



REQUEST FOR PROPOSALS

ADMINISTRATIVE OFFICE OF THE COURTS

**REGARDING:
RESOURCES TO HELP SELF-REPRESENTED
LITIGANTS PARTICIPATE IN ALTERNATIVE
DISPUTE RESOLUTION**

RFP # OGC-ADR-01(A)-LM

**PROPOSALS DUE:
May 4, 2012 NO LATER THAN 5:00 P.M. PACIFIC TIME**

GENERAL INFORMATION

INTRODUCTION

The purpose of this Request for Proposals (**RFP**) is to solicit and award a one-year contract to a qualified consultant with expertise in Alternate Dispute Resolution (**ADR**) to prepare a resource manual, including existing forms and materials, for statewide use by courts to help self-represented litigants access and effectively prepare for and participate in court ADR programs.

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 (**Court's Website**).

1.0 BACKGROUND INFORMATION

1.1 The Judicial Council of California (**Judicial Council**), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial 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 is the staff agency for the Council and assists both the Council and its chair in performing their duties and is a Judicial Branch Entity (**AOC**). The AOC's Office of the General Counsel provides support for superior court (trial court) ADR programs for unlimited and limited civil cases (general civil cases) and small claims, unlawful detainer, and civil harassment proceedings.

1.2 Mediation Programs for Self-Represented Litigants. Many California trial courts offer or collaborate with ADR programs to help litigants resolve general civil cases and small claims, unlawful detainer, and civil harassment proceedings by agreement. Trial courts and the Judicial Council have recognized that mediation programs can be very beneficial—for courts and for litigants—in the increasing number of cases involving self-represented litigants (**SRLs**). However, SRLs often need information or assistance to participate effectively in court-connected mediation programs; courts may need to supplement or adapt these programs to serve effectively SRLs; and mediators may need special knowledge, skills, and abilities (**KSAs**) to handle effectively these cases.

The Judicial Council has awarded superior courts grants for pilot projects to help SRLs participate in mediation and settlement programs for limited civil cases and small claims, unlawful detainer, and civil harassment proceedings and to plan, implement, maintain, and improve ADR programs for these case types and unlimited civil cases. Courts have used these grants to facilitate SRLs participation in ADR, including through the development of service models, workshops, and materials.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

2.1 Introduction. The AOC seeks the services of a person or entity with expertise in the

principles, design, administration, and use of court-connected ADR programs, to analyze program models and materials that have been developed, for use in California and other jurisdictions, to facilitate SRL participation in ADR programs for unlimited and limited civil cases and small claims, unlawful detainer, and civil harassment proceedings and develop a resource manual, suitable for statewide use by California trial courts in planning, implementing, and improving programs to help SRLs prepare for and participate in court-connected ADR programs. The monetary range of the Project is **\$15,000.00** to **\$25,000.00**. If a contract is awarded, the work is expected to begin on **June 29, 2012** and to be completed by **June 30, 2013**.

2.2 General requirements. The contractor must review relevant literature and studies; develop the methodology for identifying, obtaining, and analyzing the relevant information; and follow generally accepted research protocol.

2.3 Deliverables.

2.3.1 Intermediate Deliverables. The contractor must create and submit the following intermediate deliverables for approval by the AOC:

2.3.1.1 Project plan

2.3.1.2 Table and outline of the contents of the resource manual

2.3.1.3 Draft of each section or chapter of the resource manual

2.3.2 Final Deliverable.

2.3.2.1 The final project deliverable will be a resource manual, of publishable or professional quality, which includes, at a minimum, the following:

- Executive summary or overview
- Project summary and methodology
- Description and classification of the primary existing program types and models, and discussion of significant variations
- Findings and conclusions relevant to the project
- Examples of court rules, policies, guidelines, and materials that have been developed by courts and court partners to help SRLs prepare for and participate in ADR programs for general civil cases and small claims, unlawful detainer, and civil harassment cases
- Bibliography of other research, reports, and materials relevant to the subject of the project

2.3.2.2 The final deliverable must be organized in such a way as to tabulate, index, and reference the examples of court rules, policies, guidelines, and materials. Where feasible, these materials shall be provided both in print and electronically, in their native format. Where it is not feasible to provide electronic versions, a reference should be provided indicating where the material can be accessed on the Internet.

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	April 13, 2012
Deadline for questions to Solicitations@jud.ca.gov	April 24, 2012,
Questions and answers posted (estimate only)	April 27, 2012
Latest date and time proposal may be submitted	May 4, 2012, at 5:00 P.M.
Evaluation of proposals (estimate only) This period shall include any interviews.	May 7 through May 11, 2012
Notice of Intent to Award (estimate only)	May 14, 2012
Negotiations and execution of contract (estimate only)	May 14 through May 23, 2012
Notice of Award (estimate only)	May 30, 2012
Contract start date (estimate only)	June 29, 2012
Contract end date (estimate only)	June 30, 2013

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 the proposal in two parts, the technical proposal and the cost proposal.
- 5.2.1 The Proposer must submit **one (1) original and three (3) copies** of the Technical 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.*
- 5.2.2 The Proposer must submit **one (1) original and three (3) copies** of the Cost Proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the AOC in a single sealed envelope, separate from the technical proposal. *The Proposer must write the RFP title and number on the outside of the sealed envelope.*
- 5.2.3 The Proposer must submit a complete electronic version of each proposal on CD-ROM. The files contained on the CD-ROM should be in PDF as well as editable/unprotected Word or Excel formats.
- 5.2.4 In addition to the Technical Proposal and Cost Proposal, *submit one (1) original and one (1) copy of the original signed documents for the following:*
- Attachment 2 – AOC Standard Terms and Conditions (submit only if there are exceptions/modifications as indicated on Attachment 3)
 - Attachment 3 – Proposer’s Acceptance of Terms and Conditions
 - Attachment 4 - Payee Data Record Form
 - Attachment 5 – Darfur Contracting Act Certification
 - Attachment 6 – Conflict of Interest Certification Form
- 5.3 Only written proposals will be accepted. Proposals must be submitted by registered or certified mail, courier service (e.g. FedEx), or delivered by hand to the following address. Proposals may not be submitted by facsimile or email.

Judicial Council of California
Administrative Office of the Courts
Finance Division
Attn: Nadine McFadden, **RFP: OGC-ADR-01(A)-LM**
455 Golden Gate Avenue 7th Floor
San Francisco, CA 94102-3688

- 5.4 Proposals must be received by the date and time listed on the coversheet of this RFP. Late proposals will not be accepted.

6.0 PROPOSALS CONTENTS

- 6.1 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.

6.1.1 General information about Proposer

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

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

6.1.2 Proposer's experience and ability to conduct project

6.1.2.1 An overview of the Proposer's business activities, including a description, and the duration and extent, of the Proposer's activities, which are relevant to this proposal.

6.1.2.2 For each key staff member who would work on this project, a verifiable resume describing the individual's background, training, and experience, including the individual's ability and experience in conducting similar projects.

6.1.2.3 A description of three (3) similar projects that the Proposer has completed and, if feasible, short examples of the project deliverables.

6.1.2.4 Names, addresses, and telephone numbers of three (3) clients for whom the Proposer has conducted similar projects. The AOC may check references listed by Proposer.

6.1.3 Proposed method to conduct project and project result

6.1.3.1 Describe the process or method that would be used to carry out this project.

6.1.3.2 List the major tasks that would be performed to complete the project and identify the person(s) who would perform each.

6.1.3.3 Describe, in detail, the final product that you propose to deliver.

6.1.4 Project timeline. Provide a timeline indicating the number of days after the effective date of a contract that the work would require and when each major task or phase of the project would start and end.

6.1.5 Acceptance of the Terms and Conditions.

6.1.5.1 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.

6.1.5.2 If exceptions are identified, the Proposer must also submit a redlined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

6.1.5.3 **Note: A material exception to a Minimum Term will render a proposal non-responsive.**

6.1.6 Certifications, Attachments, and other requirements.

6.1.6.1 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.

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

6.1.6.3 Using *Attachment 6, Conflict of Interest Certification Form*, 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.

6.1.6.4 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.

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

6.2 Cost Proposal. The following information must be included in the Cost Proposal:

- 6.2.1 A firm, fixed price for all services that may be provided and all expenses that may be incurred in completing each phase of the project and a total price for completing the entire project and all project deliverables. It is expected that all Proposers will offer government or comparable favorable rates.
- 6.2.2 A detailed explanation of how the price was determined, including: (1) a detailed line item budget showing total cost of the proposed services, and (2) a full explanation of all budget line items in a narrative entitled “Budget Justification.”

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.

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 NUMBER OF POINTS
Experience and ability to conduct project (Section 6.1.2)	20
Proposed method to conduct project and project result (Section 6.1.3)	30
Project timeline (Section 6.1.4)	10
Acceptance of the Terms and Conditions (Section 6.1.5)	10
Cost Proposal (Section 6.2)	30
Maximum Score	100

9.0 INTERVIEWS

The AOC 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 be held at the AOC’s offices in San Francisco or Burbank. The AOC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Proposers regarding interview arrangements.

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

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

California judicial branch entities are subject to rule 10.500 of the California Rule of Court (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500), which governs public access to judicial administrative records.

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.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

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

13.0 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-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:

AOC – Business Services
Attn: Protest Hearing Officer, RFP OGC-ADR-01(A)-LM
455 Golden Gate Avenue, Seventh Floor
San Francisco, CA 94102-3688

END OF RFP