

RFP Title: HCRC Diversity & Inclusion  
RFP Number: HCRC-2018-48-RB

## REQUEST FOR PROPOSALS

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### **REGARDING:**

RFP TITLE: HCRC DIVERSITY & INCLUSION  
RFP NUMBER: HCRC-2018-48-RB

### **PROPOSALS DUE:**

AUGUST 24, 2018 NO LATER THAN 2:00 P.M. PACIFIC TIME

## **1.0 BACKGROUND INFORMATION**

1.1 The Habeas Corpus Resource Center (“HCRC”) provides counsel to represent indigent men and women under sentence of death in California. The HCRC employs attorneys, investigators, paralegals, and other support staff. The HCRC's mission is to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings before the Supreme Court of California and the federal courts, to recruit and train attorneys to expand the pool of private counsel qualified to accept appointments in death penalty habeas corpus proceedings, and to serve as a resource to appointed counsel, thereby reducing the number of unrepresented indigents on California's death row.

Established in 1998, the HCRC initially focused on recruitment and training and developing its comprehensive online Resource Assistance Database. It is now actively engaged in providing representation in capital cases, providing training for private attorneys appointed in capital cases, and assisting the Supreme Court of California in recruiting attorneys to accept capital habeas appointments. The HCRC is located in downtown San Francisco.

1.2 The HCRC is seeking a Subject Matter Expert Trainer/Presenter (“Proposer”) to design a training program and deliver the training for all of the HCRC’s 88 employees on the topic of Diversity and Inclusion, including information on Implicit Bias and Microaggression in the workplace. The HCRC’s employees are located in San Francisco and the training will be provided in such location.

## 2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Proposer will be conversant in this subject matter and have experience in training people on the topics such as, but not limited to:

- 1) Recognizing bias and the types of bias
- 2) Understanding the impact of bias and microaggression in the workplace, and
- 3) How to reduce biased behavior.

The Proposer will also facilitate discussions as needed and provide training on how to conduct discussions around the topics of race, bias, and microaggressions.

Year 1, the Proposer would provide training for all of the HCRC's supervisors and employees (total of 88) in 4 - 6 training sessions held over a 12-month period.

Year 2 and again Year 3, the Proposer would provide one (1) follow up meeting each year to provide information and facilitate ongoing discussion. Each of the training sessions would be up to 3 hours with up to 88 participants per training session and would be held at HCRC's San Francisco location.

The HCRC has a training room that will hold all of the participants in a lecture-only configuration. The HCRC will provide the training room space and equipment such as a computer and projector, as needed for teaching the courses; Proposer will provide all materials, take-away, copies, etc.

The expectations are, the Proposer will:

- Provide up to two (2) *initial* training sessions, 1 for supervisors and 1 for staff. Each course should be a minimum of two (2) hours and shall not exceed three (3) hours. The training course must be designed to employ a variety of teaching methods designed to address the needs of HCRC supervisors and employees.
- Provide ongoing training support, consisting of quarterly, facilitated discussions and informational sessions. Each course should be a minimum of two (2) hours and shall not exceed three (3) hours.
- Provide documentation to demonstrate that the training content developed is based on recent research and has been proven effective in reducing biased behavior, enabling communication, and improving office culture. Examples of such documentation could include relevant data, articles, references, etc.
- Provide customized training sessions that meet the needs of the HCRC's employees (i.e., connect the training to the work the HCRC does) and also takes into account the various ages/backgrounds and education of staff.

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- Provide two (2) milestone deliverables up to forty-five (45) days prior to the training. After award, HCRC staff member(s) will be available to provide any information needed regarding the work of the participants to help with customization and will approve these items upon completion.
  - A customized course description(s)
  - A course outline/lesson curriculum plan that clearly explains the course objectives, how each objective will be met and the criteria for measuring training objectives.
- Provide the initial training session(s) during the 4th (fourth) quarter of 2018.
- After the training sessions are completed, provide follow-up consultation to help the HCRC develop additional courses in this area.
- The trainer will provide all handouts and materials that may be used or referenced in any trainings.

**3.0 TIMELINE FOR THIS RFP**

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

EVENT	DATE
RFP issued	July 27, 2018
Deadline for questions to: Solicitations@jud.ca.gov	Aug 3, 2018 No later than 1:00 PM PT
Questions and answers posted (estimate only)	August 10, 2018
Latest date and time proposal may be submitted to: Solicitations@jud.ca.gov	August 24, 2018 No later than 2:00 PM PT
Anticipated interview dates ( <i>estimate only</i> )(if necessary)	August 29-31, 2018
Evaluation of proposals ( <i>estimate only</i> )	September 4-5, 2018
Notice of Intent to Award ( <i>estimate only</i> )	September 10, 2018
Negotiations and execution of contract ( <i>estimate only</i> )	September 11-21, 2018
Contract start date ( <i>estimate only</i> )	September 24, 2018
Contract end date ( <i>estimate only</i> )	December 31, 2021

#### 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 that govern this solicitation.
Attachment 2: HCRC Terms and Conditions Services – Short Form Agreement	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this HCRC Services – Short 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 its 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 HCRC requires in order to process payments and must be submitted with the proposal.
Attachment 7: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
Attachment 8: DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DVBE status
Attachment 9: Reference Form	The Proposer must complete and return this form with its proposal
Attachment 10: Conflict of Interest Certification Form	The Proposer must complete this form and submit with its proposal.

#### 5.0 PAYMENT INFORMATION

The resulting contract will be comprised of two (2) milestone deliverables, with 25% of the Firm Fixed Price being paid upon receipt of the items listed below in Milestone 1, and 75% of the Firm Fixed Price being paid upon completion of all training sessions (Milestone 2).

**Milestone 1:**

- An approved customized course description, developed by working with a HCRC staff member. HCRC to approve the customized course description.
- An approved course outline/training session lesson plan that clearly explains the course objectives and how each objective will be met. HCRC to approve the course outline.

**Milestone 2:**

Satisfactory completion of all the sessions on Diversity and Inclusion in the workplace, including information on Implicit Bias and Micro Aggressions, inclusive of all charges and expenses necessary to execute the work, and upon the HCRC's receipt of, acceptance, and approval of invoice for same.

The cost for the sessions on Diversity and Inclusion in the workplace, including information on Implicit Bias and Micro Aggressions is based on a Firm Fixed Price, and is inclusive of all labor, travel, materials and related costs (including planning meetings, coordination, content and material preparation).

**Please note:** *Payments will be made in two payments as noted above and will be issued to a single entity or Proposer regardless if additional subject matter experts or other trainers were involved in developing or teaching the course.*

**6.0 SUBMISSIONS OF PROPOSALS**

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" section below. 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.
- 6.2 The Proposer must submit its proposal in two (2) parts, the technical proposal and the cost proposal. Proposals should be sent in PDF format along with a WORD and/or Excel versions.
- 6.3 Proposals must be delivered via email, by the date and time listed on the coversheet of this RFP to:

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

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6.4 Late proposals will not be accepted.

6.5 Proposals must be sent by e-mail, Proposals may not be transmitted by fax.

6.6 Hard copy proposals are not required for this RFP.

## 7.0 PROPOSAL CONTENTS

7.1 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. Provide a resume for each key Expert Trainer. The resume should describe the individual's background and subject matter experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Provide references of names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The HCRC may check references listed by the Proposer. See Attachment 9, References Form.
- e. Proposed method to complete the work.
  - i. Explain how the content of the proposed training was developed. What methods were used to determine the design and content for the course objectives and what research, data, etc., was the content based on.
  - ii. Explain the methods that will be used to present the course materials to the HCRC staff. (PowerPoint, handouts, etc.)
  - iii. Explain the effectiveness of the training. (How do you know this training changes behavior?)



- iv. Indicate the amount of follow-up phone consultation Proposer is willing to provide. (i.e., two 1-hour consultations within 1 year after the training is completed.)
  - v. Indicate Proposer's availability to provide the training. Please list any dates that Proposer is not available.
- 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 redlined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
- g. Certifications, Attachments, and other requirements.
- i. The Proposer must complete and submit all attachments as described in Section 4.0 RFP Attachments.
  - ii. If Proposer is a California corporation, limited liability company ("LLC"), limited partnership ("LP"), or limited liability partnership ("LLP"), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer is in good standing in its home jurisdiction.
  - iii. Copies of the Proposer's (and any subcontractors') current business licenses, professional certifications, or other credentials.
- 7.2 Cost Proposal. The following information must be included in the cost proposal.
- i. Provide Table #1 showing the cost of each of the proposed Milestones.
  - ii. A full explanation of all budget line items in a narrative entitled "Budget Justification."

- iii. A “Firm Fixed Price” total price that includes all work, materials, travel and expenses payable under the contract, if awarded.

**COST PROPOSAL TABLE #1**

MILESTONE BRIEF DESCRIPTION	FIRM FIXED COST
Milestone #1 –Course Description & Outline Training Session	\$xx.xx
Milestone #2 – Completion of all training Sessions	\$xx.xx
	\$xx.xx = FIRM FIXED COST

**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.

**8.0 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 period, the HCRC reserves the right to negotiate extensions to this period.

**9.0 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 HCRC 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 HCRC will post an intent to award notice on the Courts Bidders/Solicitations website: <http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Training design, content, effectiveness <i>(adult learning principles, demonstrated effectiveness, customization)</i>	35
Cost	30
Ability to provide follow-up consultation	20
Ability to meet timing requirements to complete both deliverables	10
Disabled Veteran Business Enterprise (DVBE) Incentive	3
Acceptance of the Terms and Conditions	2

**10.0 INTERVIEWS - if necessary**

The HCRC 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 or by phone. If conducted in person, interviews will likely be held at the HCRC’s offices. The HCRC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The HCRC will notify eligible Proposers regarding interview arrangements.

**11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The HCRC 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 will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the HCRC’s right to disclose information in the proposal, or (b) requiring the HCRC 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

12.2 Eligibility for and application of the DVBE incentive is governed by the DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the HCRC'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 9 above.

12.3 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. Alternatively, for solicitations of non-IT goods, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

12.4 If Proposer wishes to seek the DVBE incentive:

i. 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 Bidder Declaration (Attachment 7). 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 Business Utilization Plan on file with Department of General Services.

ii. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 7). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

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

12.6 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 HCRC 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.

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FRAUDULENT MISREPRESENTATION 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.

### **13.0 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](http://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 HCRC to receive a solicitation specifications protest is seven (7) days from the posting of the proposal due date. Protests must be sent to:

Habeas Corpus Resource Center  
Attn: Protest Officer  
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303 2nd St  
San Francisco, CA 94107