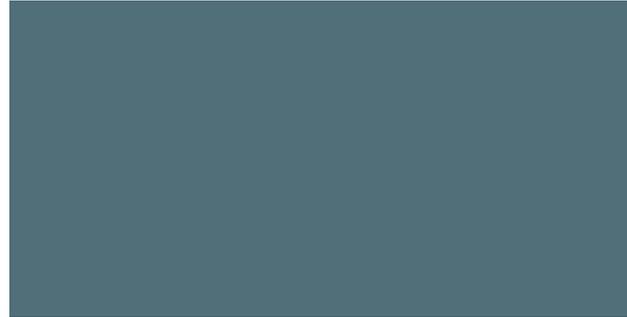




Judicial Branch of Puerto Rico
Office of Court Administration



**REQUEST FOR PROPOSAL
NO. 21-06RFP
INFRASTRUCTURE
MONITORING SOLUTION**

Office of Court Administration
World Plaza Building
268 Muñoz Rivera Ave. 14th Floor, Hato Rey, PR



Confidentiality

All information contained in this request for proposal (RFP) and its attachments is considered "confidential information" and must be treated as such. Any proposer who receives this document can only share it with its personnel, partners or associates for this proposal, or third parties that have a role in the proposer's proposal on a need-to-know basis. The information herein cannot be used as part of an advertising campaign or a promotional tool. Likewise, the Office of Courts Administration (OAT by its Spanish acronym) will not share the responses to this RFP with individuals or organizations beyond the RFP evaluation and selection processes.

OAT guarantees will maintain the content of all submitted proposals in the strictest confidentiality. Any proposal received by OAT in response to this RFP will become its property upon submission.

All proposers must take the necessary precautionary measures to safeguard the confidentiality of any part of their proposal that may constitute a business secret or be protected by legislation.

If a proposer does not agree with these conditions, it must return this document immediately to OAT.

Table of Contents

- Confidentiality 2**
- 1 Introduction..... 6**
- 2 Current Situation 6**
 - 2.1 Description of the Judicial Branch of Puerto Rico 6**
 - 2.1.1 Organizational Chart of the General Court of Justice 6
 - 2.1.2 Organizational Chart of the Office of Courts Administration (OAT) 9
 - 2.1.2.1 Directorate of Information Technology 10
- 3 RFP Content..... 11**
 - 3.1 Disclaimer 11
- 4 Information about the RFP..... 11**
 - 4.1 Invitation for Proposal Submissions 11
 - 4.2 Purpose 11
 - 4.3 Scope..... 11
 - 4.4 Contact Information..... 12
 - 4.5 Itinerary and Key Dates 12
 - 4.6 Letter of Intent..... 13
 - 4.7 Availability..... 13
- 5 General Requirements 14**
 - 5.1 Proposal Submission 14
 - 5.2 Submission Deadline..... 15
 - 5.3 Sections and Binding 15
 - 5.4 Identification of Sections 15
 - 5.5 Table of Contents..... 15
 - 5.6 Document Signatures 16
 - 5.7 Oral Presentations 16
 - 5.8 Proposal Content Acceptance 16
 - 5.9 Proposal Selection..... 16
 - 5.9.1 Evaluation criteria 16
 - 5.10 Awarding of Contract 17
 - 5.11 Proposal Rejection 18
 - 5.12 Cancellation of Request for Proposal 18
 - 5.13 Challenge to the Request for Proposal 18
 - 5.14 Request for Reconsideration 19
 - 5.14.1 Reconsideration Procedure..... 19

5.15	Judicial Review	20
5.16	Incurred Expenses	20
5.17	Participation by Local Businesses	20
5.18	Funds Availability	20
5.19	Indemnification	21
6	Administrative Section	21
6.1	Executive Summary	21
6.2	Experience	21
6.2.1	List of all Sub-proposers and/or Suppliers	21
6.3	Additional Content	21
6.3.1	Signed Letter of Intent	22
6.3.2	Proposer's Contact	22
6.3.3	Corporate Resolutions	22
6.3.4	Documentation Certifying Financial Stability	22
6.3.5	Bid Bond	22
6.3.6	Performance Bond	23
6.3.7	Affidavit of Government-Funded Contracts (Appendix 9.1)	23
6.3.8	Certification for the Administrative Section (Appendix 9.2)	23
6.3.9	Affidavit on Independent Price Determination (Appendix 9.3)	23
6.3.10	Litigation	23
6.3.11	Exceptions to Specifications, Terms and Conditions, and Requirements	24
6.3.12	Comments, Limitations, or Additional Information	24
6.3.13	Penalties	24
6.4	Administrative and Personnel Security and Safety	25
6.5	Inspections, Checks, and Investigations	25
6.6	Evaluation Weight of the Administrative Section	25
7	Technical Section	25
7.1	Infrastructure Monitoring	25
7.1.1	Description	26
7.1.2	Current Architecture	26
7.1.3	Conceptual Architecture	26
7.1.4	Requirements	27
7.1.4.1	General	27
7.1.4.2	Services	28
7.1.4.3	Virtual Infrastructure and Servers	28
7.1.4.4	Database	28
7.1.4.5	Communications	29
7.1.4.6	Security	30
7.1.5	Maintenance and Equipment and Service Warranties	30
7.1.6	Technical Support and Service Hours	30
7.1.6.1	Certifications	31
7.1.6.2	Service Levels	31
7.1.6.3	Service Management, Metrics, and Reports	31
7.1.6.4	Incident Notifications and Resolution Times	32
7.1.6.5	Maintenance Windows	33
7.1.7	Implementation	33
7.1.7.1	Work Plan	34

7.1.7.2	Scripts and Tests.....	34
7.1.7.3	User Acceptance Tests	35
7.1.7.4	Requirements for Knowledge Transfer, Training, and Documentation of Products and/or Processes.....	35
7.1.8	OAT Roles and Responsibilities.....	35
7.1.9	Out of Scope	36
7.1.10	Evaluation Weight of the Technical Section.....	36
8	<i>Financial Section</i>	36
8.1	Cost Breakdown	36
8.2	Evaluation Criteria of the Financial Section	37
9	<i>Appendixes and Annex</i>	38
9.1	Appendix - Affidavit of Government-Funded Contracts	38
9.2	Appendix - Certification for the Administrative Section	40
9.3	Appendix - Affidavit on Independent Price Determination	41
9.4	Annex Cost Breakdown	43

1 Introduction

The mission of the Judicial Branch of Puerto Rico (the Judicial Branch) is to impart justice by resolving cases and controversies submitted for adjudication with independence, diligence, sensitivity, and impartiality, while guaranteeing everyone's constitutional rights and freedoms. The organizational structure of the Judicial Branch is divided into two areas: judicial and administrative. The judicial setting is comprised of the Supreme Court of Puerto Rico as the forum of last instance; the Court of Appeals as the intermediate appellate forum, and the Court of First Instance as the primary forum. These three court levels constitute the General Court of Justice. The administrative setting is embodied in the Office of Courts Administration (OAT by its Spanish acronym), in which the Administrative Director of the Courts is the most senior executive. This officer is appointed by the Chief Justice of the Supreme Court of Puerto Rico (Chief Justice) to support, by delegation, the administrative functions of the Judicial Branch; offer administrative direction to the judicial system; approve regulations, rules, and administrative procedures for the General Court of Justice; as well as ensure that the Judicial Branch follows them accordingly.

Like the Executive and Legislative branches of the Commonwealth of Puerto Rico, the Judicial Branch faces a fundamental challenge: controlling operational and administrative costs of the services it offers, ensuring effective service delivery to the population, and complying with applicable state and federal regulations.

To take on these challenges, the Judicial Branch has adopted several strategies that leverage the use of information technology. OAT's current priority is to use information technology as a mechanism to achieve greater access to justice, automate processes to expedite the resolution of disputes brought before the courts, and achieve improved efficiencies. Therefore, it is crucial that OAT's information technology (IT) services and the underlying IT infrastructure are aligned with these goals.

The purpose of this request for proposal (RFP) is to procure IT solutions required by the Judicial Branch within a cost-effectiveness framework that reflects Puerto Rico's current fiscal situation.

2 Current Situation

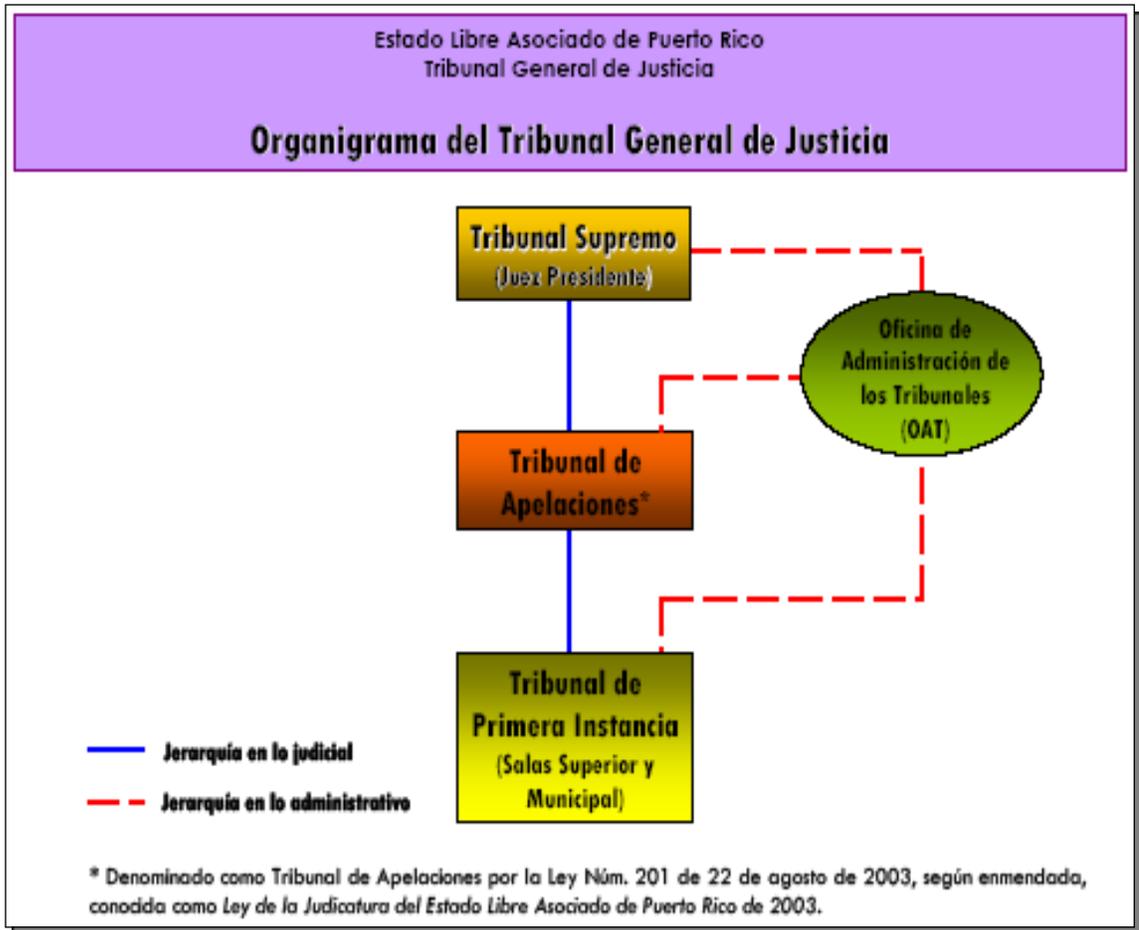
The solution being procured through this RFP is currently contracted to external service providers under the monitoring, supervision, and direction of OAT's Directorate of Information Technology. Due to the upcoming expiration of the contracts associated with these services, OAT has decided to initiate this RFP process.

2.1 Description of the Judicial Branch of Puerto Rico

2.1.1 Organizational Chart of the General Court of Justice

Article V of the Constitution of the Commonwealth of Puerto Rico establishes a unified judicial system with regards to jurisdiction, operation, and administration, and expressly creates the Supreme Court of Puerto Rico as the last instance court. Consistent with the current legal framework, the position of Administrative Director of the Courts assists the Chief Justice in performing administrative duties. As for the other courts that comprise the judicial system, the Puerto Rico Legislative Assembly has the authority to create, modify, or eliminate them as well as determining their competence and organization.

As previously mentioned, the organizational structure of the Judicial Branch is made up of the judicial and administrative areas. The judicial area includes the Supreme Court, the Court of Appeals, and the Court of First Instance. The administrative area is embodied in the Office of Courts Administration.



The Puerto Rico Supreme Court (PRSC) is comprised of a Chief Justice and eight (8) Associate Judges, all of which serve until the age of 70. The PRSC's main function is interpreting the Constitution and the laws of the Commonwealth of Puerto Rico. It is also tasked with determining the constitutional validity of any state-level statutes and any official government action. In addition, the PRSC has eleven (11) offices or dependencies that support the implementation of its judicial and administrative functions under the current legal system:

1. Secretary of the Supreme Court
2. Library of the Supreme Court
3. Board of Bar Examiners
4. Judicial Evaluation Commission
5. Bureau of Translations

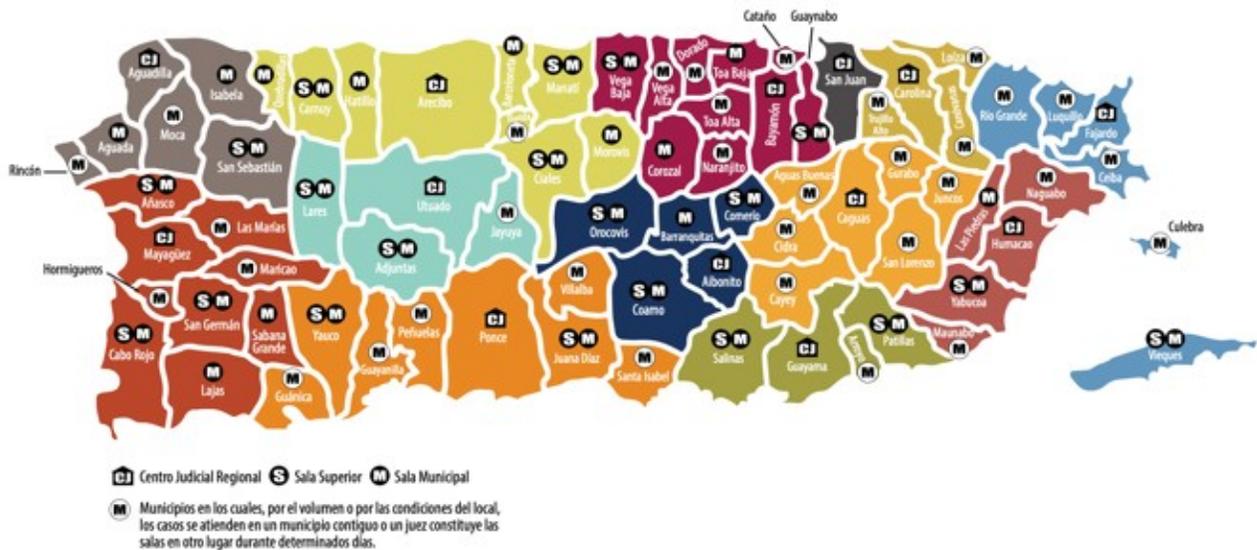
6. Office of the Central Investigation Panel
7. Secretariat of the Judicial and Notarial Conference
8. Bureau of Administrative Services
9. Office for Notary Inspection
10. Office of The Compiler and Publicist
11. Continuing Legal Education Program

The Court of Appeals is comprised by 39 Appeals Judges working in panels of 3 or 7 judges who are appointed for 16 years, or serve until the age of 70, whichever occurs first. The Court of Appeals reviews judicial decisions or opinions of the Court of First Instance as well as final decisions of administrative agencies of the executive branch. The Chief Justice assigns the panels to review cases from the judicial regions and can assign panels to deal with appeals depending on a case's subject area or its characteristics. The Court of Appeals is based in San Juan, Puerto Rico.

The Court of First Instance is a Court of original general jurisdiction with the authority to act in any case or controversy that arises within the national demarcation of Puerto Rico. The Court of First Instance is comprised of 253 Superior Judges and 85 Municipal Judges, who are appointed for 12 years, or serve until the age of 70, whichever occurs first. The 2003 Law of the Judiciary, as amended, defines the competence of Superior and Municipal Judges.

The Court of First Instance is divided into thirteen (13) Judicial Regions, each with its assigned geographic area. Each Judicial Region has a Judicial Center in each region's host municipality, with both Superior and Municipal courtrooms. In addition, there are Superior and Municipal courtrooms in other municipalities attached to each region.

The judicial regions are: 1) Aguadilla, 2) Aibonito, 3) Arecibo, 4) Bayamón, 5) Caguas, 6) Carolina, 7) Fajardo, 8) Guayama, 9) Humacao, 10) Mayagüez, 11) Ponce, 12) San Juan and 13) Utuado. Each Judicial Region is directed by a Regional Administrating Judge, who is supported from a managerial standpoint by a Regional Executive Director, a Regional Secretary, and a Regional Marshall.



2.1.2 Organizational Chart of the Office of Courts Administration (OAT)

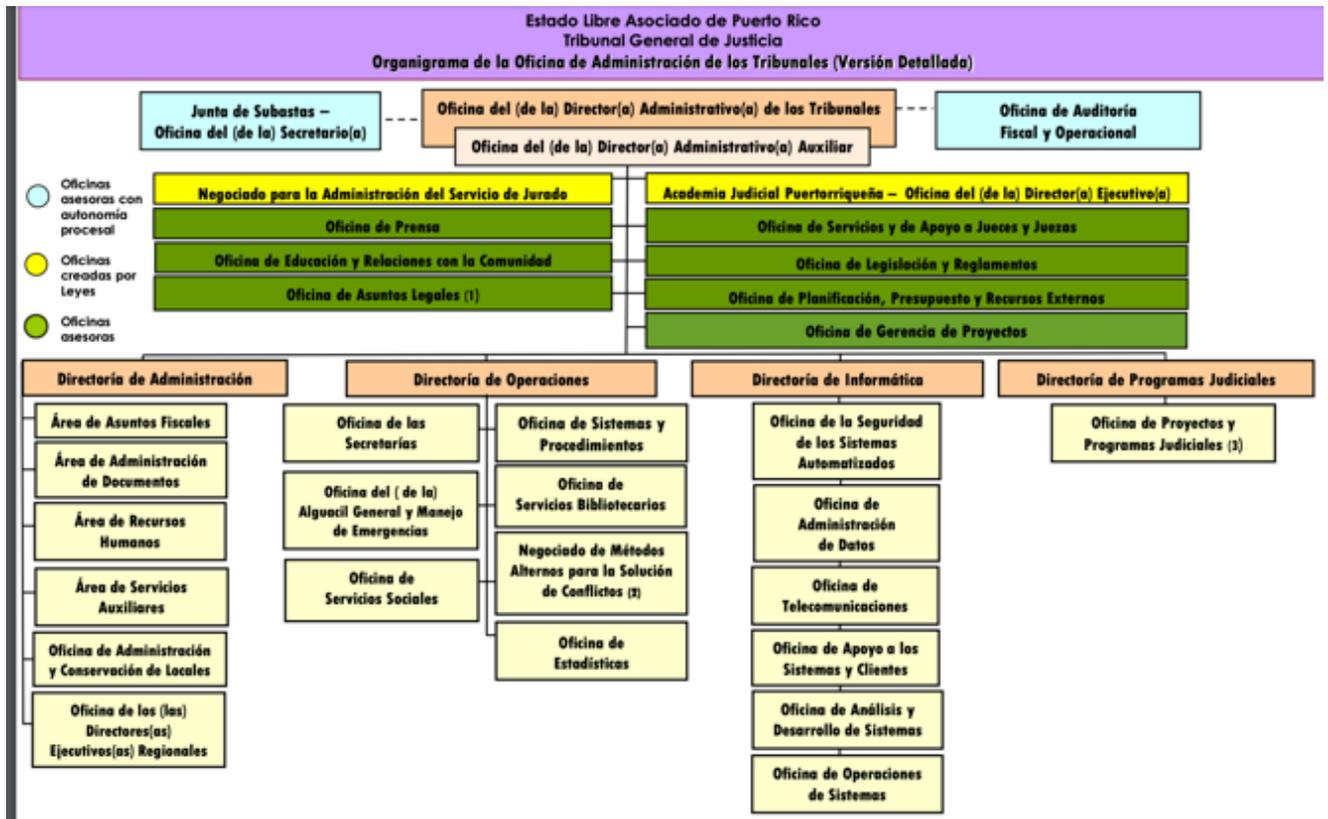
The Constitution of the Commonwealth of Puerto Rico entrusts the Chief Justice with the administration of the Judicial Branch and provides for the appointment of an Administrative Director of the Courts to lead administrative functions. The full Supreme Court also has an important function in this regard, as it has the authority to approve the administrative rules that govern the Judicial Branch.

For the administration of the courts system, the Chief Justice is supported by the Office of Courts Administration (OAT by its Spanish acronym), which is led by the Administrative Director. OAT's general functions are as follows:

- Implement a uniform administrative system to support and expedite judicial processes.
- Enforce the established administrative procedures to ensure consistency, continuity, and efficiency in service provision.
- Request and justify the public funds required for operation of the Judicial Branch.
- Serve as a facilitator of the courts system, providing adequate human resources, physical facilities, and fiscal support within established budgets.
- Implement and maintain IT systems that serve as an instrument for the dissemination, planning, direction, operation, and evaluation of the Judicial Branch's administrative activities.
- Evaluate the impact that legislative measures may have on the judicial system.
- Investigate matters of misconduct by the personnel of the Judicial Branch, including judges, except for Supreme Court judges.
- Legally represent the Judicial Branch and its personnel in judicial proceedings when legal representation is not assigned to the Puerto Rico Department of Justice.

- Make recommendations to the Chief Justice on operational improvements to the courts system, judge assignments and transfers, and implementation of orders issued by the Chief Justice to improve administration of the General Court of Justice.

Both the Court of Appeals and the Judicial Regions of the Court of First Instance have Regional Administrators and Regional Executive Directors who answer to the Chief Justice and the Administrative Director of the Courts with regards to compliance with administrative rules and Judicial Region operations. All Regional Administrators are members of a consulting body called the Judicial Advisory Council.



2.1.2.1 Directorate of Information Technology

The Directorate of Information Technology (IT Directorate) develops and implements the information technology and communications infrastructure plan for the Judicial Branch, maintains the administrative information systems, and protects the data of the Judicial Branch. The IT Directorate provides services such as maintenance and repair of IT equipment as well as training, support, and recommendations on the use of technology. Additionally, it continuously reviews the operation and efficiency of the computing equipment to identify improvements or adjustments to optimize performance. Likewise, the IT Directorate establishes security requirements for all information systems and associated equipment.

The IT Directorate developed the specifications in this RFP.

3 RFP Content

OAT has organized this document to ensure that proposers can gain an adequate understanding of the overall design and requirements associated with the solution, the expected service levels agreements (SLA's), and the deliverables to be contracted. This RFP is aligned with current law and the rulemaking of the Judicial Branch regarding procurement of goods and services.

3.1 Disclaimer

All statistical and fiscal information in this RFP, including its appendices and attachments, reflect data and records available in OAT at the time the RFP document was prepared. OAT does not guarantee the accuracy of such information, and will not be responsible for errors or omissions, including those that may be identified later. Any information or statistical data in this RFP is provided for the sole purpose of providing a frame of reference to proposers and should not be construed as a guarantee of accuracy.

4 Information about the RFP

4.1 Invitation for Proposal Submissions

OAT hereby encourages qualified proposers interested in participating in this RFP process to submit a proposal according to the rules, requirements, and dates established herein.

4.2 Purpose

The purpose of this RFP is to provide potential proposers with enough information to allow them to prepare and submit proposals for OAT's consideration. For a proposal to be acceptable, it must adhere to the rules, requirements, and dates established herein.

The IT Directorate, on behalf of the Judicial Branch, will be reviewing proposals from qualified proposers interested in providing the solution requested in this RFP.

4.3 Scope

This RFP establishes the requirements for all proposals to be submitted and includes:

- Instructions regarding the proposals to be submitted and the materials to be included.
- Mandatory requirements that the proposal must address to be eligible for consideration.
- Other requirements that must be met by proposers in the delivery of the solution and/or services.
- Conditions established by OAT related to the contract award.

4.4 Contact Information

This RFP is published by OAT's Procurement Office, on behalf of the Judicial Branch. The Procurement Office is the **sole point of contact** for all matters related to this RFP.

Proposers **may submit written questions only** to request clarification of any requirement included in this RFP. All questions shall be addressed to:

Office of Courts Administration
Procurement Office
Request for Proposal No. 21-06RFP
World Plaza Building
268 Muñoz Rivera Ave. 14th Floor
Hato Rey, Puerto Rico

(787) 641-6600 exts. 5481 / 5485

Questions can also be submitted via email to the following address:

- RFPMonitoring@ramajudicial.pr

Written responses to duly submitted questions will be promptly distributed to potential proposers who send in a letter of intent for this RFP. Written responses to the questions will be considered an integral part of the RFP process. The responses will be incorporated into the official RFP documents and will be part of the resulting contract between OAT and any selected proposer(s).

4.5 Itinerary and Key Dates

The following is the proposed itinerary for the RFP process:

Dates	Description
April 9, 2021	RFP publication date
April 13, 2021	Deadline to submit letters of intent
April 19, 2021	Deadline to submit questions about specifications
April 23, 2021	Deadline to notify replies to questions
April 29, 2021	Deadline to submit proposals
June 4, 2021	Projected notification date for selection(s)

Unless specified otherwise in this RFP, the cut-off time for each stated **deadline is 5:00 PM** Atlantic Standard Time (AST) (UTC-04). (Puerto Rico time-zone) of the respective date.

A proposer can withdraw its proposal on or before the date and time established as the proposal submission deadline.

Any amendment to the RFP document will be notified up to two (2) working days before the deadline established for proposal submission when the amendment pertains to requirements modification or additional information that must be included in the proposal, or one (1) working day before the deadline established for proposal submission when the amendment does not impact proposal presentation.

Proposers interested in participating in this RFP must take into consideration all amendments when responding to the RFP.

4.6 Letter of Intent

All proposers interested in submitting proposals in response to this RFP must notify OAT in writing before the deadline specified in the itinerary. The Procurement Office must receive the letter of intent signed in **blue ink** no later than 5:00 PM AST on the date indicated in section 4.5 (Itinerary and Key Dates), at the following address:

Office of Courts Administration
Procurement Office
Request for Proposal No. 21-06RFP
World Plaza Building
268 Muñoz Rivera Ave 14th Floor
Hato Rey, Puerto Rico

(787) 641-6600 exts. 5481 / 5485

The letter of intent must include: the name, title, mailing and physical address, telephone number, and email of the executive or official authorized to enter contractual obligations with OAT on behalf of the proposer. Any amendments to the RFP issued after the original publication will be sent to all proposers that submitted a letter of intent within the established deadline.

Notwithstanding the above, the proposer can email a scanned letter of intent in advance, as an attachment, with the original signed in blue ink. The Procurement Office must receive the email message with the scanned copy of the letter of intent no later than the date and time established in Section 4.5 (Itinerary and Key Dates), and from the email address identified in the letter of intent. The email can be sent to the following address:

- RFPMonitoring@ramajudicial.pr

If the proposer ultimately submits a proposal, it must include the original letter of intent signed in blue ink.

4.7 Availability

This RFP will be available on the web portal of the Judicial Branch. Any proposer who did not receive a direct invitation may obtain a copy of the RFP at the following office:

Office of Courts Administration
Procurement Office
World Plaza Building

268 Muñoz Rivera Ave. 14th Floor
Hato Rey, Puerto Rico

(787) 641-6600 exts. 5481 / 5485

5 General Requirements

To be eligible for the contract award resulting from this RFP, a proposer must submit a proposal that complies with all the requirements established in this document, including the format and content requirements established herein.

5.1 Proposal Submission

Proposals must be submitted in a sealed package and must include the following:

- One (1) original proposal in hard copy
- Two (2) copies of the proposal in hard copy
- One (1) electronic copy on a USB drive with the proposal content, using files in Word, Excel, Project, and PDF formats, as further explained in this section.

To properly identify the files during the proposal evaluation phase, the USB must contain a separate file for each requirements section (Administrative, Technical, and Financial), which must follow the same structure as the printed version requested in Section 5.3 (Sections and Binding). The proposer must use the following naming convention for each file:

- For the administrative section: "21-06RFP_ADM_XXXX_YMMDD", where "XXXX" represents 5 characters that identify the proposer, and YMMDD is the submission date.
- For the technical section: "21-06RFP_TEC_XXXX_YMMDD", where "XXXX" represents 5 characters that identify the proposer, and YMMDD is the submission date.
- For the financial section: "21-06RFP_FIN_XXXX_YMMDD", where "XXXX" represents 5 characters that identify the proposer, and YMMDD is the submission date.
- Examples:
 - 21-06RFP_ADM_Comp1_210215
 - 21-06RFP_TEC_Comp1_210215
 - 21-06RFP_FIN_Comp1_210215

Special provision for the Technical Section: The file corresponding to the Technical Section must be presented in readable and searchable PDF format.

The entire documentation package, including the USB drive, must be delivered at the following address no later than 5:00 PM AST on the date indicated in section 4.5 (Itinerary and Key Dates):

Office of Courts Administration
Procurement Office

Request for Proposal No. 21-06RFP
World Plaza Building
268 Muñoz Rivera Ave. 14th Floor
Hato Rey, Puerto Rico

(787) 641-6600 exts. 5481 / 5485

Any submitted proposal, along with its attachments and documents, will not be returned to the proposer and will be and remain the property of the Judicial Branch. All information contained in the proposals will be treated confidentially and will not be disclosed or discussed with competitors, except as required or permitted by state law.

5.2 Submission Deadline

Each documentation package must be submitted no later than 5:00 PM AST on the date indicated in Section 4.5 (Itinerary and Key Dates). Proposals sent via fax or email will not be accepted.

5.3 Sections and Binding

Every proposal must contain **all sections** (administrative, technical, and financial).

- Each section must be presented and bound separately so that it can be handled and reviewed separately from the other sections. However, the **Financial Section** must be in a **sealed envelope separate** from the administrative and technical sections. The information requested in the administrative, technical, and financial sections, including the USB drive, will comprise the documentation package.
- Each response must indicate the section number and page number of the RFP to which the response refers and **must be numbered identically to the corresponding requirement of the request for proposal** (i.e.: the response to section 7.1.4.2 must be identified in the proposal identically as 7.1.4.2 or indicate the section and/or exact page where the answer to section 7.1.4.2 can be found).

5.4 Identification of Sections

Each printed and bound section must include the following information on its cover:

1. Name and address of the proposer
2. Request for Proposal No. 21-06RFP – Infrastructure Monitoring Solution
3. Administrative / Technical / Financial Section (whichever applies)
4. Date set as the deadline for submitting the proposal.

5.5 Table of Contents

Each section (Administrative, Technical, and Financial) must include an individual table of contents. Each section must be presented and itemized in the same order as specified in the RFP, consistent with the second bullet in Section 5.3 (Sections and Binding).

5.6 Document Signatures

Each section (Administrative, Technical, and Financial) must include a cover letter signed in **blue ink** by the proposer's authorized representative from the letter of intent. If a Corporate Resolution is required to credit the person's capacity to appear on behalf of the proposer, a Corporate Resolution must be included.

5.7 Oral Presentations

The Evaluation Committee may request oral presentations from proposers or that proposers make their facilities available for a site visit. The Evaluation Committee will have the sole discretion of determining the allotted time for the presentations and their format.

5.8 Proposal Content Acceptance

Once a proposer submits a proposal, its content will be contractually binding with OAT if the proposer is selected. Limitations or inconsistencies attributable to the proposer that prevent compliance with proposed terms and conditions will be sufficient cause for OAT to end negotiations or terminate a signed contract, and pursue any legal remedies available to OAT.

5.9 Proposal Selection

OAT's Evaluation Committee will send out a written notification about the decision to negotiate with certain proposers or the cancellation of the request for proposal, including the reasons for such determination, only to those proposers that submitted proposals in response to the RFP.

Once a decision to negotiate is notified and after the term to request reconsideration has expired, the Administrative Director may designate a Negotiating Committee that will initiate contract negotiations, following the formalities required in government procurement, or may delegate this task to OAT's Bid Board. If the date established for contract execution in the notice to negotiate is not met, OAT reserves the right to terminate negotiations and negotiate with the next proposer, based on the order established as a result of the proposal evaluation process.

Once a decision has been made with regards to proposal negotiation and before contract execution, OAT will retain the ultimate discretion, according to its operational needs, to determine whether to acquire the proposed solution in part or in whole.

For services to be contracted as a result of this RFP, OAT may, on the same grounds, eliminate or reduce the scope of the solution. OAT will have a notification and tracking mechanism in place so that the service provider's invoicing reflects the adjustments in the scope.

5.9.1 Evaluation criteria

The evaluation process for the selection of one or more proposals will be rigorous.

OAT will appoint an Evaluation Committee (EC) responsible for responding to questions related to the RFP and for evaluating and selecting goods and services offered in submitted proposals.

Proposal selection will be based on a scoring system for the Administrative, Technical, and Financial sections according to the requirements established in the RFP. The proposer with the highest total score for the solution will be selected to initiate negotiations.

At any moment during the evaluation phase, OAT and/or the EC reserve the right to request additional information from proposers or clarifications to validate compliance with the requirements of the RFP after the proposal submission deadline.

Prior to selecting a proposer to initiate negotiations, meetings may be held with specific proposers to clarify aspects related to their compliance with RFP requirements or to make presentations regarding technical aspects of their proposals.

Providing false or fraudulent information, including documentation, as part of the proposal submitted in response to this RFP will lead to rejection of the proposal and removal from further consideration. In addition, any proposer that submits such false or fraudulent information, including documentation, will be referred to OAT's Office of Legal Affairs and pertinent government agencies to initiate further administrative, civil, and/or criminal actions.

The evaluation weights assigned to each section (Administrative, Technical, and Financial) are included at the end of chapters 6, 7, and 8 respectively in subsections 6.6, 7.1.10, and 8.2.

5.10 Awarding of Contract

OAT will award a contract(s) to the proposer(s) whose proposal is considered to best meet RFP requirements based on its technical approach, financial offer, and other evaluation criteria for the requested solution.

The contract(s) to be awarded will be drafted and approved by OAT's Office of Legal Affairs, according to the specifications, provisions, terms, and conditions of this RFP and representations in the selected proposal(s).

The proposed language in the contract drafted by OAT will not be subject to negotiation, including, but not limited to, terms and conditions associated with liability limits, insurance policies, compliance with tax or government contracting laws, and contract resolution or termination. In addition, the following clauses will not be subject to modification or negotiation, except in circumstances where applicability can vary according to laws and regulations, if a clause or clauses are not applicable to the proposer, and/or if the clauses are not in the best interest of the Judicial Branch:

- (a) Clauses regarding the description and nature of the goods and services to be acquired or contracted by OAT according to the specifications of this RFP and the content of the selected proposal(s).
- (b) Invoicing
- (c) Waivers or limitations of liability
- (d) Pecuniary interest
- (e) No employee relationship or contract incompatibility
- (f) Fringe benefits
- (g) Workers' compensation

- (h) Duty of loyalty
- (i) Confidentiality
- (j) Compliance with professional standards
- (k) Breach of contract, negligence, or abandonment
- (l) Prohibition of assignment
- (m) Prohibition of delegation
- (n) Subcontracting
- (o) No waiver
- (p) Termination
- (q) Governing law, interpretation, and jurisdiction
- (r) Entire agreement
- (s) Rendering services without a contract
- (t) Comptroller's Office registration

OAT will reject the addition of any clauses or contractual responsibilities that are contrary to the specifications of this RFP, or that in any way condition, modify, or alter the scope of the requested services and the selected proposal(s). Likewise, no additional contractual clauses or responsibilities that conflict with the terms and conditions herein will be accepted.

5.11 Proposal Rejection

OAT reserves the right to reject any or all proposals; waive, at its discretion and for just cause, any requirement in the submitted proposals, and accept or reject any portion of a proposal in the best interest of the Judicial Branch.

5.12 Cancellation of Request for Proposal

OAT reserves the right to cancel this request for proposal at any time, without any penalty or further obligation, before contract signing.

5.13 Challenge to the Request for Proposal

Any organization interested in submitting a proposal who does not agree with the request for proposal process, has the right to challenge it within three (3) business days following notification of the availability of the RFP document.

The challenge to the request for proposal process must be submitted in writing to the Head of Purchasing. The communication must detail the specific objections and the basis for such objections. The Head of Purchasing will refer the communication for consideration by the Evaluation Committee once it is appointed.

Within five (5) business days after the challenge has been filed, the Evaluation Committee will make one of the following determinations:

1. reject the challenge and order that the RFP process continue;
2. amend the request for proposal and reissue it; or
3. cancel the request for proposal.

If the challenger is not satisfied with the Evaluation Committee's determination, it will have a term of five (5) business days to submit a request for reconsideration to OAT's Administrative Director.

5.14 Request for Reconsideration

Any party adversely affected by any of the following determinations may request reconsideration by the Administrative Director of the Courts:

1. the award of a negotiated purchase;
2. a determination by the Evaluation Committee regarding a challenge to the request for proposal or;
3. the proposer order established by the Evaluation Committee for proposal negotiation.

The request for reconsideration must be submitted in writing within five (5) business days from the date the copy of the notification of the challenged determination is filed on record. If the notification's filing date is different from the mailing date, the term will be calculated from the mailing date. If the date is different, the petitioning party has the burden of proving the date on which the notification was made.

The request for reconsideration must contain clear, reasonable, and specific grounds, and be accompanied by documentary evidence supporting the allegations, if applicable. The request must specify the RFP number.

In addition, the petitioner must certify that a copy of the reconsideration has been delivered to each of the parties notified in the contested determination, to the Head of Purchasing, and to the Evaluation Committee. Any request for reconsideration that does not comply with the requirements established in this subsection will be rejected outright.

The presentation of any request for reconsideration will paralyze the process for the solution components or items specified in the request for reconsideration.

5.14.1 Reconsideration Procedure

1. The Administrative Director of the Courts will refer the request for reconsideration to the Office of Legal Affairs, which will investigate and issue a recommendation in response to the referral once the investigation is completed.
2. The Evaluation Committee will submit its comments to the Office of Legal Affairs within a term of ten (10) working days from the presentation of the request for reconsideration. The Office of Legal Affairs will examine the submitted comments, the corresponding file and any other pertinent evidence, and may summon witnesses if deemed necessary.
3. The petitioning party may request an informational meeting with the Office of Legal Affairs to present evidence that is considered essential towards resolving the request for

reconsideration. The petitioning party must submit a request in writing with all the grounds that justify granting such a meeting. The Office of Legal Affairs will have the discretion to grant or deny the request for a meeting, based on the grounds outlined in the meeting request.

4. Once the review and analysis of all collected evidence is completed, the Office of Legal Affairs will issue its recommendation to the Administrative Director.
5. The Administrative Director will consider the recommendation and issue his/her final determination.
6. The Office of Legal Affairs will notify the Administrative Director's final determination to all interested parties within a term of five (5) days after determination issuance. The notification will certify that all parties have been properly notified. The notification will be sent by regular mail.

5.15 Judicial Review

Any party adversely affected by the Administrative Director's determination may present an appeal in the Court of Appeals within a term of ten (10) days from the date the copy of the final notification is filed on record. If the determination's filing date is different from the mailing date, the term will be calculated from the mailing date. If the date is different, the petitioning party has the burden of proving the date on which the notification was made. The appellant must also notify such action to the Administrative Director and all interested parties.

The presentation of an appeal for judicial review before the Court of Appeals shall not have the effect of paralyzing the proceedings associated with the Administrative Director's determination. However, postponing the contract execution should be evaluated as a precautionary measure when it is in the best interests of the Judicial Branch.

5.16 Incurred Expenses

OAT will not be responsible for any expenses incurred by proposers as a result of preparing and submitting proposals or as a result of activities related to contract negotiation and execution.

5.17 Participation by Local Businesses

One of OAT's goals is to promote the participation of local corporations, service providers, and small businesses in the delivery of the requested solution components. Therefore, local businesses should be employed whenever and wherever possible.

5.18 Funds Availability

The financial obligations that can be incurred by the Commonwealth of Puerto Rico's government each fiscal year depend on the funding levels approved by the Legislature in its consolidated budget. For this reason, non-availability of funds will be sufficient grounds for OAT, at its sole discretion, to not execute the contract, rescind it, or reduce the contracted financial obligations.

5.19 Indemnification

The proposer shall indemnify OAT, its employees and representatives or agents, for all claims, damages, expenses, and attorney's fees incurred as a result of any negligence, culpable act, or omission by the proposer or its employees, agents, and sub-proposers or sub-contractors, according to the terms and conditions of the contract resulting from this RFP.

6 Administrative Section

6.1 Executive Summary

The administrative section must contain an executive summary of no more than 5 pages that **includes** the following information:

- A detailed description that demonstrates the proposer's clear understanding of the requirements in this RFP.
- A description of how the proposer can address OAT's goals, including the proposer's approach and the solution and services to be provided.
- A corporate resolution that confers the executive or official signing the letter of intent the authority to enter contractual obligations with OAT on behalf of the proposer. If a corporate resolution is not applicable, an affidavit conferring such authority to the person signing the letter of intent.

6.2 Experience

This RFP requires that proposers have at least five (5) years' experience in each offered solution component. Experience of proposers and any sub-proposers participating in the proposed solution component must be informed to OAT.

Proposers must include three (3) client references (other than OAT) that can validate the required qualifications, as follows:

1. The length of time the proposer has provided services and/or solutions to the client, (including start/end service dates).
2. Name and contact information for an individual in the client organization that can corroborate the reference. The proposer must indicate if it operated under a different commercial name or corporate entity at any time during the service dates.

6.2.1 List of all Sub-proposers and/or Suppliers

The proposer must include a list of all the sub-proposers and/or suppliers that participate in the proposed solution and describe their role in terms of the RFP.

6.3 Additional Content

Each proposer must include the following information in the Administrative Section of their proposal.

6.3.1 Signed Letter of Intent

The proposer must include a copy of the signed letter of intent that was sent to according to Section 4.5 (Itinerary and key dates). If the letter of intent was sent in advance to OAT as a digital scan as permitted by Section 4.6, the proposer must include the signed original.

6.3.2 Proposer's Contact

The proposer must include the contact information (name, address, telephone number, and email) of the executive or official authorized to enter contractual obligations with OAT on behalf of the proposer.

6.3.3 Corporate Resolutions

The proposer must include corporate resolution(s), as applicable.

6.3.4 Documentation Certifying Financial Stability

Proposers must demonstrate the financial capacity to take on the obligations resulting from this RFP. To comply with this requirement, the proposer may submit a copy of the Corporations Report submitted to the Department of State of the Commonwealth of Puerto Rico or **audited** financial statements for the last five (5) years.

In submitting their proposal, the proposer and its sub-proposers, if any, represent that they have the financial capacity to provide the proposed solution component(s) and service(s) to OAT.

6.3.5 Bid Bond

Any proposer submitting a proposal must post a bid bond to guarantee the proposal price. The amount of the deposit must be 15% of the offered price.

All required bonds must designate the **Secretary of the Treasury** as obligee. The acceptable forms of bond are: (1) certified check, (2) postal or bank money orders, or (3) insurance bond issued by an insurance company duly licensed by the Commissioner of Insurance of Puerto Rico. Bonds will not be accepted for amounts less than those required or designating an obligee that is not the Secretary of the Treasury. Failure to comply with this requirement **will lead to the rejection of the proposal or annulment of the proposer's selection.**

If proposal(s) are selected, and no requests for reconsideration have been submitted within the five (5) working days granted for their submission, OAT will return all the submitted bid bonds, except those of the selected proposing parties. The bid bonds corresponding to those parties will be returned upon contract execution.

If a request for reconsideration is submitted, all bid bonds will be held until the reconsideration request is resolved. Once the Procurement Office is notified that all reconsiderations have been resolved, the bid bonds will be returned following as per the previous paragraph.

6.3.6 Performance Bond

The selected proposer must submit a performance bond to the Procurement Office no later than ten (10) business days following notification of its selection. The performance bond will guarantee the execution of the contract. The amount of the performance bond must be equivalent to 15% of the total contracted cost for the proposed solution(s). OAT will return this deposit when the term of the contract expires.

All required bonds must designate the **Secretary of the Treasury** as obligee. The acceptable forms of bond are: (1) certified check, (2) postal or bank money orders, or (3) insurance bond issued by an insurance company duly licensed by the Commissioner of Insurance of Puerto Rico. Bonds will not be accepted for amounts less than those required or designating an obligee that is not the Secretary of the Treasury. Failure to comply with this requirement **will lead to the rejection of the proposal or annulment of the proposer's selection.**

The bond must be issued by an insurance company duly licensed by the Commissioner of Insurance of Puerto Rico.

6.3.7 Affidavit of Government-Funded Contracts (Appendix 9.1)

The proposer must submit an affidavit as per Act No. 2-2018 (Anti-corruption Code of Puerto Rico) as detailed in Appendix 9.1 (Affidavit of Government-Funded Contracts).

6.3.8 Certification for the Administrative Section (Appendix 9.2)

The proposer must complete and submit Appendix 9.2 (Certification for the Administrative Section).

6.3.9 Affidavit on Independent Price Determination (Appendix 9.3)

The proposer must submit an affidavit as detailed in Appendix 9.3 (Affidavit on Independent Price Determination).

6.3.10 Litigation

The proposer must detail and describe any current litigation; complaints, grievances, or administrative proceedings; or actions such as misdemeanors or unsatisfactory interpretation involving municipal, state, or federal government related to the solution in this RFP.

If there are no such current litigation, complaints, grievances, or proceedings the proposer must certify so in this section. If said certification is incorrect, incomplete, or false, OAT and/or the Evaluation Committee may proceed in accordance with section 5.9.1 (Evaluation criteria).

6.3.11 Exceptions to Specifications, Terms and Conditions, and Requirements

OAT invites proposers to submit questions and/or concerns about contractual terms and conditions, requirements, and/or demands in the RFP prior to the deadline in Section 4.5 (Itinerary and dates).

Any exceptions, warnings, expectations, or additional information regarding the specifications, terms, and conditions, and/or requirements in the RFP must be submitted in writing and enumerated, with clear explanations and cross-references to applicable RFP sections.

OAT may authorize exceptions to this RFP as a result of responding to proposer questions and/or concerns, and only under the condition that such exceptions do not substantially alter the RFP's terms and conditions. OAT may accept requests for exceptions to the specifications and requirements stated herein. If a proposer's request for exceptions is rejected, the proposer may withdraw their proposal prior to the deadline to submit proposals, as stated in Section 4.5 (Itinerary and Key Dates). OAT reserves the right, at its sole discretion, to accept or reject any exceptions requested by proposers.

Notwithstanding the foregoing, OAT reserves the right, at its sole discretion, to accept or reject additional information from a selected proposer such as appendices, documents, terms, or conditions, that is presented after proposal submission.

6.3.12 Comments, Limitations, or Additional Information

Any exceptions, warnings, or additional information regarding the proposer's responses to any section of the RFP must be submitted in writing and enumerated, with clear explanations and cross-references to applicable RFP sections. OAT reserves the right to disqualify a proposer's response if, after the contract was awarded, such exceptions or warnings are shown to negatively impact the performance of a selected proposer.

6.3.13 Penalties

OAT will apply penalties or discounts to the monthly invoices submitted by the selected proposer(s) due to non-compliance with the established service levels, as provided in the associated contract.

In order to ensure that the selected proposer(s) provide uninterrupted service as contractually agreed, OAT has established service and performance standards in the Technical Section of this RFP for the requested solution. OAT is interested in ensuring compliance with the outlined service standards through payment retention mechanisms, as well as adjustments to the payments to be made under a duly awarded contract.

The foregoing does not preclude OAT from exercising its right to present any claims against the selected proposer(s) due to breach of contract, negligence, culpable acts, or omissions in its execution.

In submitting a proposal, the proposer accepts that OAT may apply penalties or discounts to its monthly invoices due to non-compliance with the established service levels.

6.4 Administrative and Personnel Security and Safety

The proposer will be responsible for ensuring the integrity of its operations with regards to OAT and the continuity of any personnel assignments. The proposer must guarantee it has evaluated the personnel that will be part of its OAT client team to ensure that the delivery of contracted services is adequately carried out.

6.5 Inspections, Checks, and Investigations

OAT reserves the right to inspect, examine, investigate, or review the facilities, files, reports, personnel, and any other aspect related to the services contracted with the selected proposer(s).

6.6 Evaluation Weight of the Administrative Section

The administrative section of all submitted proposals will be evaluated in terms of format and content according to the requirements established in the following sections:

- 6.1 Executive Summary
- 6.2 Experience
- 6.3 Additional Content and its subsections
- 6.4 Administrative and Personnel Security and Safety
- 6.5 Inspections, Checks, and Investigations

Evaluation of the administrative section will be based on the proposer's compliance with the administrative requirements established in the current chapter (6 Administrative Section) and/or any other information that OAT and/or its Evaluation Committee may require.

The proposer's score in the administrative section of the proposal will have a relative weight of 5% towards the total score for the proposed solution.

7 Technical Section

For the proposed solution submitted, the proposer will be subject to producing whatever information, documents, or certifications, as required, in the context of judicial or administrative procedures.

The information that must be included under the technical section of the proposal is described below.

7.1 Infrastructure Monitoring

Proposers are expected to include a narrative description, along with diagrams and other documentation, that demonstrates their understanding of the technical requirements of this RPF and that they intend to fully and optimally meet the requirements set out for the proposed solution. The proposer must include how their proposed solution meets the minimum requirements established in each section. The proposal must refer to each applicable section of the specifications in this request for proposal.

7.1.1 Description

The Office of the Administration of the Courts (OAT by its Spanish acronym) manages a server and communications infrastructure deployed in the main data center, located in the San Juan Judicial Center, as well as in 55 remote locations throughout Puerto Rico. These locations include Judicial Centers (CJs), Courts of First Instance (TPI by its Spanish acronym), the Court of Appeals, the Puerto Rico Supreme Court, and other offices that support OAT's administrative functions. In the main data center, OAT operates 122 physical servers and over 150 virtual machines in support of more than 60 applications. In an environment of such complexity, it is important to have immediate awareness of any critical failure so that corrective action can be undertaken in short order.

OAT is interested in evaluating proposals to implement a solution that includes the necessary components and services to monitor its entire infrastructure. The proposed solution must include the design of an overall monitoring approach, the implementation of the design, knowledge transfer to OAT's team, and the provision of technical support for two years.

7.1.2 Current Architecture

OAT currently uses HP Operations Manager V9.0 (HPOM) to monitor its infrastructure. HPOM has been discontinued and therefore has no technical support. Also, it has not been updated for some time.

HPOM primarily monitors OAT's servers, including associated services, but does not monitor OAT's networks. HPOM is capable of detecting incidents and sending notifications via email to operators.

7.1.3 Conceptual Architecture

OAT is interested in a solution with the ability to monitor its entire infrastructure and applications. OAT has several dedicated teams that are tasked with managing its overall infrastructure. There are dedicated teams for the following areas: infrastructure, servers, communications (including voice over IP telephony), and security. The solution to be implemented must be configurable and provide a web-based interface that displays relevant information according to each user's role in the IT organization. Also, the solution must provide a role that has absolute visibility of the entire infrastructure.

The solution to be implemented must be able to monitor different types of components associated with each of the aforementioned areas. The following table summarizes the elements that must be monitored in each area:

Area	Element
Infrastructure and Servers	<ul style="list-style-type: none">• Physical servers• Virtual servers• Hypervisors (VMWare)• Operating systems (Windows, Linux, among others)• Application services• Availability of remote services

Area	Element
	<ul style="list-style-type: none"> • Backup devices • Storage devices • Databases (Oracle, MSOL, among others)
Communications	<ul style="list-style-type: none"> • Routers • Switches • Bandwidth capacity • Bandwidth utilization • Network traffic • Configuration settings and changes thereof • VoIP telephone systems
Security	<ul style="list-style-type: none"> • Unauthorized access • Account management and related settings (e.g., permissions) • Logs • File integrity • Configuration settings

7.1.4 Requirements

The requirements associated with this solution component are as follows.

7.1.4.1 General

- The solution to be implemented must be configurable and manageable through a web-based interface using any common browser.
- The databases used by the solution must be commercial databases, preferably MSSQL.
- At a minimum, the solution must have the capability of sending incident and event notifications via email.
- Solutions that can send other types of notifications such as SMS, web push, among others, will be considered.
- The system must have the capability to send notifications based on timeframes defined following current OAT service levels or any service levels established in the future.
- The solution must have the capability of sending notifications simultaneously to multiple users and following a hierarchical notification tree in cases where notified users do not respond to an event.
- The solution must have the capability of correlating events and metrics associated with monitored elements both in real-time and historically.
- The solution must have the capability of automatically discovering all elements deployed in OAT environments that could be monitored.
- The solution must offer integrated and related views of all resources regardless of whether they are physical, virtual, communications, or third-party services in support of an application.
- The solution must have the capability of displaying real-time and historical information.

- The solution must have the capability to aggregate activity logs from different sources. This capability should be quoted for 500 devices and not according to the size of the logs. If the pricing model for the monitoring solution is per device, the proposer will present the unit price as well as the total price.

7.1.4.2 **Services**

- The solution must have the capability to monitor the status of services for Windows, Linux, and other common operating systems.
- The solution must have the capability to show the interdependencies between operating system services and applications as well as indicating the effect that a service fault is having or could have on any application.
- The solution must have the capability of monitoring tasks defined in the operating systems, as well as those scheduled through Windows Task Manager and *cron*, among others.

7.1.4.3 **Virtual Infrastructure and Servers**

- The solution must have the capability of monitoring the status and health of physical servers.
- The solution must have the capability of monitoring server subsystems such as memory, CPU, disks, temperature, and power sources, among others.
- The solution must be able to generate resource utilization reports over time and predict utilization.
- The solution must have the capability of monitoring virtual environments, including resource utilization, load migrations, snapshot creation, and events, among others.
- For virtual environments, the solution must offer underutilization reports such as virtual machines without activity, excessive resource allocation, virtual disks, and abandoned snapshots.
- The solution must provide disk utilization reports that include physical and virtual disks.

7.1.4.4 **Database**

- The solution must be able to monitor the following databases:
 - Oracle
 - MSSQL
 - MySQL
 - Other common databases
- The solution must continuously report database utilization and performance.
- The solution must be able to identify and alert about situations that impact performance such as:
 - Excess I/O

- waits
- locks
- users
- issues with SQL commands (SQL Statements)
- lack of / or excessive indexes
- other metrics that can help diagnose databases issues
- If databases are configured as a cluster, the solution must have the capability to monitor its status and overall health.

7.1.4.5 *Communications*

- The solution must have the capability of monitoring the status of all communications.
- The solution must have the capability of monitoring bandwidth utilization and availability, including segmentation by traffic type and application or service.
- The solution must have the capability of detecting configuration setting changes in communication devices such as switches and routers.
- The solution must keep a historical record of configuration setting changes.
- The solution must have the capability of displaying a geographical map with the devices that comprise OAT's networks.
- The solution must have the capability of monitoring devices from the most common manufacturers and equipment makers.
- The solution must have the capability of automatically and continuously maintain an inventory of all devices on the network.
- The solution must have the capability of automatically and continuously maintain an inventory of all network ports and indicate whether they are occupied or available.
- The solution must have the capability of indicating the devices connected to each port in all communications equipment.
- The solution must have the capability of monitoring VoIP infrastructure including:
 - SIP and PRI trunks
 - Jittering
 - Latency
 - Call flow
 - Utilization vs. available resources
 - Connections
 - Device inventory
 - Compliance with QoS assignments and priority
- The solution must allow the creation of custom reports against the captured data.

7.1.4.6 **Security**

- The solution must have the capability of obtaining and analyzing the security logs for different systems.
- The solution must have the capability of recording successful and unsuccessful accesses to configured resources.
- The solution must have the capability of proactively blocking IPs, deactivating permissions, disabling accounts, preventing program execution, and not allowing access to USB devices.
- The solution must have the capability of capturing and reporting modifications to permissions in user accounts.
- The solution must have the capability of capturing and alerting changes in sensitive files and folders such as permissions and content.
- The solution must have the capability of capturing and alerting changes in operating system configurations, including the Registry in the case of Windows.
- The solution must have the capability of capturing and alerting changes in Windows policies.
- The system must provide tools for managing USB devices, including device monitoring and the ability to disable them following OAT's policies.
- The system must monitor security equipment such as firewalls, VPN concentrators, IPS, IDS and integrate the information provided by these to generate security alerts and display the information in administration consoles.

7.1.5 **Maintenance and Equipment and Service Warranties**

- The proposer will certify that during the warranty period, it will provide all updates that apply to the proposed equipment free of any additional cost. These updates include patches, firmware, drivers, among others.
- The warranty period will start upon OAT's acceptance of the installed equipment.
- Proposals must include the warranty terms and conditions for the equipment included in its proposed offering. It must include equipment manufacturer warranties, extended warranties offered by the proposer, as well as the warranty associated with the proposed services. This information must be presented as part of the technical proposal, in a separate section, under the title "Equipment and Service Warranties", with the specific warranty periods, as well as any exclusions.

7.1.6 **Technical Support and Service Hours**

- The proposer must plan for a range of up to 1,200 hours during the first year after the initial installation and configuration is completed.

- After the 1,200 hours mentioned above, the proposer must have a range of up to 240 hours per year assigned to the OAT during the term of the contract.
- The technical support will include, at a minimum, migration of the existing online services provider to the contracted platform, the configuration of new services that will use the platform, diagnosis, and resolution of incidents, including replacement of parts or damaged components, volume assignments, maintenance, and migrations, among others.
- OAT's business hours are Monday through Friday from 8:00 AM to 5:00 PM. Besides, the proposer must have resources available to provide support during scheduled maintenance windows and to address incidents that prevent the proper functioning of the infrastructure outside business hours, weekends, and holidays (if their participation is required) at no additional cost to OAT.

7.1.6.1 *Certifications*

- The proposer must have certified resources in the proposed solution components and available to provide technical support (both remotely and on-site) to OAT's data center if required.
- The proposer must include its proposed resources' technical certifications, which must be consistent with the equipment manufacturer models of the equipment that will be installed and configured, and/or the contracted services, as applicable.
- The selected proposer will include certified personnel in the team that will assist OAT in installing and implementing the proposed solution.

7.1.6.2 *Service Levels*

- The support service must be available 24 hours a day, 7 days a week, 365 days a year.

7.1.6.3 *Service Management, Metrics, and Reports*

- The proposer will submit detailed reports of maintenance activities and/or equipment replacements associated with its solution offering and any other information relevant to the operation of the solution.
- The proposer must proactively monitor alarms and events. This includes, but is not limited to, notifying OAT within the timeframes established in the service level agreement as well as any other metrics established by OAT personnel.
- The selected proposer will submit a monthly report of pending update activity of all equipment and will coordinate installation with OAT personnel. This requirement excludes emergency updates because they impact security or critical performance metrics, in which case, the selected proposer must immediately notify OAT so that it can take any required corresponding action.
- The proposer will notify designated OAT personnel about emergency updates that may be required for security or equipment operation reasons as soon as it becomes aware of

such need. The proposer will coordinate installation with OAT personnel as soon as possible.

This communication should include the following:

- Description of the update
- Impact if not installed
- Installation time
- Recovery plan (*Rollback* plan)

7.1.6.4 *Incident Notifications and Resolution Times*

- The proposer must provide details as to the contact persons to which OAT will request services, notify breakdowns, and communicate regarding the contracted solution and services.
 - The list must include at least the name of the person, position, telephone number, and email.
 - There must be at least one point of contact available 24 hours a day, 365 days a year.
- The proposer must describe the escalation procedures associated with the contact persons.
- The proposer will immediately notify OAT both orally and in writing of any incident. This includes delays in customer service performance, failure to meet service levels, or due dates that will be missed. Similarly, OAT will notify the proposer orally and/or in writing about any incident.
- Both in the notification of incidents and in their resolution, the proposer must maintain an open line of communication to ensure OAT's active participation in the planning, execution, and evaluation of any corrective action taken.
- In case of incidents related to the solution, the proposer must have the capacity and ability to resolve the incident in collaboration with other service providers (e.g., developers, business partners) to meet the established requirements, as well as the procedures to be established with OAT in the case of the selected proposer.
- The proposer's initial response time to begin diagnosis wherever the equipment is located **must not exceed four (4) hours** from the time the service call is made.
- The **maximum resolution time is 24 hours** beyond the previously established **maximum initial response time**.
- Each oral and written notification must be addressed in compliance with the response time(s) established for all services. Also, the proposer will have a maximum of 48 hours after initial notification where they will report to OAT a description of the nature of the incident, the actions/steps taken to correct the incident, an action plan to avoid similar situations in the future, and the proposer's staff that participated in resolving the incident.
- Also, the proposer must describe its procedure to address and report incidents, resolution times, and any provisions it will take in case of a catastrophic event.

7.1.6.5 *Maintenance Windows*

- All maintenance windows must be notified and approved by designated OAT personnel in writing (via email) at least 7 working days in advance. The maintenance tasks will be carried out during the periods authorized by OAT.

7.1.7 **Implementation**

Requirements associated with migration should include the following:

- The selected proposer must provide a detailed implementation plan as part of its proposal. The implementation scope comprises all the tasks necessary for the successful migration from the existing infrastructure to the infrastructure to be installed and configured by the proposer.
- The period allotted for the implementation and commissioning of the new infrastructure will begin upon delivery of the equipment to OAT’s facilities.
- The implementation and commissioning time should not exceed the period stipulated herein:

<i>Solution component</i>	<i>The maximum period to complete migration (calendar days)</i>
Infrastructure Monitoring	150 days

- The contracted service levels will be in place as of OAT’s certification of the commissioning of each solution component.
- If the proposer does not comply with the contractually agreed implementation project delivery commitments, it will be responsible for all expenses incurred by OAT as a result of said non-compliance. Additionally, OAT reserves the right to terminate the contract and make claims on any performance guarantee, bond, or other forms of guarantee included in the contract intended to protect OAT’s interests.
- The main implementation activities will include, at a minimum:
 - Confirmation of the information and representations that have been included in this request for proposal and request for any additional information required to commission the contracted solution.
 - Requests for information and coordination of activities involving third parties (other service providers or other OAT areas beyond those directly involved in the project) through the selected proposer’s assigned contact person. Whenever possible, the implementation activities should seek to reuse technology, equipment, and processes currently available in OAT to reduce the cost of implementation without impacting the established service levels.
 - Execution of solution planning, design, testing, and implementation tasks.
 - Laying the groundwork to ensure compliance with the established service levels.

- Migration should be planned and coordinated to be completed as quickly as possible while minimizing the possibility of operational interruptions or impact to services provided by the Judicial Branch.
- Each proposer will carry out the tasks associated with the implementation process according to pre-approved plans and in good faith concerning all involved parties.

For clarification purposes, until the contracted solution is implemented and fully operational, the current provider will continue to operate the service at the current contracted service levels and invoiced at the prices established in the current contract.

7.1.7.1 *Work Plan*

- The proposer must include a work plan with an estimated start date, the equipment delivery, installation, and configuration periods along with any interdependencies, as well as all deliverables.
 - For purposes of the work plan, day 0 will be the contract execution date. The dates in the work plan will be denominated from day 0 as "+ n days or - n days from day 0", where n is the number of days.
- The proposer must comply, as a minimum, with the following:
 - Submit a work plan that demonstrates the feasibility of completing the deliverables within the period established in the implementation section. The work plan must include, at a minimum, the tasks defined as requirements in the following sections:
 - Implementation,
 - Scripts and tests,
 - User acceptance tests and
 - Requirements for knowledge transfer, training, and documentation of services and/or processes.
 - Demonstrate the proposer's commitment to supporting OAT's concurrent efforts associated with this project and your organization's capability of assuming the responsibilities associated with this contract.
 - Identify how the proposer will monitor the project progress against planned tasks and activities.
 - Identify and address risks, including the flexibility to allocate additional resources, if necessary, to ensure the timely completion of project milestones and deliverables.
 - Describe experiences with similar projects where the methodologies, approaches, and processes used therein can be brought to bear to mitigate, eliminate, and address unexpected risks.

7.1.7.2 *Scripts and Tests*

Each proposer will prepare and submit OAT's approval test scripts for the proposed solution. The scripts must contemplate all technical and operational areas of the proposed solution and indicate the expected result for each specific test. The tests must be completed ten (10) working days

before the contracted solution is commissioned. This time requirement must be considered in the preliminary work plan to be submitted as part of this request for proposal.

7.1.7.3 *User Acceptance Tests*

Each proposer will prepare and submit OAT's approval test scripts for user acceptance tests. User acceptance tests must be completed at least ten (10) days before the contracted solution is commissioned. The purpose of these tests is to provide OAT the opportunity to fully test the functionality and operational readiness of the proposed solution and validate compliance with the requirements established in the request for proposal. The scope of the user acceptance test will include, at a minimum, the following components: security, recovery, interoperability, and system interfaces, among others.

7.1.7.4 *Requirements for Knowledge Transfer, Training, and Documentation of Products and/or Processes*

Each proposer must meet, at a minimum, the following requirements:

- Knowledge transfer should start during equipment installation. It must be aimed at the users who will monitor and/or directly use the contracted equipment and/or service, as well as any designated OAT technical personnel (database administrators, programmers, telecommunications, and security specialists, among others).
- Knowledge transfer should occur during equipment installation but separately from application and solution maintenance training sessions.
- Knowledge transfer should be part of the deliverables included in the project work plan.
- The proposer must provide adequate access and training (knowledge transfer) related to the tools that will be used by designated OAT personnel to operate the solution.
- All training materials and documentation will be subject to OAT's prior approval.
- OAT will retain ownership of all training materials generated by the selected proposer.
- Training materials and documentation associated with the contracted solution should be updated throughout the life of the support and maintenance contract to reflect design changes, policy changes, and modifications to operational procedures.
- The selected proposer will be responsible for designing and developing methods to ensure adequate training and operational effectiveness. The selected proposer should indicate the quality assurance methods to be used with regards to training and operational effectiveness.
- All the documentation related to the project, including the proposal for the proposer's solution, must be generated in Spanish.
- The selected proposer's project manager or contact person for solution implementation, as well as the resources that interact with OAT personnel assigned to the project, must be fluent in Spanish.

7.1.8 **OAT Roles and Responsibilities**

The selected proposer will implement the proposed solution in collaboration with OAT's IT Directorate. The personnel assigned to the implementation project by the IT Directorate will have the following roles and responsibilities:

- A designated OAT contact person will validate all functional and technical specifications related to the purchased equipment.
- Specify in writing any changes to technical configurations, management protocols, incident reporting processes, and any other relevant specifications so that the selected proposer can meet the stipulated service levels.
- Provide contact lists of telecommunications and infrastructure offices in all OAT facilities, as applicable.
- Inform the selected proposer's project manager or contact person regarding any non-working days of the Judicial Branch.
- Coordinate required activities with personnel of the Judicial Branch.
- Submit any requests for planned downtime due to required changes or maintenance to OAT's Change Advisory Board (CAB).
- Escort selected proposer staff in restricted Judicial Branch facility areas to support service coordination and provision.

7.1.9 Out of Scope

- Servers necessary for the operation of the system.

7.1.10 Evaluation Weight of the Technical Section

The proposer's score in the technical section of the proposal will have a relative weight of 45% towards the total score for the proposed solution.

8 Financial Section

The information to be included under the financial section is detailed below.

8.1 Cost Breakdown

Proposers must provide the information requested in **ANNEX 9.4 (Cost Breakdown)**. Proposers are encouraged to offer the most cost-effective solution that optimally and fully meets the requirements described in this request for proposal. The financial section must include prices for all products and services that are part of the proposer's solution.

OAT may request a best and final offer (BAFO) from any proposer who, in OAT's opinion, has a reasonable possibility of being selected.

The prices offered will be understood to be valid for the duration of the Contract, as well as any amendments and/or renewals as appropriate.

8.2 Evaluation Criteria of the Financial Section

The proposer's score in the financial section of the proposal will have a relative weight of 50% towards the total score for the proposed solution.

9 Appendixes and Annex

9.1 Appendix - Affidavit of Government-Funded Contracts

SWORN STATEMENT (SAMPLE FOR REFERENCE)

I, _____, of legal age, single married, and resident of _____, on behalf of _____, organized as a corporation, association, private business or other (specify) _____, holding the position of _____ at the aforementioned organization, do hereby state the following under oath:

My name and personal circumstances are as stated above.

I understand and accept that any natural person or legal entity who wishes to participate in the award of a bid or contract with any government agency or instrumentality, public corporation, municipality, or the Legislative or Judicial Branch to provide services or the sale or delivery of goods, must submit an affidavit signed before a notary, as provided by Section 3.3 of Law No. 2-2018, known as the "Anticorruption Code for the New Puerto Rico."

The undersigned company, _____, or its chair, vice chair, director, executive director, or member(s) of a Board of Officers or Board of Directors, or person discharging similar duties for the legal entity:

- Has not been convicted of, nor has pleaded guilty to, any of the offenses listed in Section 6.8 of Law No. 8-2017, as amended, known as the "Law for the Administration and Transformation of Human Resources in the Government of Puerto Rico", or any of the offenses listed in Law No. 2-2018, known as the "Anti-Corruption Code for the New Puerto Rico."
- Has been convicted, or has pleaded guilty to, certain offenses listed in Section 6.8 of Law No. 8-2017, as amended, or certain offenses listed in Law No. 2-2018. In this case, the following is indicated:

Company's Name:

Name of its Subsidiary:

Full Name of the concerned person, as provided in Law No. 2-2018:

Position in the company:

Offense:

Date (M/D/Y):

Country:

Forum:

I understand and accept that the conviction or guilty plea for any of the offenses listed in the aforementioned laws will bar the natural person or legal entity from bidding or entering into contracts with a government agency or instrumentality, public corporation, municipality, or the Legislative or Judicial Branch for the period provided under Section 6.8 of Law No. 8-

2017, or for the term of ten (10) years from the date the sentence was served if no such period is provided. This ineligibility shall apply to any offense, as established above, or its equivalent in Puerto Rico, as well as in the jurisdiction of the United States of America, its states or territories, or any other country.

The company, _____, represented by the undersigned officer, has the duty and promises to continuously and immediately inform if the undersigned, or the entity's chair, vice chair, director, executive director, or member(s) of a Board of Officers or Board of Directors, or person discharging similar duties for the legal entity, is ever convicted or found guilty, or is under investigation for the offenses listed in Section 6.8 of Law No. 8-2017, as amended, or any of the offenses listed in Law No. 2-2018.

I sign this sworn statement pursuant to Law No. 2-2018, and execute the same so that any government entity, public corporation, municipality, or the Legislative and Judicial Branch may know what is stated herein, and for any other administrative or legal purpose.

In witness whereof, I hereby set my hand to this sworn statement in _____, Puerto Rico, on this ____ day of _____.

Declarant's Signature

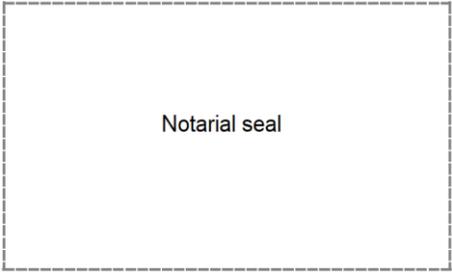
AFFIDAVIT NO. _____

Sworn and signed before me by _____, of the circumstances stated above and whom I identify through _____.

In _____, Puerto Rico, on this ____ day of _____.

Notary's Name

Notary's Signature



9.2 Appendix - Certification for the Administrative Section

**CERTIFICATION FOR THE ADMINISTRATIVE SECTION
OF THE REQUEST FOR PROPOSAL NO. 21-05**

I, _____, holding the position of _____ at
[name of proposer], on behalf of said organization, hereby certify that the latter:

Has the intention and availability to enter into a contractual agreement under the terms and conditions, specifications, and requirements established throughout this request for proposal. If a contract is awarded as a result of this request for proposal, it acknowledges that the life of the contract shall be 2 years.

Acknowledges that the contents of its proposal will be effective for 180 days (or 6 calendar months) from the date of notification of the selection of proposals.

It will ensure that, if the contract is awarded, both it and its sub-proposers, if any, will not have contractual commitments that are in conflict or impede the successful performance of the contract.

Name of the Authorized Officer

Signature of Authorized Officer

9.3 Appendix - Affidavit on Independent Price Determination

SWORN STATEMENT (SAMPLE FOR REFERENCE)

I, _____, of legal age, single married, and resident of _____, on behalf of _____, organized as a corporation, association, private business or other (specify) _____, holding the position of _____ at said organization, do hereby state the following under oath:

My name and personal circumstances are as stated above.

For the purpose of the participating on behalf of [name of proposer] in Request for Proposal No. _____, published by the Office of Court Administration on _____, _____, I hereby state the following:

The prices included in the proposal have been determined independently and without any assessment, communication or agreement with third parties outside [name of proposer] with the intention of restricting competition.

The proposer has not taken and shall not take any action to induce any other natural person or legal entity to submit or abstain from submitting a proposal with the intention of restricting competition.

I further state that:

[name of proposer] has not participated and will not participate in actions that are contrary to the preceding statement, and meets at least one of the following conditions:

- I am the person in the proposer's organization responsible for making decisions regarding the prices offered, or I have been authorized in writing to act as an agent for the persons responsible for such a decision.
- I am not the person in the proposer's organization responsible for making the decision regarding the prices offered here, but I have been authorized in writing to act as an agent for the persons responsible for such decision.

Everything stated herein is the truth to the best of my knowledge and belief, and so I sign this statement for all pertinent legal purposes.

Sworn and signed in _____, Puerto Rico, on this _____ day of _____
_____.

Affiant's Signature

AFFIDAVIT NO. _____

Sworn and signed before me by _____, of the circumstances
aforementioned and whom I identify through _____.

In _____, Puerto Rico, on this _____ day of _____.

Notary' Name

Notary's Signature

Notarial seal

9.4 Annex Cost Breakdown

Please complete the *Excel* file attached to this request for proposal with the title ANNEX 9.4 (Cost breakdown). The document must be completed according to the instructions in this request for proposal and the instructions tab of Annex 9.4.

If you accessed the RFP document through the Judicial Branch's web portal, you can request the electronic *Excel* file from the Procurement Office using the contact information in Section 4.4 (Contact Information).