



REQUEST FOR PROPOSALS

ADMINISTRATIVE OFFICE OF THE COURTS

**REGARDING:
PUBLISHER OF FOUR PUBLICATIONS OF THE
JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS**

RFP: CJER HB 0712-LM

**PROPOSALS DUE:
July 31, 2012 NO LATER THAN 3:00 P.M. (PACIFIC TIME)**

GENERAL INFORMATION

INTRODUCTION

The purpose of this Request for Proposals (**RFP**) is to solicit and award a contract to a qualified service provider with expertise in commercial book publishing to print new editions of the California Center for Judicial Education and Research's publications: *Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, *California Judges Benchbook: Search and Seizure*, and *California Judges Benchbook: Domestic Violence Cases in Criminal Court*.

Additional information about and documents pertaining to this solicitation, including electronic copies of the solicitation documents can be found on the California Courts Website, at www.courts.ca.gov/rfps.htm (**Courts Website**).

1.0 BACKGROUND INFORMATION

- 1.1 Judicial Council of California – Administrative Office of the Courts. The Judicial Council of California (**Judicial Council**), 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 CJER Publications. The California Center for Judicial Education and Research (**CJER**), as the Education Division of the AOC, is responsible for developing and maintaining a comprehensive and quality educational program for the California judicial branch. Formed in 1973 as a joint enterprise of the Judicial Council and the California Judges Association, CJER supports the Chief Justice, the Judicial Council, and the courts by providing an extensive statewide educational program for judicial officers and court staff at both the trial and appellate levels. It includes orientation programs for new judicial officers, court clerks, and administrative officers; continuing education programs for judicial officers, court administrators, and managers; an annual statewide conference for judicial officers and court administrators; video and audiotapes; and judicial benchbooks, benchguides, and practice aids.
 - 1.2.1 The four (4) publications authored by CJER, *Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, *California Judges Benchbook: Search and Seizure*, and *California Judges Benchbook: Domestic Violence Cases in Criminal Court*, are part of a comprehensive collection of criminal law educational materials that are distributed by CJER to California judicial officers without charge.
 - 1.2.2 The *Felony Sentencing Handbook* is a quick-reference tool for judges with

criminal assignments, and provides a listing of the sentencing terms of all California felonies, felony sentencing enhancements, and probation restrictions. The California Continuing Education of the Bar (CEB) has published the handbook annually for the last seven years.

- 1.2.3 The *Mandatory Criminal Jury Instructions Handbook* is a quick reference tool, containing a brief summary of the substantive law of sua sponte requirements for instruction, a checklist of mandatory instructions, and a discussion of common instructional errors. CEB has published the handbook annually for the last seven years.
- 1.2.4 The *California Judges Benchbook: Search and Seizure* is a comprehensive guide to search and seizure law, including discussion of the exclusionary rule, search warrants, temporary detentions, arrest and searches incident to arrest, warrantless searches, and suppression motions. Two editions of the benchbook have been published by CEB.
- 1.2.5 The *California Judges Benchbook: Domestic Violence Cases in Criminal Court* discusses the handling of domestic violence cases in criminal court. The benchbook covers pretrial release considerations, criminal protective orders, case dispositions before trial, preliminary hearing and trial considerations, and sentencing. Seven editions of the benchbook have been published by CEB.
- 1.2.6 The copyright to both handbooks and both benchbooks is held by the Judicial Council of California, Administrative Office of the Courts.
- 1.2.7 By anecdotal evidence, we understand that the handbooks and benchbooks are well regarded among the judiciary.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The primary objective of this project is to publish new editions of the *Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, *California Judges Benchbook: Search and Seizure*, and *California Judges Benchbook: Domestic Violence Cases in Criminal Court*, and to make copies of the new editions available to every California judicial officer. CJER plans to publish revised editions of the *Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, and the *California Judges Benchbook: Domestic Violence Cases in Criminal Court* annually. A new edition of the *California Judges Benchbook: Search and Seizure* and will be published with annual cumulative updates to follow.
- 2.2 A secondary objective is to make the *Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, *California Judges Benchbook: Search and Seizure*, and *California Judges Benchbook: Domestic Violence Cases in Criminal Court* available to the bar at a reasonable cost.
- 2.3 For this reason, the Judicial Council is willing to consider an arrangement under which

the Judicial Council grants a private publisher the right to sell, in print and/or in electronic format, *the Felony Sentencing Handbook*, *Mandatory Criminal Jury Instructions Handbook*, *California Judges Benchbook: Search and Seizure*, and *California Judges Benchbook: Domestic Violence Cases in Criminal Court* to nonjudges, and as consideration, the publisher will print and distribute copies of the handbooks and benchbooks to California judicial officers.

- 2.4 The services are expected to be performed by the selected service provider between **September 4, 2012** and **June 28, 2013** (“**Initial Term**”) with three (3) possible consecutive one-year option terms, to extend the agreement under the same terms and conditions in effect for the Initial Term, not to exceed a total contract period of four (4) years. These option terms are defined as follows:

First Option Term: July 1, 2013 through June 30, 2014
Second Option Term: July 1, 2014 through June 30, 2015
Third Option Term: July 1, 2015 through June 30, 2016

- 2.5 The projected publication dates are as follows

2.5.1 Initial Term

- *2013 Mandatory Criminal Jury Instructions Handbook* — January 2013
- *2013 Felony Sentencing Handbook* — March 2013
- *2013 California Judges Benchbook: Domestic Violence Cases in Criminal Court* — April 2013
- *California Judges Benchbook: Search and Seizure* (Third Edition) — June 2013

2.5.2 First Option Term

- *2014 Mandatory Criminal Jury Instructions Handbook* — January 2014
- *2014 Felony Sentencing Handbook* — March 2014
- *2014 California Judges Benchbook: Domestic Violence Cases in Criminal Court* — April 2014
- Cumulative update to *California Judges Benchbook: Search and Seizure* (Third Edition) — June 2014

2.5.3 Second Option Term

- *2015 Mandatory Criminal Jury Instructions Handbook* — January 2015
- *2015 Felony Sentencing Handbook* — March 2015
- *2015 California Judges Benchbook: Domestic Violence Cases in Criminal Court* — April 2015
- Cumulative update to *California Judges Benchbook: Search and Seizure* (Third Edition) — June 2015

2.5.4 Third Option Term

- 2016 Mandatory Criminal Jury Instructions Handbook — January 2016
- 2016 Felony Sentencing Handbook — March 2016
- 2016 California Judges Benchbook: Domestic Violence Cases in Criminal Court — April 2016
- Cumulative update to California Judges Benchbook: Search and Seizure (Third Edition) — June 2016

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	July 13, 2012
Deadline for questions to solicitations@jud.ca.gov	July 23, 2012, 3:00 PM (Pacific Time)
Questions and answers posted (<i>estimate only</i>)	July 25, 2012
Latest date and time proposal may be submitted	July 31, 2012, 3:00 PM (Pacific Time)
Evaluation of proposals (<i>estimate only</i>)	August 1 through 8, 2012
Notice of Intent to Award (<i>estimate only</i>)	August 14, 2012
Negotiations and execution of contract (<i>estimate only</i>)	August 24, 2012
Notice of Award (<i>estimate only</i>)	August 27, 2012
Contract start date (<i>estimate only</i>)	September 4, 2012
Contract end date (<i>estimate only</i>)	June 28, 2013

[Remainder of page intentionally left blank]

4.0 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: AOC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign an AOC Standard Form agreement containing these terms and conditions (the “Terms and Conditions”). The provisions marked with an (*) within the Terms and Conditions are minimum contract terms and conditions (“Minimum Terms”).
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: Payee Data Record Form	This form contains information the AOC requires in order to process payments.
Attachment 5: Darfur Contracting Act Certification	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Conflict of Interest Certification Form	Proposer must complete Conflict of Interest Certification and submit the completed certification with its proposal.

5.0 SUBMISSIONS OF PROPOSALS

- 5.1 Proposals should provide straightforward, concise information that satisfies the requirements of Section 6 (“Proposal Contents”). Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Proposer must submit **one (1) original and three (3) copies** of the proposal. The original must be signed by an authorized representative of the Proposer. The Proposer must write the RFP title and number on the outside of the sealed envelope.
- 5.3 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.
- 5.4 The Proposer must submit a complete electronic version of the proposal on CD-ROM. The files contained should be in PDF as well as editable/unprotected Word or Excel formats.
- 5.5 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

RFP Title: CJER Publications
RFP No.: CJER HB 0712-LM

Judicial Council of California
Administrative Office of the Courts
Finance/Business Services
Attn: Nadine McFadden, RFP: CJER HB 0712-LM
455 Golden Gate Avenue 7th Floor
San Francisco, CA 94102-3688

5.6 Late proposals will not be accepted.

6.0 PROPOSALS CONTENTS

The following information must be included in the proposal. A proposal lacking any of the following information may be deemed non-responsive.

- 6.1 Experiences on similar projects, particularly those involving commercial book publishing. Provide past record of performance on contracts with (i) the AOC, other government agencies or public bodies, and (ii) with private industry, including such factors as quality of work, ability to meet schedules, cooperation, responsiveness, and other managerial and attitudinal considerations.
- 6.2 Ability to meet time requirements to complete the Project. Overall plan with time estimates for completion of both handbooks and both benchbooks.
- 6.3 Delivery of Manuscript. Identification of format in which the final manuscript of both handbooks and both benchbooks must be provided to proposer.
- 6.4 Typesetting. Typesetting specifications for both handbooks and both benchbooks.
- 6.5 Electronic Publication. Describe electronic distribution, if any, of the contents of both handbooks and both benchbooks to California judicial officers.
- 6.6 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.
- 6.7 Proposer's name, address, telephone and facsimile numbers, and federal tax identification number.
- 6.8 Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP
- 6.8 Acceptance of the Terms and Conditions.
 - 6.8.1 If exceptions are identified, the Proposer must also submit a redlined version of *Attachment 2 - AOC Standard Terms and Conditions* that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

6.8.2 On *Attachment 3 - Proposer's Acceptance of Terms and Conditions*, the Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other change.

6.9 Certifications, Attachments, and other requirements.

6.9.1 Proposer must include the following certification in its proposal:

6.9.1.1 Proposer must include the following certification in its proposal:

Proposer must include in its proposal a completed and signed *Attachment 4, Payee Data Record Form*, or provide a copy of a form previously submitted to the AOC.

6.9.1.2 Proposer must complete *Attachment 5 - Darfur Contracting Act Certification* and submit the completed certification with its proposal.

6.9.1.3 Using *Attachment 6- Conflict of Interest*, Proposer certifies it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

6.9.1.4 If Proposer is a corporation and the contract will be performed within California, proof that Proposer is in good standing and qualified to conduct business in California. AOC may verify by checking with California's Office of the Secretary of State.

6.9.1.5 Copies of current business licenses, professional certifications, or other credentials.

7.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the AOC reserves the right to negotiate extensions to this period. The AOC may release all offers upon issuance of a Notice to Award. (See RFP, section 3.0 for *Timeline For This RFP*.)

8.0 EVALUATION OF PROPOSALS

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

The AOC 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.

CRITERION	MAXIMUM POINTS
Quality of work plan submitted	20
Experience on similar projects with expertise in commercial book publishing	20
Ability to meet time requirements to complete the project	20
Credentials of key staff to be assigned to the project	20
Acceptance of the Terms and Conditions	20
Maximum Score	100

9.0 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 a proposal. One copy of each proposal will be retained by the AOC for official files and will become a public record.

10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the AOC for official files and will become a public record. California judicial branch entities are subject to rule 10.500 of the California Rule of Court, which governs public access to judicial administrative records (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500).

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The AOC has waived the inclusion of DVBE participation in this solicitation.

12.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract 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-

RFP Title: CJER Publications
RFP No.: CJER HB 0712-LM

responsive, and will result in rejection of the protest. The deadline for the AOC to receive a solicitation specifications protest is the due date and time for submittal of proposals. Protests must be sent to:

Administrative Office of the Courts
Finance/Business Services
Attn: Protest Hearing Officer, RFP: CJER HB 0712-LM
455 Golden Gate Avenue, Seventh Floor
San Francisco, CA 94102-3688

END OF RFP