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|  | REQUEST FOR PROPOSALS |
| ***[Judicial Council of California]***  **Regarding:****Court Interpreter Exam Administration and Development**  **RFP No. CFCC-2022-02-TQ**  **PROPOSALS DUE:**  ***December 2, 2022, no later than 1:00 p.m. Pacific time*** |

Table of Contents

[1.0 BACKGROUND INFORMATION 3](#_Toc115879312)

[2.0 CONTRACT PERIOD and BUDGET 10](#_Toc115879313)

[3.0 DESCRIPTION OF SERVICES AND DELIVERABLES 11](#_Toc115879315)

[4.0 TIMELINE FOR THIS RFP 31](#_Toc115879316)

[5.0 RFP ATTACHMENTS 32](#_Toc115879317)

[6.0 PAYMENT INFORMATION 33](#_Toc115879318)

[7.0 SUBMISSIONS OF PROPOSALS 33](#_Toc115879325)

[8.0 PROPOSAL CONTENTS 34](#_Toc115879326)

[9.0 COST PROPOSAL 41](#_Toc115879327)

[10.0 OFFER PERIOD 41](#_Toc115879329)

[11.0 EVALUATION OF PROPOSALS 41](#_Toc115879330)

[12.0 INTERVIEWS 43](#_Toc115879331)

[13.0 CONFIDENTIAL OR PROPRIETARY INFORMATION 43](#_Toc115879344)

[14.0 DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE 43](#_Toc115879345)

[15.0 PROTESTs 45](#_Toc115879346)

# 1.0 BACKGROUND INFORMATION

* 1. **Judicial Council**
     1. The Judicial Council of California (Judicial Council), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial branch.
     2. The California Constitution directs the Judicial Council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature.
     3. The Judicial Council also adopts rules for court administration, practice and procedure, and performs other functions prescribed by law.
     4. The Judicial Council of California is the administrative agency for the council and assists both the council and its chair in performing their duties.
     5. Within the Judicial Council’s Operations & Programs Division, the Center for Families, Children, and the Courts houses the Language Access Services Program. The Language Access Services Program is comprised of two units: Language Access Implementation (LAI) and Court Interpreters Program (CIP).
  2. **California’s Language Access Needs**
     1. California is the most diverse state in the country, with approximately seven million residents and potential court users who are limited English proficient and speak more than 200 languages.
     2. California has over 1,800 certified and registered court interpreters that provide crucial language access for these individuals in court proceedings and other court services.
     3. California’s Government Code §§ 68560-68566 directs the Judicial Council to adopt programs and standards to ensure that qualified interpreters are provided in the courts. This responsibility includes adopting standards for the testing and certification or registration of court interpreters.
     4. The California courts also have bilingual staff that assist court users in their language outside of courtroom proceedings, such as counter assistance or in self-help centers.
  3. **Court Interpreters Program (CIP)**  
     1. The CIP oversees the testing, certification, and registration process for statewide qualification of court interpreters, as well as other administrative functions such as statewide recruitment, and statewide data collection and analysis.
     2. The CIP staff works to increase access to the courts for non-English speaking persons by improving the quality of interpreting and increasing the number and availability of Certified and Registered interpreters in the trial courts. CIP services include interpreter recruitment, certification or registration, education, and compliance.
     3. Additional information about the Court Interpreters Program can be accessed at <http://www.courts.ca.gov/programs-interpreters.htm>.
     4. See <https://www.courts.ca.gov/2695.htm> for an overview of the Certified and Registered interpreter exam requirements.
  4. **Pathway for Credentials as a California Court Interpreter**
     1. The pathway for California court interpreter credentialing depends on whether the language is designated by the Judicial Council as a “certified” language (which include the more widely spoken non-English languages in California such as Spanish or Vietnamese), or if it is a non-designated language, also known as “registered” languages (which include all other languages of lesser diffusion).
     2. The Judicial Council contracts with an external provider to develop and administer the certification and registration exams, following the standards and guidelines adopted by the Judicial Council and the National Center for State Courts (NCSC). For more detail, go to the NCSC website at [www.ncsc.org](http://www.ncsc.org). See also, Exhibit 1, *NCSC State Court Interpreter Testing Desk Reference Manual*.
     3. For both certified and registered languages, candidates must first pass a Written Examination in English before going on to take the required oral exams for certified or registered status.
     4. The Written Examination is a computer-based test developed and maintained by the NCSC.
     5. Access to the Written Examination is provided to an exam administrator by NCSC and the Written Examination is administered by computer at testing sites throughout California. Candidate exam scores are regularly reported to the NCSC and to the Judicial Council.
     6. All interpreter candidates must pass the Written Examination with a score of 80% or higher.
  5. **Certified Interpreter Status**  
     1. To attain certified status, interpreter candidates must pass the Written Examination in English and the oral Bilingual Interpreting Examination (BIE), which is a four-part oral exam developed and maintained by the NCSC.
     2. California also has a limited pool of California-only BIE instruments for a limited number of languages, which were developed for California only use. Any California-only BIE exams developed are the intellectual property of the Judicial Council and may not be used by NCSC or other states without prior permission.
     3. Access to the Bilingual Interpreting Exam (BIE) is provided to an exam administrator by NCSC and the BIE is administered in person at testing sites throughout California. Candidate exam scores are regularly reported to the NCSC and to the Judicial Council.
     4. For court interpreter certification, the Judicial Council has designated American Sign Language (ASL) and 15 spoken languages, and recognizes a Certified Interpreter credential for these designated spoken and non-spoken languages. At this time, testing for qualification as a certified interpreter is only offered for spoken designated languages.
     5. The 13 current California designated spoken languages with Court Interpreter Certification Examinations include Arabic, Eastern Armenian, Cantonese, Farsi, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. *Note: There are currently no certification tests for Japanese or Western Armenian, although they currently remain certified languages.*
     6. For the 13 designated spoken languages with interpreter certification exams, the certification process includes assessment of candidates’ language proficiency and interpreting skills through the oral BIE. Candidates desiring certification must pass the Written Exam in English and the BIE in the designated language (if the examination is available). Interpreters of designated languages qualified through this process become “certified interpreters.”
     7. The BIE, which includes BIEs developed by NCSC along with a limited pool of California-only BIE instruments, is an oral exam used to certify interpreters, and measures interpreting performance in the four following modes: Consecutive Interpretation, Sight Translation (English to Foreign Language); Sight Translation (Foreign Language to English); and Simultaneous Interpretation.
     8. As described in the Section 3.0, Description of Services, the oral BIE requires a proctor to sit with and record candidates, and the proposer must also procure and train raters to score the recorded BIE.
     9. Currently, interpreter candidates for certified languages must pass all four sections of the oral BIE in one sitting with a score of 70% or higher for each section.
  6. **Registered Interpreter Status & OPE Admin for Bilingual Court Staff**
     1. To attain registered interpreter status, candidates must pass the Written Examination in English and the Oral Proficiency Examination (OPE) in English and the target language if available.
     2. The Oral Proficiency Exams (OPE) developed by the American Council on the Teaching of Foreign Languages (ACTFL) are used to credential interpreters in non-designated languages and to test language proficiency for bilingual court staff.
     3. ACTFL exclusively licenses their products to Language Testing International (LTI). For more information see [https://www.languagetesting.com/lti-information/who-we-are](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.languagetesting.com%2Flti-information%2Fwho-we-are&data=05%7C01%7CJanine.Kozanda-T%40jud.ca.gov%7C5b874f87272a4bbeb17d08da9fee9a5a%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C637998144373749225%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=yDTZ9sJAubQBCA4CkW7l8vUZ5jxMNraCX7pOODRfofM%3D&reserved=0). Proposers will need to consider this information in their bid packet.
     4. The OPE is administered to candidates at test sites throughout California, and candidate scores are reported to the Judicial Council.
     5. In addition to using the OPE as a pathway to a Registered Language Interpreter credential, the California Courts also use the OPE to test bilingual staff for language proficiency. See Section 3.7 for more details on how the OPE is utilized for interpreter credentialing and testing of bilingual court staff.
     6. For non-designated spoken languages, for which there is no certification exam, interpreter candidates must pass the Written Exam and the OPE in both English and the paired language(s) if an exam is available. The OPE is currently available in English, Spanish and approximately 55 other languages. Interpreters of non-designated languages qualified through this process become “registered interpreters.”
     7. Note: Proposers are not expected to create new OPE examinations. If an OPE is not available in the target language, registered interpreters must only pass the OPE in English (in addition to the Written Exam in English).
     8. The OPE for Registered Interpreters is designed to measure a candidate’s ability to comprehend and speak English and the language pair correctly. Candidates must pass the English OPE and the target language OPE (if available) at either the Superior or Advanced High levels to become registered interpreters. (For bilingual staff, the recommended minimum passage level is Intermediate Mid).
  7. **Previous Volume and Projected Volume of Examination Takers**
     1. The chart below shows the number of exam takers for all three interpreting examinations between 2018 and 2022. In 2020, due to the COVID-19 pandemic, only two examinations were briefly administered: the Written Examination and the OPE. No BIE was administered in 2020 due to COVID-19.

Table 1.7.1-A – Historical Candidate Counts – All Exams - 2018 – 2022

|  |  |  |  |
| --- | --- | --- | --- |
| **Calendar Year** | **Written Exam** | **BIE** | **OPE** |
| 2018 | 962 | 672 | 74 |
| 2019 | 820 | 661 | 101 |
| 2020 | 277 | No test | 11 |
| 2021 | 244 (approx.) | 190 | 8 (approx.) |
| 2022 (As of 07/13/22) | 137 | TBD - Up to 300 | 41 |

Exams are scheduled as follows: Written Exam and OPE are offered on demand, by appointment, year-round, during regular business hours at selected proposer’s testing centers.   
  
BIE exams are scheduled during a specific time frame, determined by the exam administrator with input from the Judicial Council. Registration for the BIE must be completed during a limited registration window. Exams must be administered during the exam administration window to allow proposer sufficient time to rate and score exams and report scores to candidates, NCSC and the Judicial Council.

* + 1. For 2019 and 2021, approximately 6 exams were appealed by test candidates. If an exam is appealed on the grounds described in the Appeal section below, the test administrator must investigate. Appeals investigations may require consultation with Judicial Council staff. See the Appeals section 3.10 of this document for details on the Appeals process.
    2. During the years 2018 and 2022, it was reported that approximately 10,000 customer service telephone calls a year were received from candidates. Test candidates called to inquire about test procedures, dates, to schedule exams, or to lodge complaints. The average call with a test candidate lasted approximately six (6) minutes.
    3. For the period 2023 to 2025, we expect examinations to resume to a level of approximately 500-1000 Written Examinations per year, 300-600 BIE exams per year, and 100-500 OPE per year. However, no minimum number of exams of any type can be guaranteed. Exam volume for each exam type is driven strictly by candidate demand. Re-testing due to technical issues is done at the proposer’s cost.
  1. **Testing Fees**
     1. The Proposer will collect exam fees as shown in Table 1.8.2-A. Candidate exam fees are the same for all candidates, whether a candidate is seeking an interpreting credential, or taking the exam as bilingual staff.
     2. Exam fees are fixed firm price for each year of the Agreement. Proposer will use collected fees to offset their expenses to administer the Court Interpreter Program.

**Table 1.8.2-A: Exam Type, Not to Exceed Application Fee per Exam**

| **Exam Type** | **Effective Date January 1, 2023** | **Effective Date January 1, 2024** | **Effective Date January 1, 2025** | **Option Year One**  **Effective Date January 1, 2026** | **Option Year Two**  **Effective Date January 1, 2027** |
| --- | --- | --- | --- | --- | --- |
| English Only Written Exam for Certified Languages | $138.35 | $141.80 | $145.34 | $148.97 | $152.69 |
| Bilingual Interpreting Exam for Certified Languages | $358.75 | $367.71 | $376.90 | $386.32 | $395.97 |
| Oral Proficiency Exam – English for Registered Languages | $177.32 | $181.75 | $186.29 | $190.94 | $195.71 |
| Oral Proficiency Exam – For Foreign Language | $177.32 | $181.75 | $186.29 | $190.94 | $195.71 |
| Rescheduled Exam\* \*Charged to applicant if they reschedule or cancel w/in the allowed timeframe set by the JCC. | $51.25 | $52.53 | $53.84 | $55.18 | $56.55 |

* 1. **Coordination with External Agencies and/or Sub-contractors**
     1. The proposer under this RFP will work closely with the NCSC on exam provision and coordination for the Written Examination and BIE. The proposer must also have the ability to administer the OPE in accordance with the ACTFL guidelines <https://www.actfl.org/resources/actfl-proficiency-guidelines-2012>
     2. The proposer is responsible for providing exam scores to the Judicial Council and to exam candidates, and for handling complaints or appeals regarding exam results.
     3. In addition to developing and maintaining the Written Examination and BIE, the NCSC maintains standardized manuals for BIE court interpreter test construction, test administration (including candidate information booklets), and the test rater system. These materials will be made available to the selected proposer. Additional information about the NCSC and the Written and oral BIE examinations can be located at: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources>
  2. **Expectations Under This RFP**
     1. In addition to coordination with any subcontractors and/or the NCSC, and as described below under Section 3.0, Description of Services, the successful proposer will be responsible for registering candidates for and administering all three interpreter examinations (the Written Examination in English, BIE and OPE) at test sites throughout California and providing regular score data to candidates and summary data to the Judicial Council.
     2. The proposer will also be responsible for project management, customer service and call center, training all staff that work on the program, exam appeals, website maintenance, and providing the Judicial Council with regular and accurate reports on score data, candidates and their progress, and testing program performance.
     3. If required, proposer may also be requested to maintain (i.e., modifications) or create a California-only BIE instrument for certified languages for which the NCSC does not provide an exam. Proposer should have the capability to perform this work for the Judicial Council. Any BIE exam maintenance or new BIE exams developed under this RFP are the intellectual property of the Judicial Council and may not be used by NCSC or other states without prior permission. Proposer should include the cost for maintaining a BIE or developing and piloting a new BIE exam in the cost proposal, see Deliverables, Section 3.13.
     4. The BIE instrument development service may or may not be required by the Judicial Council during the three-year contract or the optional years. If the successful proposer is requested to perform this work, it may be contracted out by the proposer to individuals who have expertise in BIE instrument development, who strictly follow the BIE test exam construction and development procedures that have been established by the NCSC. Any new BIE exams that are developed under this RFP are the intellectual property of the Judicial Council and may not be used by NCSC or other states without prior permission.

# 2.0 CONTRACT PERIOD AND BUDGET

* 1. The proposed contract timeline is estimated as January 1, 2023, through December 31, 2025. At the sole discretion of the JCC, there might be an option to renew the agreement for two additional years, until December 31, 2027.
  2. In addition to the examination fees the proposer will collect from candidates, the estimated funds available for managing and administering all interpreter examination services under this RFP, including optional services such as Exam Maintenance or Development will not exceed **$500,000.00 per calendar year.**



# DESCRIPTION OF SERVICES AND DELIVERABLES

The Judicial Council seeks the services of a Contractor with at least five years of experience to assist the Court Interpreters Program with the statewide administration of the Written Examination, Oral Proficiency Examinations (OPE) and Bilingual Interpreting Examinations (BIE)

More details regarding services and deliverables can be found in later sections in this RFP, in the Deliverables, Section 3.13 and also in Attachment 2, Standard Agreement Appendix A, Scope of Services.

* 1. Program and Project Management

Proposer must provide program and project management services including:

* + 1. Proposer must provide all services for the JCC Court Interpreter Testing program from within the US.
    2. Proposer must assign senior staff members at the management level to actively manage the Judicial Council Interpreter Testing Program. Proposer’s program and project managers must have both general business and operations project management experience, and specific exam administration experience that should be outlined in staff resumes submitted with the bidder’s proposal.
    3. Program and project management services include the planning, coordination, and implementation for in-person administration of all three exams at multiple test sites each year and includes the rating processes for the Bilingual Interpreting Exam (BIE).
    4. For the period 2023 to 2025, we expect examinations to resume to a level of approximately 500-1000 Written Examinations per year, 300-600 BIE exams per year, and 100-500 OPE per year. However, no minimum number of exams are guaranteed. Exam volume is driven strictly by candidate demand. Re-testing due to technical issues is done at the proposer’s cost.
    5. Selected proposer’s assigned senior project managers must conduct bi-weekly planning and program and project management meetings with the Judicial Council to provide updates on all areas of exam administration.
    6. Selected proposer will continuously monitor quality of all activities for this program, maintaining transparency with the Judicial Council, reporting any issues timely and working with the Judicial Council to resolve any quality issues that arise.
    7. Program management requires maintaining the program overall at the highest level, the seamless integration of candidate exam registration for all three exam types, customer service to candidates, and providing a “one stop shopping” experience for testing candidates. It also includes the collection and processing of exam fees.
    8. The proposer must collect, manage and integrate multiple streams of current and historical data about exams, exam and test center locations, candidates, demographics, raters, etc., and provide this data to the Judicial Council as described in subsequent sections of this RFP and in Section 3.13, Deliverables.
    9. The proposer must provide timely, streamlined, accurate reports about the operations of the Interpreter Testing Program as defined in the Reports and Data Sharing, Section 3.12 in this RFP, and in the Deliverables, Section 3.13 later in this document.
    10. The proposer must continuously improve management of court interpreter testing operations and administration while efficiently adapting to change.
    11. The proposer must ensure all staff, proctors, and testing procedures comply with federal, State of California, county, and city health and safety mandates in relation to the COVID-19 pandemic or similar situations that may require social distancing.
  1. Exam Registration and Candidate Demographic Surveys  
     1. The proposer must create a demographic survey, with input from the JCC, to administer to candidates during exam registration, collect and securely store candidate demographic data obtained during the candidate registration process for all three exam types using a standard registration data collection platform.
     2. Proposer must create a post-exam administration quality survey and is responsible for collecting candidate data post exam using a survey platform such as SurveyMonkey.
     3. Proposer is responsible for all costs associated to developing surveys and data collection instruments.
     4. The proposer must provide survey data to the Judicial Council in streamlined semi-annual and annual summary reports and as a scrubbed data file to accompany the reports.
     5. The proposer must develop candidate survey questions with input from the Judicial Council.
     6. Surveys regarding candidate demographics must be conducted at exam registration. Surveys regarding candidate exam experience must be done right after a candidate tests.
     7. Proposer is responsible for processing all Exam registrations.
     8. The proposer must utilize a mechanism that enables examination candidates to easily pay exam fees with credit and/or debit cards.
     9. The proposer must collect and process all payments for exam fees.
  2. Customer Service Call Center  
     1. The proposer must provide customer service to interpreter program candidates at a minimum via a website, e-mail, and telephone. Call center agents must be available Monday through Friday, during regular business hours, 8:00 AM to 5:00 PM Pacific Standard Time, to respond to candidate inquiries, process exam registrations, etc.
     2. The proposer must provide sufficient, trained customer service staff to meet the needs of the Judicial Council’s Interpreter Testing Program.
     3. Customer service agents must be trained to answer questions and handle requests for information about exams and the exam administration process. They must be knowledgeable about Court Interpreter testing and NCSC procedures.
     4. The proposer must provide ongoing training to the Customer Service Agents (CSAs) that support our program, and have the capacity to handle 10,000 calls or greater per calendar year during the contract period.
     5. The proposer’s customer service call center must be located in the United States.
     6. The proposer must resolve candidate or Judicial Council issues promptly and professionally, within two business days.
     7. Customer service agents must provide professional, high quality telephone service for the court interpreter program.
     8. The proposer must regularly report to the Judicial Council on customer service activities and any customer service quality issues that arise, including number of calls, average call duration, number of dropped calls, hang ups, reasons for inquiry, etc.
  3. Website Requirements  
     1. The proposer must maintain a public website for the Interpreter Testing Program.
     2. The website must include information for the public about administration of Written Exam, OPEs, and BIE, testing requirements, testing procedures, as well as other, relevant information.
     3. The proposer must keep the website current, monitor for errors and out of date information, and correct errors within two business days of notification of an error. The proposer must provide a feedback mechanism on the website to allow visitors to report errors or problems.
     4. The proposer must provide the Judicial Council with reports regarding key website metrics, i.e., visitors, page hits, frequently visited pages, issues with the website, etc.
     5. The design of the web site will include:  
        1. Easy navigation and clear organization of content.
        2. Fully functioning features and hyperlinks.
        3. The ability for candidates to perform many functions online i.e., register and pay for exams, file complaints, request appeals, request refunds, and submit questions.
        4. Proposer must respond to inquiries within two business days.
     6. Web information will include:  
        1. A link to the Judicial Council website page that describes the process for becoming a certified or registered court interpreter
        2. Plain English explanations of the interpreting testing program, the examinations, testing requirements, and testing procedures.
        3. Exam dates, locations of exams, instructions for exam registration and payment of exam fees.
        4. Test center policies, hours, locations, and directions.
        5. Cancellation, rescheduling, and refund policies.
     7. Communication Response(s)  
        1. Proposer will provide official and non-official communications to candidates via secure email (or US mail if needed). The proposer must provide a strategy and plan to migrate all official communications to candidates from US Mail/paper-based to electronic as appropriate. These include responses to emailed inquiries, confirmation of registration for all exam types, rescheduled appointments, scores, and appeal results.

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| **Candidate Communication Type** | **Response Time** |
| Email inquiry | 2 business days |
| Website contact form message | 2 business days |
| Phone message left after hours | Next business day |

* + - 1. The proposer must track if candidate emails bounce and send official communications via US Mail if unable to deliver via secure email.
      2. The proposer must absorb all costs for communications sent by US Mail.
      3. Targeted, additional candidate communications may include:  
         1. The proposer will work with the Judicial Council to maintain and post to the web a candidate bulletin document that outlines the California court interpreter exam process.
      4. The Judicial Council may request the proposer to provide targeted communications to specific sub-groups of candidates, for example:  
         1. Reminders to candidates of upcoming exam dates.
         2. Upcoming training opportunities.
         3. Outreach messages “near passers” of the BIE.
         4. Recruitment messages including targeted training.
      5. Additional materials must be downloadable from the website.  
         1. If a candidate cannot download these materials from the proposer’s website, proposer must mail hard copies of materials to candidates by US Mail at no cost to candidate or Judicial Council.
  1. Exam Administration & Delivery
     1. The proposer will administer and deliver all three exam types for this program: English-only Written Exam, Bilingual Interpreting Exam, and Oral Proficiency Exam (English and target languages) for Registered Language Interpreters seeking a credential and for Bilingual Court Staff not seeking an interpreting credential. Selected proposer must maintain a minimum of five testing locations for each exam type.
     2. The proposer must continuously improve the overall test administration process with input from the Judicial Council about exam administration.
     3. The proposer must have a written methodology and documented procedures for exam administration quality assurance for all exams. The proposer must report to the Judicial Council on any exam administration quality issues in streamlined semi-annual and annual summary reports.
     4. The proposer will be responsible for providing all testing facilities, staff, proctors, raters, exam materials, testing equipment, and any other supporting materials or supplies required for the administration of all three examination types.  
        1. The proposer must provide a secure and professional test center or testing environment for all three exam types.
        2. The proposer is not precluded from administering the Bilingual Interpreting Exam via a secure, computer-based platform at a test site if one is developed by the Contractor and approved by both the Judicial Council and National Center for State Courts.
  2. English-Only Written Exam Administration   
     1. All candidates for a California court certified language interpreting credential must pass the English-Only Written Exam with a minimum score of 80% or better. Passing the Written Examination is a prerequisite for advancing to take the Bilingual Interpreting Examination (BIE).
     2. The English-only Written Exam is maintained by the National Center for State Courts. Proposer must follow the procedures outlined in the NCSC Testing Desk Reference, Exhibit 1, to access the exam materials for the English-only Written Exam and to prepare them for exam administration.
     3. The proposer must comply with NCSC exam management protocols which include, establishing a secured box account, managed by NCSC.
     4. The proposer must administer the English-only Written Exam in accordance with the procedures established by the NCSC. For details see Exhibit 1, The NCSC State Court Interpreter Testing Desk Reference Manual.
     5. The proposer will ensure Written Exam material is sufficiently rotated so candidates who take the exam multiple times receive a different version at each sitting.
     6. The proposer must administer the Written Exam by appointment, year-round, via a computer-based platform at a minimum of five designated test sites throughout California on regular business days during regular business hours.
     7. Locations shall include but not be limited to the following areas: San Francisco Bay Area (with multiple locations for better geographic distribution in the Bay Area), Sacramento, San Diego, and Los Angeles.
     8. The proposer will comply with the following best practices for Written Exam scheduling, and will enforce Judicial Council pre-requisites and eligibility rules as follows:  
        1. No prerequisites for taking Written Exam the first time.
        2. Candidates may take Written Exam 2 times in a 365-day period.
        3. Candidates must wait 90 calendar days between Written Exams.
     9. The proposer must follow NCSC guidelines for scoring of Written Exam.
     10. The proposer must provide printed exam score to candidates at the test center immediately after completion of the Written Exam.
     11. The proposer must share Written Exam score results with the Judicial Council in semi-annual and annual streamlined summary reports.
  3. Oral Proficiency Exam (OPE) Administration  
     1. The Oral Proficiency Exam may be used for credentialing Registered Language Interpreters or for testing bilingual court staff. Exam fees to be charged are the same for both types of candidates. See Section 1.8.2 for details.
     2. The proposer will ensure candidates who take the OPE to become a registered language interpreter meet all eligibility requirements.

Table 3.7.2-A **Oral Proficiency Exam Credentialing Pathway**

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| **Candidate Type** | **Required Examinations** |
| Registered Status  Candidates | * Pass the Written Examination with 80% or higher * Pass the Oral Proficiency Examination (English Language) at the Superior or Advanced High level * Pass the Oral Proficiency Examination (Foreign Language, if available) at the Superior or Advanced High level |
| Bilingual (Court) Staff | * Pass the Oral Proficiency Examination (English Language) at the Intermediate Mid-level * Pass the Oral Proficiency Examination (Foreign Language, if available) at the Intermediate Mid-level (courts may also determine a higher level) |

* + 1. Candidates wishing to become registered language interpreters must take and pass the OPE in English and must also take and pass the OPE in their target language, if available. The OPE is currently available in approximately 56 languages.
    2. The current exams used for non-designated language registered interpreters and testing bilingual staff are the ACTFL Oral Proficiency Exams (OPE).
    3. The proposer may administer OPE exams through a sub-contractor.
    4. The proposer will administer OPE exams for candidates year-round, by appointment, a minimum of five testing sites throughout California.
    5. The proposer must follow ACTFL guidelines for scoring OPE exams. See ACTFL guidelines for more detail at <https://www.actfl.org/resources>.
    6. The proposer must provide OPE exam scores to candidates within 30 calendar days of the exam administration date.
    7. To become a Registered Language interpreter, candidates must pass both parts of the OPE exams with a score of Advanced High or better.
    8. The proposer must report OPE exam scores, candidate demographic data and exam quality issues to the Judicial Council in streamlined semi-annual and annual summary reports.
  1. Bilingual Interpreting Exam (BIE): Administration   
     1. The Bilingual Interpreting Exam (BIE) is administered to candidates who want to be credentialed as California certified court interpreters.
     2. The proposer will ensure candidates who take the Bilingual Interpreting Exam meet all prerequisites and eligibility requirements.  
           
        Table 3.8.2-A **Bilingual Interpreting Exam Credentialing Pathway**

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| --- | --- | --- |
| **Candidate** | **Prerequisite** | **Required Examinations** |
| Certified Interpreter  Status | * Pass the Written Examination with 80% or higher | BIE—Pass all four sections in one sitting with a score of 70% or higher in each section:   * Sight Translation (English to foreign language) * Sight Translation (Foreign language to English language) * Consecutive Interpretation * Simultaneous Interpretation |

* + 1. For most certified languages, the Bilingual Interpreting Exam is maintained by the National Center for State Courts (NCSC). The Judicial Council maintains the Bilingual Interpreting Exams for other languages that are certified in California and for which NCSC does not test. See the NCSC website for more details <https://www.ncsc.org/>.
    2. Proposer must follow the procedures outlined in the NCSC Testing Desk Reference, Exhibit 1, to access the exam materials for the Bilingual Interpreting Exams and to prepare them for exam administration.
    3. The proposer must comply with NCSC exam management protocols which include, establishing a secured box account, managed by NCSC.
    4. The proposer must follow NCSC procedures and guidelines, as well as best practices, for securing exams and eliminating possible breaches of exam content.
    5. The proposer must administer the BIE for candidates in all available certified languages at multiple test sites throughout California on a staggered basis using an evolving mix and match methodology for Spanish (and potentially other languages) examinations.
    6. The proposer may test up to 600 BIE candidates per year during periods that will be determined in collaboration with the Judicial Council. No minimum number of BIE exams are guaranteed. Exam administration will be determined solely by candidate demand. Re-testing due to technical issues is done at the proposer’s cost.
    7. Administration of the BIE currently requires a trained proctor to be present in the room to record candidate’s exam rendition.
    8. The candidate’s recorded exam rendition must be securely and confidentially transferred to two impartial raters for evaluation and scoring, in accordance with NCSC guidelines.
    9. The proposer must implement policies to protect the security and confidentiality of BIE exam material; recordings of candidate exam renditions; and retain recorded BIE exam renditions for a period of time to be determined with input from the Judicial Council. In the past, BIE recorded exam renditions were retained for three years.
    10. The proposer must administerthe BIE using the mix and match format for Spanish (and potentially other languages), based on training and guidance developed by the National Center for State Courts.
    11. The proposer must seek input and obtain approval from the Judicial Council prior to implementing a new method of administering the BIE.
    12. The proposer must stay up to date on Interpreter Testing Program policy changes that could affect exam administration for any of the three exam types: Written Exam, OPE and/or BIE.
    13. The proposer must administer and score the BIE in accordance with the procedures established by the National Center for State Courts. For details, see the NCSC website, National Center for State Courts, State Court Interpreter Testing Desk Reference Manual at Exhibit 1.
    14. The proposer must provide candidates with BIE exam results within 90 calendar days of taking the exam.
    15. The proposer must report all BIE scores along with candidate data and any exam quality assurance issues to the Judicial Council after exam administration in streamlined semi-annual and annual summary reports.
    16. The NCSC maintains standardized manuals for BIE instrument administration. These materials will be made available to the proposer whose bid is selected. Additional information about the NCSC and Written and oral BIE examinations can be found at: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources>
  1. BIE Instrument Development  
     1. Proposer must create a project plan for any new BIE instrument development and have it approved by the JCC prior to undertaking any work.
     2. Exams must be developed according to the procedures established by NCSC. See [www.ncsc.org](http://www.ncsc.org) for more information.
     3. Exam development services must be comprehensive from initial request to final publication. The proposer will include in their cost proposal the cost to develop a new California-only BIE instrument for certified languages that are not supported by NCSC.
     4. The proposer must develop new BIE exams for maximum security of exam content, to reduce possible breaches of exam content, as well as for maximum shareability and reusability.
     5. The Proposer should utilize a “mix and match” methodology for Spanish (and potentially other languages) when developing new BIE exams to increase security of exam material and maximize ability to administer different versions to candidates who take the exam more than once.
     6. The proposer must provide documentation of their “mix and match” exam development methodology and process to the Judicial Council.
     7. The Contractor will pilot all new exam instruments, selected by the Judicial Council, and perform quantitative and qualitative analysis in order to ensure the exam instruments perform as expected in the field. The exam instruments must be administered to subject matter experts (SMEs) prior to administration to actual candidates for certification. Piloting new exam instruments includes, but is not limited to the following activities:
        1. Recruiting and hiring at least three (3) SMEs, preferably previous passers of the certification exam, if available.
        2. Administration of the new exam instruments to the SMEs in accordance with standard operating procedures.
        3. Rating of the exams by approved raters according to standard rating procedures. Raters shall additionally be required to provide detailed notes and documentation to support subsequent quantitative and qualitative analysis.
        4. Performing statistical analysis and identifying any suggested updates to the exam.
        5. Summarizing the analysis and findings, along with associated remediation recommendations in a report for the Judicial Council.
     8. As needed, the Judicial Council will request exam development as a contract option. Any new California only exams are the intellectual property of the Judicial Council and may not be used by other states without prior permission. The cost of any new exam development must be included in the yearly contract maximum of $500,000.00.
     9. Proposer may not reproduce or use any JCC or NCSC Exam instrument for any purpose other than as described in this RFP.
     10. Should a new BIE exam be required due to a security breach on the proposer’s part, proposer will be responsible for all costs associated with the development of the new replacement exam.
     11. The NCSC maintains standardized manuals for BIE instrument development. These materials will be made available to the proposer whose bid is selected. Additional information about the NCSC and Written and oral BIE examinations can be found at: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources>
  2. BIE Instrument Modification   
     1. Contractor must provide comprehensive BIE instrument modification services that will include but are not limited to the following:
        1. Proposer must create a project plan for modifying any BIE instruments and have it approved by the JCC prior to undertaking this work.
        2. The Contractor will pilot all modified exam instruments, selected by the Judicial Council, and perform quantitative and qualitative analysis in order to ensure the exam instruments perform as expected in the field. The exam instruments must be administered to subject matter experts (SMEs) prior to administration to actual candidates for certification. Piloting modified exam instruments includes but is not limited to the following activities:
           1. Recruiting and hiring at least three (3) SMEs, preferably previous passers of the certification exam, if available.
           2. Administration of the modified exam instruments to the SMEs in accordance with standard operating procedures.
           3. Rating of the modified exams by approved raters according to standard rating procedures. Raters shall additionally be required to provide detailed notes and documentation to support subsequent quantitative and qualitative analysis.
           4. Performing statistical analysis and identifying any suggested updates to the exam.
           5. Summarizing the analysis and findings, along with associated remediation recommendations in a report for the Judicial Council.
        3. The proposer will include in their cost proposal the annual cost for the modification of a California-only BIE instrument for certified languages not supported by NCSC. As needed, the Judicial Council will request exam modifications as a contract option. Any updates to a California only exam is the intellectual property of the Judicial Council and may not be used by other states without prior permission. The cost of any potential exam modification must be included in the yearly contract maximum of $500,000.00.
     2. The NCSC maintains standardized manuals for BIE instrument modification. These materials will be made available to the proposer whose bid is selected. Additional information about the NCSC and Written and oral BIE examinations can be found at: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info/written-and-oral-exam-resources>
  3. Proctor and Rating Services  
     1. BIE Proctors  
        1. The proposer will select, train, schedule, evaluate, and manage all BIE exam proctors, and other staff, employees, and contractors associated with proctoring and scoring the BIE.
        2. The proposer will ensure all BIE exam proctors, raters, etc. meet or exceed the minimum qualifications established by the contractor for performing these tasks.
        3. The proposer shall establish methods to identify, recruit, screen and evaluate qualified exam proctors.
        4. The proposer will ensure proctors are able to communicate effectively in English.
        5. The proposer will follow all NCSC protocols and processes related to proctors and raters. See <https://www.ncsc.org/consulting-and-research/areas-of-expertise/interpreter-info> for more details.
     2. The proposer is responsible for training all BIE exam proctors and raters.
     3. Proctor, rater, and staff training may be held on-site in person or remotely and must be completed prior to exam administration.
  4. BIE Raters  
     1. The proposer will engage qualified, trained, and approved exam raters for administration and scoring of the BIE.
     2. The proposer is responsible for engaging and managing an appropriate pool of raters for each exam administration.
     3. The proposer will only sub-contract and engage raters who are NCSC approved, from the pool of raters managed by the NCSC, for exams administered by NCSC.
     4. The proposer must provide refresher training to raters prior to each BIE administration. Refresher training can be remote by reviewing online rating manuals plus participating in a conference call.
     5. The proposer may be asked to recruit new raters and provide in-person rater training.
     6. The proposer may be asked to engage raters for exam re-scoring.
     7. The proposer will ensure rater supervisors are used when required. A rater supervisor is required when an approved rater team is rating an exam in a language where there are no lead raters, or a lead rater is not available.
     8. The proposer must engage and train rater supervisors in accordance with NCSC guidelines.
     9. The proposer must ensure all rater practices are consistent and comply with NCSC policies and procedures.
     10. The proposer must include data about raters, proctors, exam rating and scoring (including near passers) in semi-annual and annual exam administration reports to the Judicial Council.
  5. Appeals  
     1. The proposer must handle exam appeals for all exam types, from receipt of the appeal through final disposition with input and guidance from the Judicial Council. Appeals should be included as part of the overall Exam Administration services, and appeals data should be included in the semi-annual and annual Exam Administration summary reports.
     2. Appeals[[1]](#footnote-1) should be considered based on:  
        1. Misinformation regarding testing arrangements (the test taker was given the wrong location or test time, etc.).
        2. Significant error in administration (unprofessional conduct, failure to follow test administration standards, etc.).
        3. Equipment malfunction (total equipment failure, inappropriate equipment, etc.).
        4. Environmental factors (air conditioning breakdown with temperature in test room exceeding 80 degrees or below 65 degrees, fire alarms or other loud distracting noises, power outages, etc.).
        5. Unavoidable catastrophic events (death of an immediate family member, doctor’s verification of accident, serious illness, etc.).
        6. Natural disaster (earthquake, fire, snowstorm, pandemic, etc.).
     3. Appeals received after 90 calendar days from the administration of the test should not be reviewed or considered.
     4. The proposer will administer examination retakes for any candidate with a granted appeal request. The proposer will bear all costs for retesting, special retesting and/or rescoring of any exams related to an appeal, and must administer the exam retake during the same calendar year in which the appealed exam was administered.
     5. All exam appeals activity and statuses must be included in the semi-annual and annual Exam Administration summary report.
  6. Reporting and Data Sharing  
     1. The proposer must provide timely, streamlined, accurate and meaningful reports to the Judicial Council on:
     2. Project and Program Management:Semi-Annual and Annual Report (two reports per year). These reports will cover program management by the proposer, including metrics identified by the Judicial Council, i.e., customer service (e.g., how many candidates called, registered for each exam, call wait times, etc.), website activity and maintenance, quality assurance, continuous improvement measures, and exam security.
     3. Exam Administration Activity Summary (Covering All Exam Types): Semi-Annual and Annual Report (two reports per year). These reports will cover exam administration for all three interpreter exams – the Written Exam, the OPE and the BIE, including metrics identified by the Judicial Council, such as proctor and rater services; all exam scores (including numbers of takers/passers/fails); number of exams given by type, language, location, etc.; numbers of candidates who took the exam once, twice, three times, etc.; number of appeals and disposition per exam administration; and similar summary examination data.
     4. Ad Hoc Reporting and Data Sharing: These ad hoc reports or datasets (0 - 12 per year) will include Historical Candidate Testing Scores (time period to be determined by availability of historical data), Pathway Reports, Scoring Data, Appeals Summary, and Candidate Demographic Data Collection via survey:  
        1. Candidate demographics collected during exam registration and updated as appropriate during the end-to-end certification process.
        2. Candidate pass/fail reports and appeal status reports (for all three exams conducted to date for the year).
        3. Pathway reports for the registered court interpreter status i.e., reports about candidates who have successfully passed both the Written Examination and the Oral Proficiency Exam.
        4. Exam development and maintenance activities.
        5. Candidate post-exam quality survey results.
        6. Other subjects as they are identified.
     5. The proposer must provide information in the fewest number of meaningful reports, reducing and eliminating redundancy.
     6. The proposer must prioritize presentation of data, so reports are clear and easy to comprehend.
     7. Reports must be provided in multiple formats, such as .xls and/or .pdf.
     8. Proposer must provide a per report price for ad hoc reports (up to 12 per year), and the total costs for all ad hoc reports for the year must be included in the not to exceed price of $500,000.00 per calendar year.
     9. The proposer must provide standard reports at the frequency identified in the Deliverables in Section 3.13 of this RFP. The proposer must respond to ad hoc report requests promptly.
     10. The proposer must provide standard, plus a scrubbed data file on a schedule determined by the Judicial Council. See Section 3.13 Deliverables for more details.
     11. Project Management reports must include information about all project management activities, quality assurance (QA) measures, the exam management process, problem resolution, and continuous improvement initiatives undertaken.
  7. Deliverables   
       
     Table 3.15-A below describes the deliverables for this RFP.

***Table 3.15-A Deliverables***

| **No.** | **Deliverable Name** |
| --- | --- |
| 1 | Program and Project Management (See Section 3.1)  Program and Project Management includes assigning senior staff to the Judicial Council for day-to-day administration and management of this program from the proposer’s side. It also includes having regular bi-weekly meetings with the JCC and responding timely to any JCC inquiries, data or ad hoc report requests, and providing data analysis to create annual and semi-annual summary reports on program and project activity.  Costs should also include any staff or resources required for program planning and ramp up at the beginning of each calendar year.  All services provided to the Court Interpreter Testing program must be based in the United States. |
| 2 | Website Management and Maintenance, Candidate Data collection (See Sections 3.2 and 3.4)  Publishing and maintain a public website for candidates, providing program and exam information via the web, allowing candidates to register and reschedule exams via the web, pay fees via the web, lookup information, administering demographic survey to candidates. |
| 3 | Customer Service Call Center (See Section 3.3)  Maintain a professional call center staffed with knowledgeable, well-trained agents to answer candidate questions and process registrations and payments.  Must be staffed with CSAs dedicated our program, Monday through Friday, eight hours per day – excluding holidays – Pacific time per calendar year.  Call center must be sufficiently staffed to minimize caller hold time and dropped calls.  Anticipated call volume is 10,000 calls or higher per calendar year during the contract period.  Call center must be based and located in the United States. |
| 4 | Administer Written Exam (See Section 3.6)  Between 0 -1,000 written exams per year based solely on candidate demand. This figure does not include any re-testing which would be done at the proposer’s cost.  Candidate registration and collection of exam fees. Collection and management of historical data on exams and candidates. Administer written exams including all facilities, equipment, required staff, proctor and exam scoring services, and appeals.  Administer Written Exams on demand by appointment. |
| 5 | Administer Oral Proficiency Exam (OPE) (See Section 3.7)  Between 0 -500 OPE exams per year based solely on candidate demand. This figure does not include any re-testing which would be done at the proposer’s cost.  Candidate registration and collection of exam fees. Collection and management of historical data on exams and candidates. Administer OPE including all facilities, equipment, required staff, proctor and exam scoring services, and appeals.  Administer OPE Exams on demand by appointment. |
| 6 | Administer Bilingual Interpreting Exam (BIE) (See section 3.8)  Between 0 - 600 BIE exams per year based solely on candidate demand. Figure does not include re-testing which would be done at the proposer’s cost.  Candidate registration and collection of exam fees. Collection and management of historical data on exams and candidates. All candidate communications and exam scheduling.  Administer BIE including all facilities, equipment, required staff, proctor and rater services, exam scoring, and appeals. |
| 7 | Exam Administration Report (See Section 3.12)  Data analysis to create “Big picture” report of all exam administration activity that the Judicial Council can use for program management decision making. Report should provide total exams administered by exam type, exam location, language, as well as exam scores and score distribution, appeals, status of appeals, etc.  A management summary report to be used for program decision making and marketing to potential candidates and near passers.  This report must include all exam appeals along with status and/or appeal disposition.  Proposer must handle all exam appeals for all exam types.  Receive, evaluate and investigate all appeals.  Handle all communication between proposer and candidate, as well as the proposer and the Judicial Council. Resolve the appeal and communicate the final disposition to the candidate and the Judicial Council. Coordinate any input required from the Judicial Council during the appeals process. |
| 8 | Ad Hoc Reporting and Data Sharing including Pathway Reports, Scoring Data, Appeals Summary, and Candidate Demographic Data Collection via survey. (See Section 3.12.4 and 3.2)  Development of demographic survey questions to be administered to candidates during the exam registration process.  Development of post-exam administration quality survey questions to be administered to candidates upon completion of exam.  Collection and management of historical data on exams and candidates.  Administer a candidate demographic survey during exam registration for all exam types via a standard platform so data can easily be captured prior to each exam.  Data analysis to provide the results to JCC in a summary report.  Administer a post-exam quality and satisfaction survey to candidates after all exam types at the exam test location immediately after candidate completes the exam  Analysis of the results provided to JCC in a summary report.  Provide raw candidate demographic data to JCC in a data file on request. |
| 9 | Exam Assessment & Maintenance (Section 3.10)  If requested by the Judicial Council, update a California-only BIE exam. Updated exam will be the intellectual property of the JCC and may not be used by any other states.  Exam Assessment and Maintenance includes all field testing and pre-publication activities required. |
| 10 | New Exam Development (See Section 3.9)  If requested by the Judicial Council, develop a new BIE exam that will be the intellectual property of the JCC and may not be used by any other states.  Exam Development includes any all-field testing and pre-publication activities required. |

# 4.0 TIMELINE FOR THIS RFP

The JBE has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the JBE.

| **EVENT** | **DATE** |
| --- | --- |
| RFP issued | October 27, 2022 |
| Deadline for questions  [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) | November 7, by 3:00 P.M. (PST) |
| Questions and answers posted  www.courts.ca.gov/rfps.htm | November 14, 2022  NO LATER THAN 3:00 P.M. (PST) |
| ***Latest date and time proposal may be submitted*** | **December 2, 2022**  **No later than 1:00 P.M. PST** |
| Anticipated interview dates (*estimate only*) | December 8 & 9, 2022 |
| Evaluation of proposals (*estimate only*) | December 12-16, 2022 |
| Notice of Intent to Award (*estimate only*)  [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm)  Deadline to Submit Award Protest (JCC must receive award protest within 5 days of Notice of Intent to Award) | December 16, 2022 |
| Negotiations and execution of contract (*estimate only*) | December 27, 2022 |
| Contract start date (*estimate only*) | January 1, 2023 |
| Contract end date (*estimate only*) | December 31, 2025; and at the JCC’s sole discretion, may include two additional optional years |

# 5.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

| ATTACHMENT | DESCRIPTION |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs (Non-IT Services) | These rules govern this solicitation. |
| Attachment 2: JBE Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign this JBE Standard Form agreement. |
| Attachment 3: Proposer’s Acceptance of Terms and Conditions | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. |
| Attachment 4: General Certifications Form | The Proposer must complete the General Certifications Form and submit the completed form with their proposal. |
| Attachment 5: Darfur Contracting Act Certification | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 6: Payee Data Record Form | This form contains information the JBE requires in order to process payments and must be submitted with the proposal. |
| Attachment 7: Unruh and California FEHA Certification | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: DVBE Incentive Declaration | Proposer must submit a DVBE Declaration completed by each DVBE that will provide goods and/or services in connection with its bid. If Proposer is itself a DVBE, it must complete the DVBE Declaration itself. If Proposer will use one or more DVBE subcontractors, each DVBE subcontractor must complete a DVBE Declaration.  If the Proposer does not wish to claim the DVBE incentive, then the Proposer should not submit a DVBE Declaration. |
| Attachment 9: Cost Proposal | Proposers must use this form to submit their cost proposal. See Section 9 for Cost Proposal contents. |

# 6.0 PAYMENT INFORMATION

* 1. The following payment related matters are applicable to this RFP:
  2. Basis for Payments: The resulting Agreement from this RFP will be comprised offirm fixed pricing for the Description of Services and Deliverables described in Section 3 of this RFP and the Deliverables in Section 3.13.
  3. The JCC does not make advance payment for Services.
  4. No other expenses (including travel expenses) will be reimbursed by the Judicial council.
  5. The JBE will pay each correct, itemized monthly invoice received from Contractor after acceptance of the applicable Goods, Services, or Deliverables, in accordance with the terms of the Standard Agreement. The payment term is Net 60-days from date or receipt of the invoice.
  6. For more detail on payment terms, see Attachment 2, Standard Terms & Conditions and Appendix B, Pricing and Payment.
  7. The JCC will implement a payment retention holdback of 15% until all contract Deliverablesare approved by the JCC program manager in accordance with the Acceptance and Sign Off Form located in the Standard Agreement.



# SUBMISSIONS OF PROPOSALS

Proposals must provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” Section 8.0 below. Expensive bindings, color displays, etc. are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

* 1. The Proposer must submit its proposal in a single email with two attachments labeled as “Technical Proposal” and “Cost Proposal”.
  2. The Proposer must submit an electronic copy of the Technical and Cost Proposals. The proposal attachments must be signed by an authorized representative of the Proposer. The proposals must be submitted via a single email with the two identified attachments to Solicitations@jud.ca.gov. **The Proposer must write the RFP title and number in the subject line of the email.**
  3. The Technical Proposal must include all components and attachments required in Section 8.0. The Cost Proposal must include all components required in Section 9.0.
  4. All proposals, both cost and technical, must be delivered by the date and time listed on the coversheet of this RFP to: [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). **Late proposals will not be accepted.**
  5. Submission acceptance will be based on the date and time the email is received by the Judicial Council. The email must be received prior to the due date and time, or the proposal will not be accepted.

# PROPOSAL CONTENTS

* 1. Technical Proposal: The following information must be included in the technical proposal. **A proposal lacking any of the following information may be deemed non-responsive.**

a. The Proposer’s name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer’s designated representative for purposes of this RFP.

c. For each key staff member: a resume describing the individual’s background and experience, as well as the individual’s ability and experience in conducting the proposed activities.

d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.

e. Proposed method to implement and manage the services under this RFP.

1. Describe how the proposer will implement the services described in the RFP. Provide a detail description of the startup of the call center, website, recruitment of staff, training, testing centers, communications, and overall project management including time estimates for how long it will take.
2. Describe the work plan to ensure continued customer satisfaction throughout the contract period, including items such as guarantees, client surveys, escalation procedures, and bi-weekly meetings to update the JCC Project Manager on the progress of projects.
3. Describe the proposed method to manage the project services under this RFP, including a detailed work plan and chart with milestones and deliverables.
   1. The Technical Proposal must include answers to the following questions:

| **Scoring Section** | **Technical Questions** |
| --- | --- |
| Quality of Work Plan Submitted | * Does your organization have at least five years of experience providing the services described in Section 3.0 of this RFP? * Describe your company’s experience with Program and project management, call center staffing and management, customer service, recruitment, training and management of exam proctors and raters? * Does your company currently provide administration of standardized testing programs? * Describe your company’s current utilization of best practices for standardized testing, including use of computer-based testing, oral proficiency interviews, and/or tiered-testing models? * Does your company currently provide exam administration, including registration, payment, appeals, security and storage of test instruments and data? * Describe onboarding plan for the Judicial Council of California Interpreter Testing Program. * Describe the data, input, resources, etc. you would need from the Judicial Council to get the program up and running. * Describe your data migration and data cleanup plan for starting up operations with the Judicial Council for the Interpreter Testing Program. * How long will it take to get the JCC interpreter program up and running? * How much staff will be dedicated to the interpreter program? * How soon will the proposer be able to start scheduling and administering exams: Written, OPE, BIE? * Describe your current project management methodology. * Will staff allocated to the interpreter program be working full-time, part-time or both? Will they be contractors, employees or both? * Will the proposer’s staff manage the interpreter program internally or sub-contract the services? * What is the proposer’s quality management process and methodology? * Describe your experience with process and quality management and optimization. * How does the proposer plan to administer exams? Describe administration plan for each exam type? * Where are the proposer’s locations? Does the proposer own these locations or rent as needed? * How will the proposer meet the geographic requirements for exam locations? * Describe your strategy for recruitment and training of exam proctors and raters for all three exam types. * Describe your experience working with government clients. * Describe your strategy for successfully working with policy making bodies such as the Judicial Council or the National Center for State Courts. * Describe your billing and invoicing process * Describe how your company will meet and manage the invoicing requirements for this program for the Judicial Council * Describe how you will evaluate the effectiveness of the Interpreter Testing Program if your company is selected to provide the services in this RFP |
| Experience on Similar Projects and Credentials of Staff to Be Assigned | * Please provide detailed resumes for all staff employees or sub-contractors that will be assigned to the JCC interpreter program. * Please provide 3 current references with testimonials from candidates who have utilized your services. * Please provide 3 references from organizations for whom you are administering testing. * Describe your organization’s familiarity with court interpreter testing and the National Center for State Courts standards and procedures. * What professional organizations do you belong to? * What professional industry conferences do you attend? * How does your organization stay up to date on the latest trends and technology for exam development, maintenance and administration? * Provide a narrative that describes how you recruit and train new staff and/or sub-contractors for exam administration. * Describe your company’s expertise and resources for standardized exam development, including written, multiple choice exams administered via computer, and oral, performance simulation exams that are administered in person. * Describe your company’s in house exam development expertise. * Describe your company’s past experience with sub-contracting exam development experts. * Describe your company’s approach to exam development. * Describe your call center operation in detail: staffing, training, technology, locations, time zones, quality management, metrics, etc. If the call center is subcontracted out, then please describe in detail the services and your relationship with the subcontractor, i.e., how long have you worked with the subcontractor, etc. * Describe your call center service level agreements with other similar clients and their programs? * Describe the customer service level agreements you can offer to the Judicial Council. * Where is your company headquartered? Where are your offices located? * Provide resumes for company officers and executives, highlighting their experience with testing and exam administration. * Describe your IT systems, data collection systems, operating systems, transactional systems, reporting systems, etc. * Describe your current and planned levels of IT staffing during the contract term. * Describe your data security policies and procedures as they apply to confidential candidate data. * Describe information security policies, systems and procedures as they apply to exam instruments and any related content. * Describe how your company currently prepares summary data reports for program management that are accurate and concise? * Describe the current candidate and exam data collection and data analysis procedures that you use to ensure data integrity for clients. * Describe your process for updating, storing and sharing historical candidate and exam data. * Describe your approach to migrating candidate communications from primarily paper-based/US mail based to secure electronic/encrypted email. * Describe your policies and procedures for data breaches. * Describe your policies and producers for test breaches. * If a test breach occurs within your organization then describe the remedy you will provide to the Judicial Council to correct the breach and create a new test. * Describe your methods of data collection and analysis, including which software programs you are using. * Describe how your IT systems and IT procedures have been documented and how this documentation is maintained and kept up to date. * Describe your website technology, procedures and documentation and how this is kept up to date. * Is your website hosted internally or externally? * Do you have major or minor planned IT or service upgrades planned in the near term, middle term or future that will occur during the term of this contract? * Describe your procedure for candidate authentication both within your systems and in person at testing locations. * Describe your current level of staff turnover? * If the proposer is awarded a contract under this RFP, then what percentage of the work will the proposer complete and what percentage will be outsourced. * If proposer plans to subcontract work under this RFP, then the proposer will describe in detail what work will be subcontracted. |
| Ability to Meet Timing and Complete Project | * Describe your ability to implement and meet the timing requirements for the services under this RFP. |
| Acceptance of Terms and Conditions | See Attachment 3 |
| DVBE Incentive  See section 14 | See Attachment 8 |

f. Acceptance of the Terms and Conditions.

i. On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.

ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions Attachment 2 that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change. Any exceptions or modifications of the Terms and Conditions not included in the Proposal or received after the Submission Deadline will not be considered.

g. Certifications, Attachments, and other requirements.

i. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with their proposal.

ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5).

iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.

iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

v. Proposer must provide proof of financial solvency or stability (e.g., balance sheets and income statements).

vi. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.

# 9.0 Cost Proposal



The Proposer must submit their cost proposal using Attachment 9.

i. A detailed line-item budget showing total cost of the proposed services.

ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”

iii. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

**NOTE:** It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

# OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) business days following the proposal due date (See Section 4). In the event a final contract has not been awarded within this period, the JBE reserves the right to negotiate extensions to this period.

# EVALUATION OF PROPOSALS

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents, Section 8 and Section 9.

The JBE will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the JBE will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

| **CRITERION** | **maximum number of points** |
| --- | --- |
| **Quality of work plan submitted** *Proposals must include a work plan that demonstrates an understanding of the scope of work in the RFP, including timeline, specific project approaches, and proposed staffing. Work plan should include concrete steps that will be taken by bidder to timely meet all project deliverables and ensure high quality work products.* | **25** |
| **Experience on similar assignments and credentials of staff to be assigned to the project**  *Proposals must indicate prior experience and/or examples of similar previous projects performed, including specific qualifications/experience for key personnel assigned to each project (Include resumes of key personnel assigned to the project).* | **20** |
| **Ability to meet timing requirements to complete the project**  *Proposals must demonstrate a firm capacity to perform all deliverables within the specific timeframe. Evaluation of ability to meet timing requirements will factor in previous work/projects that successfully met project time requirements and milestones.* | **17** |
| **Cost**  *Proposals must include a detailed line-item budget (maximum firm fixed amount for each deliverable) with a detailed narrative explanation and justification to ensure timely, effective and efficient delivery of work. Proposal costs will be evaluated to determine whether the anticipated costs are reasonable and appropriate for completion of all project deliverables.* | **30** |
| **Acceptance of the Terms and Conditions** | **5** |
| **DVBE Incentive** | **3** |

# INTERVIEWS

The JBE may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person, video chat, or by phone. If conducted in person, interviews will likely be held at the JBE’s offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.



# CONFIDENTIAL OR PROPRIETARY INFORMATION

**Proposals are subject to disclosure TO THIRD PARTIES AND MEMBERS OF THE PUBLIC pursuant to applicable LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO rule 10.500 of the California Rules of Court.** Except as required by law, the JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JBE’s right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, pursuant to this Section 13.0. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

# DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 11.0 above.

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

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 8). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

2. Proposer must submit with its proposal a DVBE Declaration (Attachment 8) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE**: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

**FRAUDULENT MISREPREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.**

# PROTESTs

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see *www.courts.ca.gov/documents/jbcl-manual.pdf*). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the JBE to receive a solicitation specifications protest is in Section 4.0 Timeline for this RFP. Protests must be sent to:

[Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)

AND

Judicial Council of California

Branch Accounting and Procurement

ATTN: Protest Hearing Officer, RFP Number CFCC-2022-02-TQ

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688

***(Indicate Solicitation Number and Name of Your Firm on***

***lower left corner of envelope.)***

1. [*National Center for State Courts State Court Interpreter Testing Desk Reference Manual*](https://www.ncsc.org/__data/assets/pdf_file/0020/74513/FINAL-NCSC-State-Court-Interpreter-Testing-Desk-Reference-Manual-rev-March-2022-3-10-22.pdf), 10 Mar. 2022, Section 7.6, Re-Rating of Exams. Page 73. [↑](#footnote-ref-1)