization Plan (BUP) on file with the CA Department of General Services (DGS).

If Bidder wishes to seek the DVBE incentive:

- a. Bidder must complete and submit with its bid the DVBE Incentive Qualification Declaration (SDSC Form #PUR-003), attached. Bidder must also submit all materials required in the DVBE Incentive Qualification Declaration.
- b. Bidder must submit with its bid a DVBE Status Declaration (SDSC Form #PUR-004) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Bidder is itself a DVBE, it must complete and sign the DVBE Status Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Status Declaration. **NOTE:** The DVBE Status Declaration is not required if Bidder will qualify for the DVBE incentive using a BUP on file with DGS.

Failure to complete and submit these forms as required will result in Bidder not receiving the DVBE incentive. In addition, the court may request additional written clarifying information. Failure to provide this information as requested will result in Bidder not receiving the DVBE incentive.

If Bidder receives the DVBE incentive: (i) Bidder will be required to complete a Post-Contract certification (SDSC Form #PUR-006) if DVBE subcontractors are used; (ii) Bidder must use any DVBE subcontractor(s) identified in its bid unless the court approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its bid will constitute a breach of contract.

**FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MIL. & VET. CODE § 999.9.**

10. SMALL BUSINESS PREFERENCE: Eligibility for and application of the small business preference are governed by the San Diego Superior Court's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. Bidder will receive a small business preference if, in the court's sole determination, Bidder has met all applicable requirements. If Bidder receives the small business preference, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 5% of the lowest responsible bid, not to exceed \$50,000. If a DVBE incentive is also offered in connection with this solicitation, (i) the combined value of the small business preference and the DVBE incentive may not exceed \$100,000, and (ii) additional rules regarding the interaction between the small business preference and the DVBE incentive apply. Small business participation is not mandatory. Failure to qualify for the small business preference will not render a bid non-responsive.

To receive the small business preference, Bidder must be either (i) a Department of General Services ("DGS") certified small business or microbusiness performing a commercially useful function, or (ii) a DGS-certified small business nonprofit veteran service agency. If Bidder wishes to seek the small business preference, Bidder must complete and submit with its bid the Small Business Declaration (SDSC Form #PUR-011). Bidder must submit with the Small Business Declaration all materials required in the Small Business Declaration.

Failure to complete and submit the Small Business Declaration as required will result in Bidder not receiving the small business preference. After the Bidder submits the Small Business Declaration, the court may request additional written clarifying information. Failure to provide this information as requested will result in Bidder not receiving the small business preference.

If Bidder receives the small business preference, (i) Bidder will be required to complete a Small Business Post-Contract Report (SDSC Form #PUR-012); and (ii) failure to meet the small business commitment set forth in its bid will constitute a breach of contract.

**FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

11. Protests: This procurement is estimated to be below the applicable threshold for which protests are accepted, therefore, NO PROTESTS WILL BE ACCEPTED for this procurement and the court will reject any protest received. See San Diego Superior Court's Procurement Protest Policy (SDSC Form #ADM-244) available on the court's

website.

12. Terms and Conditions if Awarded:

**ACCEPTANCE:** By delivering the ordered goods or commencing performance under this order, vendor agrees to the specifications, terms, and conditions in or referenced by this document (collectively, the "order"). Vendor's additional or different terms and conditions are expressly excluded from this order and the court does not agree to such terms or conditions. This order's terms and conditions may only be varied by a writing signed by the court's duly authorized representative.

**AUDIT RIGHT:** Vendor agrees to maintain records relating to performance and billing by Vendor under this order for a period of four years after final payment. During the period of time that Vendor is required to retain such records, the court or its representative may, during normal business hours, inspect and make extracts or copies of such records and other materials for purposes of confirming the accuracy of invoices submitted hereunder.

**CHANGES:** No change or modification in terms, quantities, or specifications may be made without express authorization in writing from the court.

**DELIVERY AND PACKING SLIPS:** Time is of the essence to delivery and any other performance required of Vendor. No charge for delivery, drayage, express, parcel post, packing, cartage, insurance, license fees, permits, cost of bonds, or any other purpose will be paid by the court unless it is expressly included on the face of this order. Unless stated otherwise in this order, the shipping point for all deliveries under this order will be F.O.B. "Destination." Unless otherwise shown on this order, on "F.O.B. Shipping Point" transactions, Vendor must arrange for lowest-cost transportation, prepay and add freight to its invoice, and furnish supporting freight bills over \$25. If delivery is to be made by a carrier, an itemized delivery ticket must be attached to the outside of the package. Each container must be marked with the order number, part number and quantity. Any itemized packing slip bearing the court's order number as shown thereon must be left with the goods to insure their receipt.

**INDEMNITY:** Vendor will indemnify and hold harmless the court, other California Judicial Branch Entities, and their officers, agents, and employees from and against all claims, losses, and expenses, including attorneys' fees and costs, that arise out of (i) a defect, whether latent or patent, in the goods or services purchased hereunder, (ii) and act or omission of vendor, its agents, employees, independent contractors, or subcontractors in the performance of this agreement, (iii) the infringement of any third party intellectual property or other rights by the goods or services purchased hereunder, (iv) a breach of a representation, warranty, or other provision of this agreement. This indemnity applies regardless of the theory of liability on which a claim is made or a loss occurs. This indemnity will survive the expiration or termination of this agreement or delivery and acceptance of the goods and services. This indemnity does not cover claims, losses or expenses or expenses to the extent they arise out of the gross negligence of the court.

**INSPECTION AND ACCEPTANCE:** Notwithstanding any prior inspection or payments, all goods and services delivered hereunder are subject to final inspection and acceptance or rejection by the court at any time within thirty days after delivery to the court. All items which are not in compliance with the specifications hereof, which are not as warranted or which are shipped late, shipped in excess or insufficient quantities or substituted for items ordered hereunder may be rejected by the court and returned or held at Vendor's expense and risk. Payment does not constitute an acceptance of the material nor impair the court's right to inspect or any of its remedies.

**INSURANCE:** Vendor will maintain insurance that is sufficient in scope and amount to permit Vendor to pay in the ordinary course of business insurable claims, losses and expenses, including insurable claims, losses and expenses that arise out of Vendor's performance of this order. Vendor will maintain employer's liability and workers' compensation coverage at statutory levels covering all employees performing work under this order.

**INVOICES, PAYMENT AND SETOFF:** The court has no obligation to pay for any item until one original and two copies of a correct, itemized invoice for the item is received at the address shown on the face of this order. Payment is due thirty days from receipt of a correct, itemized invoice. Each invoice must be printed on Vendor's standard printed bill form, and must include at a minimum (i) the order number, (ii) Vendor's name and address, (iii) the nature of the invoiced charge, (iv) the total invoiced amount, and (v) such detail as is reasonably necessary to permit the court to evaluate the goods received and the services performed, if any, including without limitation the number of hours worked and the applicable hourly rate. Amounts owed to the court due to rejections of goods or services or discrepancies in an invoice will be, at the court's option, fully credited against future invoices payable by the court, or paid by Vendor within thirty days from Vendor's receipt of a debit memo or other written request for payment by the court. The court has the right at any time to set off any amount owing from Vendor to the court against any amount payable by the court pursuant to this order or any other transaction or occurrence.

**LEGAL COMPLIANCE:** (a) Vendor must observe and comply with all federal, state, city, and local laws, rules, and regulations affecting goods and services under this order. (b) Vendor and its subcontractors, if any, must not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40), sex or sexual orientation. Vendor must ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Vendor and its subcontractors, if any, must give written notice of their obligations under this clause to

labor organizations with which they have a collective bargaining or other agreement. (c) Vendor must comply with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 012101 et seq.) which prohibits discrimination on the basis of disability, as well as with all applicable regulations and guidelines issued pursuant to the ADA, as well as California's Fair Employment and Housing Act (Gov. Code § 12990 et seq.). (d) This order incorporates the terms and conditions set forth in the document entitled "JBCL Required Provisions," posted at [http://www2.courtinfo.ca.gov/phoenix\\_termsandconditionsRev09182012.pdf](http://www2.courtinfo.ca.gov/phoenix_termsandconditionsRev09182012.pdf).

**MATERIAL SAFETY DATA SHEETS:** If some or all of the goods being provided by Vendor are on CAL OSHA's "Hazardous Substances List," Vendor will, upon request, forward a completed Material Safety Data Sheet (MSDS) to the court.

**RISK OF LOSS:** Vendor bears the risk of loss or damage to the ordered goods until Vendor delivers the goods to the court's place of business unless a different F.O.B. point is indicated on the face of this order. Notwithstanding such delivery, Vendor bears the risk of loss or damage to the goods purchased under this order in the event of and from the time the court gives notice of rejection or termination of this order.

**STATUS AS INDEPENDENT CONTRACTOR AND SUBCONTRACTS:** Vendor is an independent contractor and while performing work on or off the court's premises neither it nor any of its agents or employees will be considered agents or employees of the court. Vendor may not assign, subcontract, or delegate its obligations under this order without the prior written consent of the court, and any attempted assignment, subcontract, or delegation is void.

**TERMINATION:** The court may terminate all or part of this order for any or no reason at any time by giving notice to Vendor. Should court terminate this order for convenience, the court's liability will be: (a) for standard or off-the-shelf products, a reasonable restocking charge not to exceed ten percent of the purchase price; (b) for custom products, the lesser of (i) a reasonable price for raw materials, components, work in progress, and any finished units on hand, or (ii) the price, set forth in this order, per finished unit, after giving effect to any discount the court would otherwise be entitled to. For termination of any separate services specifically ordered, liability will be the lesser of (a) a reasonable price for the services rendered prior to termination, or (b) the price for the services. If any hourly or other time-based rate for services is specified in this order, such rate will be used in determining a reasonable price. Upon receipt of a termination notice, Vendor must, unless otherwise directed, cease work and follow the court's directions as to work in progress and finished goods.

**WARRANTIES:** Vendor warrants that all goods delivered will (a) be free from defects in workmanship, material, and manufacture (including, without limitation, defects which could create a hazard to life or property); (b) be new, not refurbished or reconditioned, unless stated otherwise in this order; (c) be of merchantable quality and fit for the purposes intended by the court to the extent disclosed by Vendor; (d) comply with the requirements of this order; and (e) comply with all applicable laws and regulations. Vendor further warrants that all services will be rendered in a good and workmanlike manner by skilled personnel in compliance with all applicable laws and regulations.

13. **Loss Leader Prohibition:** It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Bus. & Prof. Code § 17030.



## Question and Answers for Bid # DA00125-14 - HP Loadrunner Maintenance

### OVERALL BID QUESTIONS

**There are no questions associated with this bid. If you would like to submit a question, please click on the "Create New Question" button below.**

**Question Deadline: Jun 11, 2014 2:00:00 PM PDT**