SBCERA previously released a Request for Proposal (RFP) for Data Loss and Intrusion Prevention Detection and Response Services. After further review, we determined that two of the minimum qualifications were too stringent and creating a barrier for companies to provide a response. We have since modified our minimum qualifications, and are rereleasing the RFP. Companies will have until January 27, 2017 to submit an RFP. If a company has submitted an RFP, we ask they review their submission and make the necessary changes to accommodate the two revised requirements. We have detailed the two changes below.

Original RFP Language
3. Proposer(s) organization providing the data loss, Intrusion, and Data Breach Response Plan must be familiar with California PII law, California Attorney General data breach clarifications/recommendations and breach law, as well as notification requirements both inside the United States and outside for public agencies to notify stakeholders in response to a breach.

Revised RFP Language
3. Proposer(s) organization providing the data loss, Intrusion, and Data Breach Response Plan must be familiar with California PII law, California Attorney General data breach clarifications/recommendations and breach law. Additionally, it is recommended the Proposer(s) be familiar with notification requirements both inside the United States and outside for public agencies to notify stakeholders in response to a breach.

Change
Though recommended, it is no longer required for the Proposer(s) to be familiar with both inside and outside United States notification breach requirements for public agencies.
Original RFP Language
4. The Proposer(s) must have provided their services to at least one pension fund and two public agencies of comparable or larger size to SBCERA within California.

Revised RFP Language
4. The Proposer(s) must provide names of at least three organizations the proposer(s) have provided similar services to. Note, public agencies especially in California should be listed if possible.

Change
Providing services to another California pension system and at least two public agency of comparable size is no longer required. Instead references for two organizations that the Proposer(s) has/have provided like services to is required. It is recommended to provide references for public agencies, especially in California if possible.
REQUEST FOR PROPOSALS

FOR

DATA LOSS AND INTRUSION PREVENTION, DETECTION, AND RESPONSE SERVICES

JANUARY 6, 2017

San Bernardino County Employees’ Retirement Association
348 W. Hospitality Lane, Suite 108
San Bernardino, CA 92415
www.sbcera.org
REQUEST FOR PROPOSALS FOR DATA LOSS AND INTRUSION PREVENTION, DETECTION, AND RESPONSE SERVICES

KEY DATES AND OTHER INFORMATION

Request for Proposals (RFP) Reissued: 01/06/2017
Questions From Proposers Due: 01/13/2017
Response To Questions [Estimate]: 01/18/2017
Due Date For Submission of Proposals (Closing Date): 01/27/2017
Issue Tentative Award Letter(s) [Estimate]: 02/03/2017
Contract(s) Review: 02/07/2017
Administration Review and Approval [Estimate]: 02/14/2017
Board Approval and Contract(s) Execution [Estimate]: 03/02/2017

WRITTEN QUESTIONS

Questions regarding this RFP should be directed to jmichael@sbcera.org, and will be accepted via e-mail only.

Detailed questions regarding network topography and configurations will not be answered during the Proposal process. However, such information, as deemed necessary for the successfully completion of this project, will be provided to the awardee(s) after contract execution. High level and/or basic topography and configuration questions will be answered, as well as general system questions. Written questions will be accepted until 5:00 p.m. PDT on Friday, January 13 2017. Written, and if necessary verbal responses will be provided by 5:00 p.m. PDT on Wednesday, January 18, 2017.
## Table of Contents

I. **INTRODUCTION** .................................................................................................................................... 1

II. **BACKGROUND** ...................................................................................................................................... 1

III. **SERVICES TO BE PROVIDED** .............................................................................................................. 2

   A. Conduct Audit Assessment and Provide Detailed Findings: ........................................................... 2
   
   B. Review Audit, and Provide Recommendations and Implementation Solutions: .......................... 3
   
   C. Recommend and Implement Data Loss and Intrusion Countermeasures and Monitoring:............ 4
          Countermeasures ................................................................................................................................. 4
   
   D. Provide Data Loss and Intrusion Response Plan ............................................................................. 5
   
   E. Provide Updates and Annual Plan Review. ..................................................................................... 5

IV. **NETWORK AND SYSTEMS OVERVIEW** .............................................................................................. 6

    A. Network Infrastructure .................................................................................................................... 6
    
    B. Server Infrastructure ........................................................................................................................ 6
    
    C. Storage Infrastructure ...................................................................................................................... 7
    
    D. Desktop Infrastructure ..................................................................................................................... 7
    
    E. VOIP Infrastructure .......................................................................................................................... 7
    
    F. Software Infrastructure ...................................................................................................................... 7

V. **MINIMUM QUALIFICATIONS** ................................................................................................................ 8

    A. Qualifications .................................................................................................................................... 8
    
    B. Selection Criteria .............................................................................................................................. 9

VI. **PROPOSALS AND SUBMISSION PROCEDURES** ................................................................................. 9

    A. Submission of Proposals .................................................................................................................. 9
    
    B. Proposal Content and Sequence ...................................................................................................... 9
    
    2. Table of Contents .......................................................................................................................... 12
    
    3. List of Exceptions ........................................................................................................................... 12
    
    4. Experience and References ............................................................................................................ 12
    
    5. Other Information ............................................................................................................................ 12
    
    C. Deadlines for Proposals .................................................................................................................. 12
    
    D. Evaluation of Proposals .................................................................................................................. 12
    
    E. Tentative Award(s) .......................................................................................................................... 13
    
    F. Rights Reserved ............................................................................................................................... 13
    
    G. Notice to Proposers Regarding Responsibility for Costs ................................................................. 14
    
    H. Notice to Proposers Regarding the Public Records Act ................................................................. 14
I. Binding Offer .......................................................................................................................... 14
J. Qualifications of Proposers ................................................................................................. 14
K. Acceptance of Terms and Conditions ............................................................................... 15

VII. ACKNOWLEDGEMENT AND AGREEMENT ...................................................................... 15
VIII. APPLICABLE LAWS AND COURTS ................................................................................ 15
IX. ETHICS IN PUBLIC CONTRACTING .................................................................................... 16
X. ASSIGNMENT OF CONTRACT ............................................................................................. 16
XI. OWNERSHIP OF DATA AND WORK PRODUCT .................................................................... 16
XII. RFP TIMELINE ................................................................................................................... 16
   A. Redistribution of RFPs. ..................................................................................................... 16
   B. Information Requests ...................................................................................................... 16
   C. Proposal Submission ....................................................................................................... 17
   D. Proposal .......................................................................................................................... 17
   E. Proposal Review ................................................................................................................ 17
   F. Award Notification .......................................................................................................... 17
   G. Contract Effective Date .................................................................................................... 17
I. INTRODUCTION

The San Bernardino County Employees’ Retirement Association (SBCERA), issues this Request for Proposal (RFP) to solicit proposals from qualified vendors (Proposers) to provide a comprehensive and complete security assessment of its network and systems, recommend corrections of any identified deficiencies in said network and systems, implement monitoring and mitigation systems, provide a data loss, intrusion and data breach response plan, and provide an ongoing partnership for annual plan review.

The selected Proposer(s) will be responsible for, among other things, performing an audit of SBCERA’s network and systems, providing a detailed report on all findings, working with SBCERA staff to resolve or mitigate all findings, implement countermeasures to guard against data loss and intrusion, implement monitoring, create a data loss, intrusion, and breach response plan, including all applicable regulations for stakeholder notification, provide ongoing response plan and notification review, and provide ongoing support of said response plan.

Proposals for portions of these services and/or the use of subcontractors to provide any of these services will be accepted provided adequately disclosed and described. SBCERA reserves the right to make a split award as provided in Section III. The contract(s) for these services will be completed immediately upon the final selection of the winning Proposer(s) in conformity based on the responses provided.

Any Proposer responding to this RFP must submit their responses in the same order as requested in this RFP. By submitting a proposal, it is agreed by the Proposer(s) that any misleading or false information given may be grounds for dismissal from consideration, or termination of any resulting contract, whenever and however discovered.

The selected Proposer(s) and all subcontractors will be required to sign a Non-Disclosure Agreement (NDA) provided by SBCERA. Said NDA can be provided for review upon request. Any and all contracts will be reviewed by the SBCERA Legal Department prior to execution. The SBCERA Legal Department will assist to ensure SBCERA remains protected, and SBCERA’s confidential data is secured throughout the process and subsequent services.

II. BACKGROUND

The San Bernardino County Employees’ Retirement Association (SBCERA) is a cost sharing, multiple-employer defined benefit public pension plan. It operates under the California County Employees Retirement Law of 1937 (‘37 Act) and the California Public Employees’ Pension Reform Act of 2013 (PEPRA) and covers substantially all employees of its seventeen (17) active participating employers.
SBCERA is controlled by its own independent Board of Retirement (Board), which serves as the ultimate fiduciary charged with policy oversight of the administration and investment of the Plan. The Board consists of nine members and two alternate members. Four are appointed by the County of San Bernardino’s Board of Supervisors. Six, including two alternates, are elected by the members of SBCERA. The San Bernardino County Treasurer is an ex-officio member. Day to day management of the Plan is administered by a Chief Executive Officer and senior staff.

III. **SERVICES TO BE PROVIDED**

The Proposer(s), individually or collectively, must be able to provide all of the services listed below unless otherwise indicated. If the Proposer will not be providing a proposal for all five (5) requested services, the Proposer must clearly identify on their proposal which of the five (5) services they are proposing. SBCERA reserves the right to award less than all of the services to the winning Proposer(s), or to make redundant awards, or to allocate the winning proposal by awarding some services to multiple Proposers, at its discretion and subject to the agreement of the awardee(s).

Unless otherwise specified, all areas should be compared to industry best practices for a small size governmental agency with considerable amount of Personal Identifying Information (PII). All recommendations must conform to the laws and regulations governing SBCERA. All services should enforce system and data security, over performance, and as a baseline use California’s Attorney General February 2016 Report Defining “Reasonable” Data Security, and Center for Internet Security (CIS) Critical Security Controls.

A. **Conduct Audit Assessment and Provide Detailed Findings:**

1. Assessment and findings for servers in DMZ based on best practices for internet facing systems.

2. Assessment and findings for connections between DMZ servers and internal systems.

3. Assessment and findings for physical server setup and connections.

4. Assessment and findings for virtual server setup and connections.

5. Assessment and findings for VMware Infrastructure setup and connections.

6. Assessment and findings for Cisco Firewall setup configurations.

7. Assessment and findings for Cisco IPS setup configurations.
8. Assessment and findings for Cisco switches setup and configurations.

9. Assessment and findings for HP SAN setup and configurations.

10. Assessment and findings for server and data backup configurations and procedures.

11. Assessment and finding for physical security of data center.

12. Assessment and findings for internal shared folder security/access and assignments.

13. Assessment and findings of Business Continuity Services and connections.

14. Assessment and findings for desktop to server connection setup and configurations.

15. Assessment and findings for desktop setup and configurations.

16. Assessment and findings for desktop user account security/access.

17. Assessment and findings for user and device internet access.

18. Assessment and findings for Active Directory setup and configuration.

19. Assessment and findings for configuration of administrator account(s).

20. Assessment and findings for Group Policy Object setup and configuration.

21. Assessment and findings for overall network setup and configuration.

22. Assessment and findings for antivirus setup and configuration.

23. Assessment and finding for web filter setup and configuration for users and devices.

24. Assessment and findings for overall security practices.

B. Review Audit, and Provide Recommendations and Implementation Solutions:

1. Conduct detailed discussions reviewing all audit findings with staff.
2. Providing recommendations to resolve, or mitigate all deficiencies identified within the audit findings.

3. Work with staff to create an action plan to implement recommendations.

4. Provide support and possible implementation, for recommendations identified by staff.

5. Provide recommendation on how to identify and document exceptions to implanted security features.

C. Recommend and Implement Data Loss and Intrusion Countermeasures and Monitoring:

1. Conduct detailed discussions with staff on applicable data loss and intrusion monitoring.

2. Recommend centralized monitoring solution, which will alert staff to data loss and/or intrusion as it happens, and provides ease of review and identification.
   
   i. Manually parsing thousands of lines of Firewall and IPS logs is not considered a viable option, unless software is used to coalesce the logs into a single easy to monitor and understand format.

3. Provide support during the implementation of proactive monitoring.

Countermeasures

1. Recommend countermeasures to detour, mitigate, and/or stop data loss and intrusion.

   Countermeasures should include devices such as honeypots, or similar systems.

2. With staff, determine which data loss and intrusion countermeasures will be implemented.

3. Recommend a plan and software to periodically test staff, on security such as social engineering.
4. Provide support during the implementation of countermeasures.

D. Provide Data Loss and Intrusion Response Plan

1. Provide SBCERA with a detailed data loss, Intrusion, and data breach response plan.

2. Within the plan, provide procedures to mitigate an active data loss, intrusion, or breach situation.

3. Within the plan, provide procedures to determine what, if any, data has been accessed or stolen as a result of intrusion, breach or internal theft.

4. Within the plan, provide detailed notification timeframes for SBCERA stakeholders living both inside and outside the United States.

5. Within the plan, provide procedures to ensure notification requirements are meet for all SBCERA stakeholders living both inside and outside the United States.

6. Within the plan, provide detail information on all State and Federal regulations SBCERA must adhere to during a breach.

7. Within the plan, provide procedures to ensure all State and Federal regulations are meet.

8. Provide detailed instruction on performing mock data loss, intrusion, and data breach events, in order to ensure all countermeasures, monitoring, and responses are working correctly.

E. Provide Updates and Annual Plan Review.

1. Monitor and notify SBCERA of its legal requirements, and any changes both inside and outside the United States as soon as the change becomes law.

2. Provide annual review of SBCERA data loss, intrusion, and breach response plan.

3. Update plan to incorporate any changes in SBCERA networks, security, and any legal requirements.

4. Provide recommendations to ensure the plan remains valid.
IV. NETWORK AND SYSTEMS OVERVIEW

Infrastructure

SBCERA’s infrastructure is built with redundancy in mind. The environment consists of both physical servers, and VMware ESXi hosted virtual servers. SBCERA’s data center and core business functions are all within the same building, except for external facing web servers that are housed in the Demilitarized Zone (DMZ) provided by the County of San Bernardino. SBCERA contracts with the County of San Bernardino for WAN/Internet connectivity and Exchange email services. Thus, there are certain limitations regarding the ability to audit and test potential intrusions from outside the organization. Due to this fact, the primary focus of external penetration testing would be on the primary SBCERA owned Firewall that directly connects the County’s WAN to the SBCERA LAN. However, we would still pursue any audit and recommendations possible regarding the web servers’ setup and configurations in the DMZ, and their connections back to the SBCERA network. Provided below is an overview of the SBCERA network. For security reasons, specific models and configurations have not been included.

A. Network Infrastructure
   - Cisco based Firewall and IPS system
   - Cisco based switches, primarily set up in stacks or Virtual Switching System (VSS)
     - Primarily Layer 2 configuration
   - Multiple VLANS

B. Server Infrastructure
   - HP based physical servers, both hosts on non-hosts
   - VMware ESXi 5 & 6 Enterprise Plus
   - VMware Infrastructure Server
     - Multiple physical servers running Widows
     - Multiple Virtual servers running Windows, and virtual appliances
o Multiple physical and virtual test systems

o Multiple SQL Databases

C. Storage Infrastructure

- Multiple HP based StoreVirtual Enterprise SANS
- QNAP and Overland near enterprise level NAS devices
- HP StoreOnce data backup storage device
- HP tape library

D. Desktop Infrastructure

- HP based desktops
- VMware View based virtual desktops running on HP thin clients
- Roughly 100 desktops running Windows 7 and 10
- HP and Ricoh printers and Multiple Functional Devices

E. VOIP Infrastructure

- VoIP server and desk phones
- Call Center server
- Voice Recording server

F. Software Infrastructure

- Enterprise antivirus for multiple endpoints
- Active Directory 2012
- Web monitoring and filtering software
- Enterprise network monitoring software
V. **MINIMUM QUALIFICATIONS**

A. **Qualifications**

Minimum qualifications must be met by the proposer, as well as all subcontractors that are, or may be used by the proposer while providing the services listed within this RFP to SBCERA.

1. The Proposer(s) organization must have at least four (4) years of experience in the services for which they are providing proposals.

2. The lead personnel assigned to provide the services to SBCERA must have at least four (4) years of experience within the industry for the services they are providing.

3. Proposer(s) organization providing the data loss, Intrusion, and Data Breach Response Plan must be familiar with California PII law, California Attorney General data breach clarifications/recommendations and breach law. Additionally, it is recommended the Proposer(s) be familiar with notification requirements both inside the United States and outside for public agencies to notify stakeholders in response to a breach.

4. The Proposer(s) must provide names of at least three organizations the proposer(s) have provided similar services to. Note, public agencies especially in California should be listed if possible.

5. The Proposer(s) must provide its own work facilities, equipment, supplies, and support staff to perform required services accept when onsite to provide specific services which require physical access to SBCERA.

6. The Proposer(s) and all subcontractors must be willing to sign SBCERA’s nondisclosure agreement, or provide a similar NDA that is approved by SBCERA Legal Department.

7. The Proposer(s) will provide a breakdown of costs within their proposal based on each set of services included therein.

8. Costs associated with the plan update and annual review should be viewed similar to a maintenance plan, and should include maximum annual increase and average annual increase amounts.
B. Selection Criteria

The SBCERA Information Security Supervisor and Chief Information Officer will evaluate proposals generally in accordance with the criteria itemized below. Criteria will be applied to the proposer, as well as all of their subcontractors.

- They type of organizations the company has provided services to.
- The Proposer(s) has (have)Experience with the services being provided
- The research and review conducted by staff of each company providing a proposal (including subcontractors).
- Any conflict of interest issues pertaining to the Proposer(s) and/or subcontractors.
- The cost of services being proposed.

VI. PROPOSALS AND SUBMISSION PROCEDURES

Interested Proposers are invited to submit their Proposal for any or all of the five (5) requested services. If providing a proposal for multiple services but using subcontractors for different services, the subcontractors must be identified with the services they will be providing. Proposals will only be accepted if they clearly identify the services and associated costs. Non-itemized proposals will be discarded if staff cannot discern the applicable services and/or costs. Exceptions may be granted or rejected at SBCERA’s sole discretion. Proposers should be aware that exceptions that would substantially alter the requested services will not be granted. SBCERA may, but is not obligated to, permit a Proposer to withdraw its Exceptions in order to correct any non-responsiveness.

SBCERA is not obligated to provide a public proposal process, nor is it obligated to award contracts to the lowest cost Proposer. However, SBCERA closely follows a multiple Proposer proposal process, and will only award contracts to higher cost Proposers if it can be shown the additional cost provides an increase in the value of the products and/or services being provided.

A. Submission of Proposals

Proposals must be submitted via email to jmichael@sbcera.org with an email carbon copy (cc) to support@sbcera.org and halvarez@sbcera.org.

B. Proposal Content and Sequence

1. Cover Letter
A cover letter on the Proposer’s official business letterhead, or electronic cover page identifying the same information as a “paper” cover letter. The cover letter shall be signed by the individuals(s) who is (are) authorized to bind the Proposer contractually. This cover letter must indicate the signee is so authorized, and must indicate the title or position the signatory holds in the proposing business. An unsigned proposal may be rejected at SBCERA’s discretion. The letter must identify all materials and enclosures being forwarded collectively as a response to this RFP. The letter shall also contain the following:

i. A representation that the attached proposal is complete as submitted and warranties that the Proposer has met all of the minimum qualifications specific in section V.

ii. The Proposer’s name, address, website, and telephone number.

iii. A statement to the effect that the proposal is a complete, and irrevocable offer valid for 120 days from the proposal due date.

iv. A statement describing the services proposed and expressing the Proposer’s willingness and ability to perform the services as described in the RFP.

v. The name, title, email address, and telephone number of the Proposer’s primary representative and contact person regarding the RFP and any resulting contract.

vi. The Proposer’s Federal Employer Identification Number.

a. The awardee(s) will be required to provide a completed IRS Form.

vii. A statement to the effect that the Proposer is not currently under investigation by any regulatory, state or federal agency, for any reason, and has not, within the four years immediately preceding submission of the proposal, been
found to have violated any law or regulation related to the conduct of its business by any court of law, regulatory body, or professional oversight body.

viii. Certification of non-discriminatory practices in the Proposer’s services.

ix. Identification of any sections of the proposal that the Proposer wishes to designate as confidential. Proposers should note that SBCERA is a public agency, and that submitted proposals will become public documents when an award is scheduled for final approval by the Board. Legitimate designations of trade secrets or otherwise nonpublic information will be honored, and material will be redacted as appropriate from any public release of information if, in the reasonable opinion of SBCERA, such designations are in compliance with applicable law, including but not limited to the California Public Records Act and the Ralph M. Brown Act. Attempts to designate an entire proposal as confidential are not valid and will NOT be honored.

x. A statement certifying that the quoted prices are genuine and not the result of collusion or any other activity which would tend to directly or indirectly influence the process, and the proposal is being made without fraud or collusion; that the Proposer has not offered or received any finder’s fees, inducements or any other form of remuneration, monetary or non-monetary, from any individual or entity related to the RFP.

xi. A statement certifying that the Proposer has no real or potential conflicts of interest that would prevent the Proposer from acting in the best interests of SBCERA.

xii. A statement that discloses the nature of any personal or business relationships (including any negotiations for the prospective business) that the Proposer or any of its
employees, partners, or agents now have, or have had in
the past four years, with any SBCERA Retirement Board
member, or SBCERA staff.

2. Table of Contents
   The proposal must contain a table of contents showing the proper order
   using a numeric format.

3. List of Exceptions
   This section should contain any exceptions to or deviations from the
   requirements of the RFP. Proposer must clearly state and explain any
   exceptions. If there are no exceptions, a statement to that effect must be
   made.

4. Experience and References
   Provide a list of client relationships where only services similar to this RFP
   have been or are being provided. Provide the name, address, and email
   for at least three client references that SBCERA may contact.

5. Other Information
   This section is optional. In the event the Proposer would like to submit
   additional information such as promotional material including brochures,
   include it in this section. Do not include in this section any information
   that is in direct response to the requested service requirements.

C. Deadlines for Proposals
   Proposals must be delivered to SBCERA by no later than 5:00 p.m. PDT, on January
   27, 2017. Proposals received after this date and time will be rejected and eliminated
   from consideration.

D. Evaluation of Proposals
   All proposals received shall be subject to examination by the Information Security
   Supervisor, and Chief Information Officer. Proposers may be asked to take part in a
   conference call as part of the selection process.

   Proposals will be screened initially to determine if they have met the conditions set
   forth under the Minimum Qualifications. Proposers that are noncompliant will be
   eliminated.
During the evaluation process, SBCERA may identify areas in the submitted proposal where additional information or clarification may be needed. If required, SBCERA will provide each Proposer that it deems reasonably susceptible to award with a description of issues to be explored. Under no circumstances will the issues be disclosed between prospective Proposers, unless required by law.

E. Tentative Award(s)

A tentative award or awards will be made to the responding Proposer(s) whose Proposal(s) is (are) deemed to be the most advantageous to SBCERA, taking into consideration all stated criteria and evaluation factors. SBCERA reserves the right to reduce the group of Proposers to a small number, and to perform conference calls as deemed necessary. The tentative award(s) will be subject to final approval by the Board. All Proposers will be simultaneously informed of the tentative award(s), and given reasonable notice of the date upon which the Board will consider final approval. Upon tentative award(s) notice, finalist Proposers not recommended for award may request a written (email) summary from SBCERA staff of the reasons for the recommendation. Said request may include questions, though SBCERA reserves the right to decline to answer any question, for any lawful reason.

F. Rights Reserved

SBCERA reserves the right to amend any segment of this RFP prior to the announcement of a successful Proposer or Proposers. In such an event, all Proposers will be afforded the opportunity to revise their Proposal to accommodate the RFP amendment if necessary.

SBCERA reserves the right to request additional information from any Proposer and to accept or reject any proposal without specifying the reason for its actions. The Board reserves the right to request additional proposals. Further, the Board also reserves the right to award all, part, or none of this contract, or to split the award, or to make redundant awards to multiple Proposers.

SBCERA reserves the right to reject any proposal if the evidence submitted by, or investigations of, such Proposer show that the Proposer is not properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein. In order to encourage maximum participation, SBCERA may communicate with Proposers it believes to be in the business of providing the services sought herein, to inform them of this RFP. Proposers receiving such communication will receive no preference in scoring or other consideration, should they submit Proposals, nor will any Proposer not receiving such communication be in any way disadvantaged.
G. Notice to Proposers Regarding Responsibility for Costs

All costs of preparation and presentation associated with responding to this RFP will be the responsibility of the Proposer. Proposers may be asked to make a presentation before the Board, or take part in conference calls. None of the costs associated with submittal of the response to the RFP or associated with the presentation or conference calls will be reimbursed by SBCERA.

H. Notice to Proposers Regarding the Public Records Act

Responses to this RFP become the exclusive property of SBCERA. At such time as the Chief Information Officer recommends a Proposer or Proposers to the Board, and such recommendation appears on the agenda, all proposals submitted shall be regarded as public records, subject to disclosure upon request. Exceptions will be those elements in each proposal which are defined by law as business or trade secrets or otherwise exempt from disclosure under the Public Records Act, and are marked as "TRADE SECRETS," "CONFIDENTIAL," or "PROPRIETARY" in red ink within the proposal. SBCERA shall not in any way be liable or responsible for the disclosure of any such records including, without limitations, those so marked, if disclosure is deemed to be required by law or by an order of a court of competent jurisdiction. The Proposer(s) shall indemnify SBCERA for any and all attorney's fees and other costs awarded against SBCERA based on SBCERA's refusal to disclose those elements of the Proposal marked by the Proposer(s) with a restrictive legend. **Proposers shall not mark their entire Proposal as confidential.** Such an attempted designation is not valid and will not be honored, and will instead result in the entire proposal being treated as a non-confidential public record.

Submission by a Proposer constitutes a complete waiver of any claims whatsoever against SBCERA, and/or its agents, officers, or employees, that SBCERA has violated a Proposer’s right to privacy, disclosed trade secrets or caused any damage by allowing the Proposal to be inspected.

I. Binding Offer

The Proposers shall be bound by the information and representations contained in any proposal submitted. Said proposal is deemed to be a binding offer on the part of the Proposers. Proposer understands and agrees that California law will govern.

J. Qualifications of Proposers

SBCERA may make such reasonable investigations as deemed proper and necessary to determine the ability of the Proposer to perform the services and the Proposer shall furnish to SBCERA all such information and data for this purpose as may be requested.
K. Acceptance of Terms and Conditions

Submission of a proposal in response to this RFP evidences the Proposer’s acceptance of the terms and conditions contained within this RFP, subject to any exceptions that the Proposer may properly and timely submit and which SBCERA, in its sole discretion, may grant consistent with the terms of the RFP.

VII. ACKNOWLEDGEMENT AND AGREEMENT

All Proposers must:

A. Agree that any resulting contract and services will be subject to and interpreted according to California law.

B. Agree that this RFP and the Proposer’s response, and additional questions, will be incorporated by reference to any resulting services agreement.

C. Agree to communicate timely to SBCERA any concerns, issues, or material variances.

D. Agree that all exceptions to any element of this RFP, must be timely stated explicitly in a section of the proposal clearly marked “Exceptions,” or will be deemed irrevocably waived.

E. Have substantial experience in providing auditing, monitoring, reporting, responding, and mitigating network and security systems, data loss, intrusion and breaches.

F. For avoidance of doubt, any data, security information, or knowledge directly obtained from SBCERA is for the sole and explicit purpose of providing services as outlined under the RFP.

VIII. APPLICABLE LAWS AND COURTS

This solicitation and any resulting contract shall be governed in all respects by the laws of the State of California, and any litigation with respect thereto shall be brought in the Superior Court of San Bernardino County, California, and shall not be brought in, nor subject to removal to, any other court. The Proposer shall comply with all applicable federal, state, and local laws, rules and regulations.
IX. ETHICS IN PUBLIC CONTRACTING

By submitting their proposal, Proposers certify that their bids/proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Proposer, supplier, manufacturer or subcontractor in connection with their bid/proposal, that they have not conferred upon any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of value, in exchange for procuring this contract, and that they have not in any material way interacted regarding this procurement, at any time including prior to this RFP’s release, with any official having responsibility for it (including without limitation any member of SBCERA’s Legal Services staff, Information Services Staff, Executive Management, or Board of Retirement), except in the manner and at the times prescribed herein.

X. ASSIGNMENT OF CONTRACT

All contracts resulting from this RFP shall not be assignable by the Proposer in whole or in part without the written consent of SBCERA.

XI. OWNERSHIP OF DATA AND WORK PRODUCT

There is a presumption that all work product generated for SBCERA under any contracts resulting from this RFP, as well as all data compiled by the Proposer while performing this contract, shall become the sole property of SBCERA. SBCERA must be given reasonable access to all such work product or data compiled by the Proposer in the performance of the requested services herein.

XII. RFP TIMELINE

SBCERA anticipates that the proposal submittal, review, and selection process will take approximately 70-120 days. The RFP process timeline that follows is approximate and is subject to adjustment without notice:

A. Redistribution of RFPs. RFPs emailed to prospective Proposers will take place on January 6, 2017, Day 0.

B. Information Requests. Written electronic requests for additional information must be received no later than January 13, 2017. If additional information is desired,
requests must be in writing and emailed to SBCERA at jmichael@sbcera.org with a cc to halvarez@sbcera.org. All additional information will be provided by SBCERA by approximately January 18, 2017, Day 12.

C. Proposal Submission. Proposals must be received by email by 5:00 p.m. Pacific Daylight Time on January 27, 2017, Day 21 (The “RFP Closing Date”). On the Email Subject line include: “Response to SBCERA RFP – Data Loss, and Intrusion Prevention, Detection, and Response Services”.

D. Proposal. All proposals shall be firm and may not be withdrawn or modified after the RFP Closing Date. The proposal should be considered a binding offer to contract with SBCERA, the acceptance of which by SBCERA will result in the formation of an enforceable contract. Proposals may be withdrawn or modified by notifying SBCERA by an email request from respondent no later than the RFP Closing Date.

E. Proposal Review. SBCERA will schedule internal sessions to review and evaluate the proposals. SBCERA anticipates selecting one or more Proposers by the end of January 28, 2017, Day 22.

F. Award Notification. Notification to Proposers of SBCERA’s tentative decision to award a contract or contracts for Data Loss, and Intrusion Prevention, Detection, and Response Services will be emailed, and is anticipated to occur on or after February 3, 2017, Day 28, and is subject to both Committee and Board approval on or after February 14, 2017, Day 29.

G. Contract Effective Date. Depending on contract completion, the approved Proposer(s) will officially become SBCERA’s provider(s) for the scope of services requested here immediately upon approval by the Board and subsequent contract execution by SBCERA’s signatory or upon any different date as may be provided by the Contract. All contractual terms and conditions must be agreed to mutually and in writing by the parties. The winning Proposer(s) will be required to execute the resultant contract(s) prior to the submission of the award to the Board for final approval. Finalization, execution and any subsequent amendment of any Contract pursuant to Board approval are the responsibility of SBCERA’s Chief Executive Officer, pursuant to Board authorization where applicable. Operational oversight of services provided under the Contract for Data Loss, and Intrusion Prevention, Detection, and Response Services will be the responsibility of SBCERA’s Chief Information Officer and/or his designees.
Note: SBCERA will make every effort possible to administer the Proposal process in accordance with the terms and dates discussed in this section; however, SBCERA reserves the right to modify the Proposal process and dates if necessary.

SBCERA has made every effort to include enough information in this RFP for the Proposer to prepare a responsive proposal. Proposer contact with SBCERA Board members regarding this RFP is prohibited while the selection process is pending except at a public SBCERA Board meeting where a discussion of this selection process is agendized. Any substantive Proposer contact with any SBCERA staff or Board members regarding this RFP that occurred prior to the release of this RFP shall be reported, in detail (i.e. the time, place, medium, and substance of the communication, and copies thereof if it occurred in writing), with the proposal. Proposer contact with SBCERA staff responsible for this procurement process shall occur only as provided herein or when initiated by SBCERA staff. Proposals will be evaluated by the Information Security Supervisor, and Chief Information Officer. Necessary inquiries or requests for clarification shall be directed to SBCERA staff at jmichael@sbcera.org and halvarez@sbcera.org.

Any Proposer considering submitting a proposal is advised to submit a brief statement of interest as soon as practical after the release of this RFP, in order to ensure the receipt of subsequent clarification and updates. Responses or clarifications provided by SBCERA in response to such inquiries will be provided, along with the initial inquiry, to all Proposers or potential Proposers, as appropriate.