



# REQUEST FOR PROPOSALS

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**ADMINISTRATIVE OFFICE OF THE COURTS**

**REGARDING: ETHICS AND RULES OF CONDUCT eLEARNING COURSE FOR MEDIATORS**

**RFP # OGC-ADR-04-NN**

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

## INTRODUCTION

The purpose of this Request for Proposals (RFP) is to solicit and award a one-year contract to a qualified consultant with expertise to design and produce a one-hour eLearning course. The eLearning course will focus on ethical issues and the Rules of Conduct for Mediators as set forth in rule 3.850 et seq. of the California Rules of Court. The course must be suitable for statewide use in training mediators and potential mediators on court-connected mediation programs for civil cases.

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](http://www.courts.ca.gov/rfps.htm).

### 1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (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 and is a Judicial Branch Entity. The AOC's Office of the General Counsel provides support for superior court (trial court) alternative dispute resolution (ADR) programs for unlimited and limited civil cases (general civil cases) and small claims, unlawful detainer, and civil harassment proceedings.
- 1.2 Court-connected mediation programs. Many California trial courts operate or collaborate with mediation programs to help litigants resolve general civil cases and small claims, unlawful detainer, and civil harassment proceedings by agreement. Trial courts and the 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 effectively participate in court-connected mediation programs; courts may need to supplement or adapt these programs to effectively serve SRLs; and mediators may need special knowledge, skills, and abilities (KSAs) to effectively handle these cases.
- 1.3 Training mediators in court-connected mediation programs. Many court-connected mediation programs rely on panels or lists of neutrals, who often serve as volunteers or at a reduced rate of compensation. To ensure the quality of these programs and to provide an incentive for mediators to serve in them, courts frequently make training available to these mediators without cost or at a reduced cost.
- 1.4 Mediator training requirements and rules of conduct. In mediation programs for general civil cases, courts must establish minimum qualifications for the mediators who are eligible to be included on a court's list or to be recommended, selected, appointed, or

RFP Title: Ethics and Rules of Conduct eLearning Course for Mediators

RFP No.: OGC-ADR-004-NN

compensated by the court. (Cal. Rules of Ct., rule 10.781(a).) Mediators who serve in these programs are required to observe the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases. (Cal. Rules of Ct., rule 3.850 et seq.)

The AOC has developed model qualification standards to assist courts in establishing local qualification requirements for these mediators. The model standards suggest that these mediators should:

- Have received at least 40 hours of mediation training covering specified topics, including mediator ethics and the rules of conduct; and
- receive a minimum of seven (7) hours of continuing mediation education or training every two (2) years, including at least one hour addressing mediator ethics.

Some trial courts apply similar qualification requirements and/or require mediators to follow the Rules of Conduct for general civil cases in small claims, unlawful detainer and civil harassment proceedings.

## **2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

- 2.1 Introduction. The AOC seeks the services of a person or entity with expertise in designing and producing computer-based training (CBT) and web-based training (WBT) programs to develop a one-hour eLearning course to train mediators and potential mediators in court-connected mediation programs for civil cases about relevant ethical issues and about the Rules of Conduct for Mediators set forth in rules 3.850 et seq. of the California Rules of Court. The monetary range for the proposed contract to be awarded from this RFP is **\$20,000.00 to \$40,000.00**. 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 The AOC will provide subject-matter expertise concerning court-connected mediation programs, mediator ethics, and the rules of conduct for mediators.
- 2.3 General scope of services requirements. The eLearning course must:
- 2.3.1 Be one hour in length;
  - 2.3.2 Be presented in an easy-to-use and visually appealing format employing well-documented user controls and high quality graphics;
  - 2.3.3 Incorporate multimedia elements such as narration and/or video;
  - 2.3.4 Require user interaction with the course content, including case study scenarios and interactive questions, with feedback and discussion of issues;
  - 2.3.5 Meet the AOC's Web Manual: Technical Design Standards and Guidelines and be SCORM-compliant;

RFP Title: Ethics and Rules of Conduct eLearning Course for Mediators

RFP No.: OGC-ADR-004-NN

2.3.6 Avoid the usage of atypical plug-ins; and

2.3.7 Be compatible with the following system environment:

- Unix platform, Sun Solaris, OS 5.6
- Novell Netware 5.1 file server OS
- Cold Fusion 5.0
- Oracle 8, Oracle 9i
- Microsoft Windows 2000 desktop
- Microsoft Exchange
- Apache web server 1.3.37

2.3.8 Contractor must warrant that the product does not infringe the copyrights, trademarks or other intellectual property rights of third parties, and that all model/actor/participant releases have been obtained.

2.4 The AOC anticipates that the contractor may be required to perform the following types of services, which are not all-inclusive, to complete this project:

2.4.1 Project Management

- Set, manage, and communicate overall direction, team roles, responsibilities, and expectations
- Coordinate quality control of all development work and deliverables
- Conduct reviews and overall usability testing
- Ensure project(s) stay on schedule and within scope and budget

2.4.2 Instructional Design

- Gather content and make recommendations from analysis of business needs, performance gaps, and learner audiences.
- Define learning objectives, learning strategies, and evaluative measures
- Write educational content
- Repurpose existing content for effective and efficient web delivery
- Create design blueprints and/or storyboards

2.4.3 Multimedia Development

- Programming/Coding
- Create multimedia files (e.g. HTML, FLASH, etc)
- Collaborate with instructional designers for most effective online presentation
- Identify technology and infrastructure implications to solution design
- Create custom graphics or identify existing art resources to give course unique identity
- Produce a small amount of audio/video content, at a studio and/or one other location
- Encode video and audio in either Flash or Windows Media format
- Develop user interfaces
- Pre-deployment quality assurance testing

RFP Title: Ethics and Rules of Conduct eLearning Course for Mediators

RFP No.: OGC-ADR-004-NN

- Conduct usability testing

## 2.5 Deliverables.

2.5.1 Intermediate deliverables. The contractor will be expected to create and submit the following intermediate deliverables for approval by the AOC:

- Project Plan
- Course Outline
- Storyboard
- Graphics
- Interface Design
- Script
- Audio recordings (e.g. voice, sound clips)
- Multimedia files (e.g. Flash, HTML)
- Usability Testing Recommendations
- Video- encode / compress

2.5.2 Final project deliverable. The final project deliverable will be the one hour eLearning program, which must be delivered in electronic format on DVD-ROM as follows:

- Both web and computer based versions of program will be provided
- Multi-media source materials to be included: Flash source (.FLA) files, video tape or uncompressed digital files

2.6 Warranty period. The contractor will correct any formatting or operational issues, defects or errors that may arise or be discovered within one (1) year after product and deliverable acceptance.

## 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.

<b>EVENT</b>	<b>DATE</b>
RFP issued	April 17, 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.*

RFP Title: Ethics and Rules of Conduct eLearning Course for Mediators

RFP No.: OGC-ADR-004-NN

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-04-NN**  
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 experience developing custom eLearning courses in areas other than sales, application, or product training. More specifically, address experience in areas such as theories and concepts, professional development/soft skills, process and procedures, and legal.
- 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, links to or copies of the eLearning courses.
- 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
<b>Maximum Score</b>	<b>100</b>

## 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](http://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

RFP Title: Ethics and Rules of Conduct eLearning Course for Mediators

RFP No.: OGC-ADR-004-NN

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](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 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-04-NN  
455 Golden Gate Avenue, Seventh Floor  
San Francisco, CA 94102-3688

***END OF RFP***