



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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**TO:** POTENTIAL BIDDERS

**FROM:** Administrative Office of the Courts  
Finance Division

**DATE:** May 12, 2009

**SUBJECT/PURPOSE OF MEMO:** REQUEST FOR PROPOSALS  
The Administrative Office of the Courts seeks the services of a consultant with knowledge of superior court systems, particularly jury systems, expertise in business operations and management, and experience evaluating data collected by electronic data management systems, to conduct an assessment of jury utilization for the Superior Courts of California.

**ACTION REQUIRED:** You are invited to review and respond to the attached Request for Proposals (“RFP”):  
**Project Title: Assessment of Juror Utilization in the Superior Courts of California**  
**RFP Number: EOP-200905-CT**

**CLARIFICATION OR MODIFICATION QUESTIONS DUE DATE:** Questions may be submitted to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) no later than **1:00 p.m. (Pacific Time) on May 19, 2009.**

**PROPOSAL DUE DATE:** **Proposals must be received by 3:00 p.m. (Pacific Time) on June 3, 2009**

**SUBMISSION OF PROPOSAL:** Proposals must be sent to:  
**Judicial Council of California**  
**Administrative Office of the Courts**  
**Attn: Nadine McFadden, EOP-200905-CT**  
**455 Golden Gate Avenue**  
**San Francisco, CA 94102**

**FOR FURTHER INFORMATION:** **E-MAIL:**  
[Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)

## 1.0 GENERAL INFORMATION

### 1.1. Background

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the 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. The Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.

### 1.2. Background of the California Jury Improvement Program

1.2.1. In 2006, the Judicial Council adopted the Strategic Plan for California's Judicial Branch, 2006-2012. In 2008, the council adopted the Operational Plan for California's Judicial Branch, 2008-2011. Each of these documents reflect statewide trends, court system values, external mandates, stakeholder expectations, and other forces that shape the environment of the courts. These documents set forth long-range strategic goals and systematic initiatives to meet these goals. The importance of ascertaining court needs and priorities and continually innovating jury administration and management practices is reflected in Goal VI of the Strategic Plan and Objectives, IV(2)(a), IV(2)(b), IV(2)(c), and IV(2)(d) of the Operational Plan.

[http://www.courtinfo.ca.gov/reference/2\\_annual.htm](http://www.courtinfo.ca.gov/reference/2_annual.htm).

1.2.2. The Jury Improvement Program was created by the Judicial Council in 1995 to undertake a comprehensive review of all aspects of the jury system, including such issues as juror yield, care and treatment of jurors, citizen expectations about jury service, and trial efficiency. Since 1995, the program has supported the work of advisory groups charged by the council by providing policy recommendations for improving the state's jury system. These advisory groups include the Blue Ribbon Commission on Jury System Improvement and the Task Force on Jury System Improvements, among others.

1.2.3. Most recently, the Judicial Council's Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Working Group on Jury Administration have continued to undertake innovative improvements to the jury system related to guidelines for juror utilization, jurors who fail to appear for jury service, adjustments to juror pay and reimbursement, and overall improvement of the juror experience.

The program also works directly with the trial courts to promote improvements in the administration and management of jurors.

- 1.2.4. Bidders for this Request for Proposals can learn more about the Jury Improvement Program at: <http://www.courtinfo.ca.gov/jury/> and <http://www.courtinfo.ca.gov/jury/program.htm>.

## **2.0 PURPOSE OF THIS RFP**

- 2.1 The AOC seeks the services of a consultant with:
- 2.1.1 Experience with or knowledge of superior court systems, particularly the jury system; and
  - 2.1.2 Expertise in data collection and evaluation; and
  - 2.1.3 Expertise in evaluation of business operations and management, with a focus on demonstrating the impact of business process changes on business operations.
- 2.2 Contractor will develop, implement, and report on an assessment of juror utilization in 6-8 California superior courts by collecting and analyzing jury data, observing jury administration and management programs in the selected courts, interviewing court staff, and working closely with designated AOC staff. Contractor will prepare best practices materials including standards for panel sizes for cases of particular case types and lengths; an outline with accompanying materials for education/training sessions on the topic; and shall develop an outline for a Web-based knowledge center for the courts to access and understand the aforementioned information on the topic.
- 2.3 Currently, the courts annually track, among other statistical measures, the number of jurors summoned, the number of jurors excused or disqualified from service for various reasons, the number of jurors who fail to appear for service, and the number of jurors who ultimately serve on juries. The questions of whether those jurors are being effectively used during in person service, whether courts are over summoning jurors, and whether jury panels are inflated for certain case types and lengths of trials, are crucial to streamlining jury management policies and procedures.
- 2.4 Currently, many courts have not undertaken a systematic review and evaluation of their processes or developed internal metrics for evaluating these questions. The Contractor will be required to develop metrics to create a baseline measurement, make recommendations, and to provide the courts a method of assessing business function in subsequent years. Courts should be provided tools to be able to analyze data on a quarterly basis.

- 2.5 An evaluation that is independent in part is critical to the efficient function of the jury system. An evaluation that goes beyond the statistics already gathered to better assess the core function of the jury system—the creation of jury panels—will improve court processes and lead to improved trust and confidence between the public and the courts.

### 3.0 SCOPE OF SERVICES

- 3.1 Services are expected to be performed by the consultant between June 2009 and June 30, 2010.
- 3.2 Contractor will develop, implement, and report on an assessment of jury utilization in 6-8 California superior courts by collecting and analyzing data, observing jury administration and management programs in the selected courts, interviewing court staff, and working closely with designated AOC staff. Contractor will prepare best practices materials including standards for panel sizes for cases of particular case types and lengths; an outline with accompanying materials for education/training sessions on the topic; and shall develop an outline for a Web-based knowledge center for the courts to access and understand the aforementioned information on the topic.
- 3.2 In performing the work of the project, the Consultant will be required to provide the following Deliverables:
- 3.2.1 **Deliverable No. 1: due July 15, 2009**> Consultant shall conduct academic survey of juror utilization literature, to include panel size literature and prepare written summary of findings.
- The AOC will provide definitions of terms such as jurors reached, not reached, challenged, recycled, etc. for use by Contractor. If Contractor does not have a background in the judicial system, Contractor will work with AOC staff to educate Contractor on the history of the California courts, the jury system, and the importance of limiting jury panel sizes. Regardless of background, AOC staff will provide Contractor with some academic literature.
- 3.2.2 **Deliverable No. 2: due July 30, 2009**> Contractor shall meet with AOC staff to discuss the project. To fulfill Deliverable No. 1, Contractor shall also:
- 3.2.2.1 Review materials regarding a currently planned 6 month implementation of panel size reduction in selected courts.
- 3.2.2.2 Review monthly jury management reports from selected courts as well as statewide jury management data collected by the

Administrative Office of the Courts to assess current juror utilization in selected courts.

- 3.2.3 **Deliverable No. 3: due September 30, 2009**> Consultant shall conduct site visits to selected courts and departments to do some, if not all, of the following: (1) observe jury practices in both courtroom and non-courtroom (e.g., assembly room), (2) meet with court administrators, judicial officers, and jury staff, (3) gather sample juror strike sheets from the selected superior court for use in development of model juror strike sheet, and (4) prepare a written summary of all findings.
- 3.2.4 **Deliverable No. 4: due October 31, 2009**> Consultant shall calculate a cost per juror estimate to assess cost savings to the court by effective and efficient juror utilization.
- 3.2.5 **Deliverable No. 5: due January 31, 2010**> Consultant shall conduct focus group session(s) with court administrators, judicial officers, and/or jury staff in selected courts to discuss recently implemented panel size reductions in each of their courts and prepare a written summary of findings.
- 3.2.6 **Deliverable No. 6: due March 15, 2010**> Consultant shall develop best practices materials (handbook for court staff, handbook for judges, calculations tool, model strike sheet, etc.) for distribution to the courts statewide to include, but not limited to, the following: sample admonitions, checklists, speeches for judges to use in the courtroom, standards for panel sizes for cases of particular types/lengths, and suggestions as to how to best affect the transition to using smaller panel sizes.
- 3.2.7 **Deliverable No. 8: due April 30, 2010**> Contractor shall develop outline for education/training sessions for judges and court executive officers; Contractor should also develop training materials including handouts.
- 3.2.8 **Deliverable No. 9: due May 15, 2010**> Contractor shall develop outline of a Web site to display best practices materials in a Web format.
- 3.2.9 **Deliverable No. 10: due June 1, 2010**> Contractor shall meet with AOC staff and JWGJA, present the materials/findings of the project and answer any questions.
- 3.2.10 **Deliverable No. 11: due June 30, 2010**> Final materials—best practices handbook, standards, evaluation tools, Web outline, education/training materials, etc.—due from Contractor to AOC.

#### **4.0 EVALUATION OF PROPOSALS**

- 4.1 Proposals will be evaluated by the AOC using the following criteria, in order of descending priority:
  - 4.1.1 Quality of work plan submitted;
  - 4.1.2 Credentials of staff to be assigned to the project;
  - 4.1.3 Ability to meet timing requirements to complete the project;
  - 4.1.4 Reasonableness of cost projections and Fee proposal; and
  - 4.1.5 Experience on similar assignments.

#### **5.0 SPECIFICS OF A RESPONSIVE PROPOSAL**

- 5.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the state's instructions, requirements of this RFP, and completeness and clarity of content.
- 5.2 The following information shall be included as the technical portion of the proposal:
  - 5.2.1 Name, address, telephone and fax numbers, and federal tax identification number. Note that if a sole proprietorship using its social security number is awarded a contract, the social security number will be required prior to finalizing a contract.
  - 5.2.2 Resumes describing the background and experience of key staff, as well as each individual's ability and experience in conducting the proposed activities.
  - 5.2.3 Description of key staff's knowledge of the requirements necessary to complete this project.
  - 5.2.4 Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the consultant has conducted similar services. The AOC may check references listed by the consultant.
  - 5.2.5 Overall plan with time estimates for completion of all work required.
  - 5.2.6 Method to complete the Project:
    - 5.2.6.1 Proposed process necessary to address the project objectives.
      - 5.2.6.1.1 Include plan for refining, as necessary, research questions presented in RFP.

- 5.2.6.1.2 Include any materials, background, reference, etc., Contractor will require before beginning RFP Deliverable No. 1.
- 5.2.6.1.3 Set forth ability to conform to AOC cost projections.
- 5.2.6.1.4 Set forth ability to meet timing requirements to complete the Project. Overall plan must include ability to conform to time estimates for completion of all work required.

5.2.6.2 Proposed data collection methods and methodology:

- 5.2.6.2.1 Include plan for gathering required quantitative data from participating courts.
- 5.2.6.2.2 Include plan for gathering qualitative data from participating judicial officers and court employees.
- 5.2.6.2.3 Include proposed methods for identifying where improvements may be made, and how Contractor will record these interactions and reporting on these findings.
- 5.2.6.2.4 Include proposed methods for outreach to, discussion with, and recording of the impressions of possible potential jurors.
- 5.2.6.2.5 Include proposed methods for analyzing data and presenting findings.
- 5.2.6.2.6 Set forth any experience re evaluation of similar assignments.
- 5.2.6.2.7 Set forth any experience evaluating other projects that combined quantitative and qualitative data.

5.2.6.3 Proposed team organization:

- 5.2.6.3.1 Credentials of staff to be assigned to the Project. Describe key staff's knowledge of the requirements necessary to complete this project. Provide professional qualifications and experience of key staff, as well as each individual's ability and experience in conducting the proposed activities.
- 5.2.6.3.2 Set forth any experience of each staff re evaluation of similar assignments.
- 5.2.6.3.3 Set forth any experience of each staff, re: evaluating other projects that combined quantitative and qualitative data.

## 6.0 COST PROPOSAL

- 6.1 The total cost or fees for consultant services will not exceed **\$125,000** inclusive of personnel, materials, computer support, travel, lodging, per diem, and overhead rates.
- 6.2 Consultant's cost or fee proposal shall be deliverable-based and shall contain a cost/fee break-out by the deliverables specified in the Scope of Services.
- 6.3 As a separate document, submit a detailed line item, budget broken-out by deliverable, showing total cost of the services. Fully explain and justify all budget line items in a narrative entitled "Budget Justification." The Budget Justification shall include the hourly rates for all proposed project staff along with time estimates by deliverable for each of proposer's project staff.
- 6.4 Proposers must provide a completed and signed DVBE Participation Form (blank form is included as Attachment 5 to this RFP).
- 6.5 It is expected that all service providers responding to this RFP will offer the service provider's government or comparable favorable rates.
- 6.6 **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** The AOC's method of payment to the selected consultant for the services specified in this RFP will be by cost reimbursement.

## 7.0 SUBMISSION OF PROPOSALS

- 7.1 Provide an original and seven (7) hardcopies of the proposal signed by an authorized representative of the company, including name, title, address, email address, and telephone number of one individual who is the bidder's designated representative and single point of contact.
- 7.2 In addition to the original and hardcopies required by the previous subparagraph, provide one (1) non copy-protected electronic copy of the entire proposal in MS Word compatible format by submitting it on either a CD-ROM or DVD.
- 7.3 A vendor's submitted proposal shall constitute an irrevocable offer for **90 days** following the Proposal Due Date & Time as set forth on the coversheet to this RFP.
- 7.4 Proposals must be delivered to the individual listed in the Submission of Proposals section of the coversheet to this RFP and must be received no later than the Proposal Due Date & Time as set forth on the coversheet to this RFP.



- 7.5 All proposals must be delivered via U.S. Mail, common carrier, overnight delivery service (with proof of delivery), or hand delivery. A receipt should be requested for hand delivered material. Proposals received prior to the Proposal Due Date & Time that are marked properly will be securely kept, unopened until the Proposal Due Date & Time. Proposals received after the Proposal Due Date & Time will be deemed non-responsive and will not be considered. The AOC shall not be responsible for any delays in mail or by common carriers or by delivery errors or delays or missed delivery.
- 7.6 The proposer is solely responsible for ensuring that the full and complete proposal is received by the AOC in accordance with the solicitation requirements prior to the Proposal Due Date & Time and at the place specified.
- 7.7 **Submittal of proposals by facsimile or email transmission is not acceptable, and any proposal so transmitted will be rejected as non-responsive.**
- 7.8 Independence of Proposal and Joint Proposals:
- 7.8.1 Unless a proposer is submitting a joint proposal, the proposer represents and warrants that by submitting its proposal it did not conspire with any other vendor to set prices in violation of anti-trust laws.
- 7.8.2 A proposal submitted by two or more vendors participating jointly in one proposal may be submitted, but one vendor must be identified as the prime contractor and the other as the subcontractor. The AOC assumes no responsibility or obligation for the division of payments, authorized expenses if allowed by the subsequent contract, or responsibilities among joint contractors.

**8.0 RFP SCHEDULE AND GENERAL INSTRUCTIONS**

- 8.1 The AOC has developed the following list of key events and dates from issuances of this RFP through commencement of contracted services. All key events and dates are subject to change at the AOC’s sole discretion.

<i>Event Description</i>	<i>Key Dates</i>
RFP Posted	May 12, 2009
Deadline for Proposers Questions	<b>1:00 p.m. (Pacific Time) on May 19, 2009</b>
AOC Posts Clarification / Response to Proposers Questions (estimated)	May 21, 2009

<i>Event Description</i>	<i>Key Dates</i>
Proposal Due Date & Time	<b>3:00 p.m. (Pacific Time) on June 3, 2009</b>
Notice of Intent to Award Contract (estimated)	June 8, 2009
Commencement of Contracted Services (estimated)	June 20, 2009

- 8.2 The RFP and any addenda that may be issued, including responses to proposers' requests for clarification or modification, will be made available on the following website:

<http://www.courtinfo.ca.gov/reference/rfp> (CourtInfo web site)

8.3 Request for Clarifications or Modifications

- 8.3.1 Vendors interested in responding to the solicitation may submit questions by e-mail only on procedural matters related to the RFP or requests for clarification or modification of this solicitation document, including questions regarding the Terms and Conditions in Attachment B, to the Solicitations mailbox referenced below. If the vendor is requesting a change, the request must state the recommended change and the vendor's reasons for proposing the change.

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

- 8.3.2 All questions and requests must be submitted by e-mail to the Solicitations mailbox and received no later than the date and time specified in Section 8.1 above. Questions or requests submitted after the due date will not be answered.
- 8.3.3 All e-mail correspondence sent to the Solicitations mailbox **MUST** contain the RFP number and other appropriate identifying information in the e-mail subject line. In the body of the e-mail message, always include paragraph numbers whenever references are made to content of this RFP. Failure to include the RFP number as well as other sufficient identifying information in the e-mail subject line may result in the AOC's taking no action on a vendor's e-mail submission.
- 8.3.4 Without disclosing the source of the question or request, the AOC Contracting Officer will post a copy of both the questions and the AOC's responses on the Courtinfo Web site.

- 8.3.5 If a vendor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the vendor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the vendor must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the vendor will be so notified.

## 9.0 RFP ATTACHMENTS AND APPENDICES

- 9.1 The following Attachments are incorporated into this Request For Proposals (RFP) by reference:

Attachment 1 - Administrative Rules Governing Request For Proposals

Attachment 2 – Minimum Contract Terms

Attachment 3 – Vendor Acceptance of Minimum Contract Terms and Conditions Form

Attachment 4 – Payee Data Record

Attachment 5 – DVBE Participation Form

- 9.1.1 Attachment 1, Administrative Rules Governing Request for Proposals. Proposers shall follow and be bound by the rules, set forth in Attachment 1 in preparing their proposal.
- 9.1.2 Attachment 2, Minimum Contract Terms. The Contract with the successful firm will be signed by the parties on a Judicial Council of California, Administrative Office of the Courts Standard Agreement that contains the minimum terms and conditions for such Agreement and which are set forth in Attachment 2.
- 9.1.3 Attachment 3, Vendor Acceptance of Minimum Contract Terms Form. Proposers must either indicate acceptance of Contract Terms, as they are set forth in Attachment 2, Contract Terms, or clearly identify exceptions to the Minimum Contract Terms, as set forth in Section 9.1.3.1, below.
- 9.1.3.1 If exceptions are identified, then proposers must also submit:
- 9.1.3.1.1 a red-lined version of Attachment 2, Contract Terms, that clearly tracks proposed changes to this attachment, and
  - 9.1.3.1.2 written documentation containing proposer's rationale to substantiate each and every such proposed change.

9.1.3.2 Due to the AOC's requirements to have the resulting contract in place prior to the end of the State of California's fiscal year on June 30, 2009, the nature and extent of any proposed exceptions to the Minimum Contract Terms may be deemed by the AOC as providing an adverse impact on the vendor's ability to meet the timing requirements of the project.

9.1.4 Attachment 4, Payee Data Record Form. The AOC is required to obtain and keep on file, a completed Payee Data Record for each vendor prior to entering into a contract with that vendor. Therefore, proposer's proposal must include a completed and signed Payee Data Record Form, set forth as Attachment 4.

9.1.5 Attachment 5, DVBE Participation Form. Proposers must demonstrate either (i) DVBE compliance with minimum participation goals, or (ii) written evidence of a "good faith effort" explaining why compliance with DVBE goals cannot be achieved. Therefore, proposer's proposal must include a completed and signed DVBE Participation Form, set forth as Attachment 5.

## **10.0 RIGHTS**

The AOC reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the proposal. One copy of a submitted proposal will be retained for official files and becomes a public record.

## **11.0 CONTACT WITH THE AOC**

11.1 Prospective service providers are specifically directed NOT to contact any AOC personnel or its consultants for meetings, conferences, or discussions that are specifically related to this RFP at any time prior to any notice of intent to award a contract. Unauthorized contact with any AOC personnel or its consultants may be cause for rejection of the vendor's proposal.

11.2 All communications with the AOC regarding this RFP, including submittal of questions pertaining to these solicitation documents, shall be made through the AOC's Solicitation Mailbox ([solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov)).

## **12.0 ADDITIONAL REQUIREMENTS**

12.1 It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews may be conducted by phone or by in-

person presentations, at the AOC's discretion. The AOC will notify prospective service providers regarding the interview arrangements.

- 12.2 It may also be necessary for the AOC to request additional documentation or information in order to clarify aspects of a proposal or a vendor's ability to perform the required services. Should the AOC request such documentation or information, proposer shall provide the requested documentation or information no later than the date specified by such request.
- 12.3 Failure of a proposer to participate in an interview, or provide requested documentation or information by the AOC's specified date may result in the vendor's proposal being disqualified for further evaluation.

### **13.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a vendor's proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a vendor is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its proposal.

### **14.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

- 14.1 The State of California Executive Branch requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The AOC, as a policy, follows the intent of the Executive Branch program. Therefore, your proposal should demonstrate DVBE compliance; otherwise, if it is impossible for your company to comply, please explain why, and demonstrate written evidence of a "good faith effort" to achieve participation. For further information regarding DVBE resources, please contact the Office of Small Business and DVBE Certification, at 916-375-4940 or access DVBE information on the Executive Branch's Office of Small Business and DVBE Internet web site at: <http://www.dgs.ca.gov/default.htm>.
- 14.2 Prospective consultants/service providers must complete the DVBE Participation Form, included as Attachment E to this RFP, and include the signed form with the proposer's Cost/Fee Proposal.

*END OF BASE RFP*