



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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TO: POTENTIAL PROPOSERS

FROM: ADMINISTRATIVE OFFICE OF THE COURTS
EDUCATION DIVISION/CENTER FOR JUDICIAL EDUCATION AND RESEARCH

DATE: **May 2, 2008**

SUBJECT/PURPOSE OF MEMO: **REQUEST FOR PROPOSALS**
The California Center for Judicial Education and Research, as the Education Division of the Administrative Office of the Courts, seeks the services of a service provider with expertise in commercial book publishing to print new editions of the Judicial Council of California, Administrative Office of the Courts' 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.

ACTION REQUIRED: You are invited to review and respond to the attached Request for Proposals (RFP), as posted at <http://www.courtinfo.ca.gov/reference/rfp/>:

Project Title: **Publisher of Four Publications of the Judicial Council of California, Administrative Office of the Courts**

RFP Number: CJER-HB0308-LM

QUESTIONS TO THE SOLICITATIONS MAILBOX: Questions regarding this RFP should be directed to solicitations@jud.ca.gov by **Thursday, May 15, 2008, no later than 3 p.m. (PST)**.

DATE AND TIME PROPOSAL DUE: There will not be a pre-proposal conference for this RFP.
Proposals must be received by **Thursday, June 5, 2008, no later than 3 p.m. (PST)**.

SUBMISSION OF PROPOSAL: Proposals must be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden, RFP No. CJER-HB0308-LM
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102-3688

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

1.0 GENERAL INFORMATION

1.1 THE JUDICIAL COUNCIL OF CALIFORNIA

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 CALIFORNIA CENTER FOR JUDICIAL EDUCATION AND RESEARCH

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.

1.3 CJER PUBLICATIONS

1.3.1 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 distributed by the Judicial Council of California/AOC to California judicial officers without charge.

1.3.2 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 three years.

1.3.3 The Mandatory Criminal Jury Instructions Handbook was first published by the

Judicial Council of California/AOC in 1976 to provide practical information for judges handling criminal proceedings. For many years, it was published as a special issue of the *CJER Journal*. The Continuing Education of the Bar (CEB) has published the handbook annually for the last three years. The 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.

- 1.3.4 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.
- 1.3.5 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, case dispositions before trial, preliminary hearing and trial considerations, and sentencing. Two editions of the benchbook have been published by CEB.
- 1.3.6 The copyright to both handbooks and both benchbooks is held by the Judicial Council of California/Administrative Office of the Courts.
- 1.3.7 By anecdotal evidence, we understand that the handbooks and benchbooks are well regarded among the judiciary.

2.0 TIMELINE FOR THIS RFP

The AOC has developed the following list of key events from the time of the issuance of this RFP through the intent to award contract. All dates are subject to change at the discretion of the AOC.

| EVENT | KEY DATE |
|---|--|
| RFP issued to http://www.courtinfo.ca.gov/reference/rfp/ : | Friday, May 2, 2008 |
| Deadline for questions to solicitations@jud.ca.gov | Thursday, May 15, 2008 |
| Latest date and time proposal may be submitted | Thursday, June 5, 2008 |
| Evaluation of proposals (<i>estimate only</i>) | Thursday, June 5, 2008 through Tuesday June 10, 2008 |
| Notice of Intent to Award (<i>estimate only</i>) | Thursday, June 12, 2008 |
| Negotiations and execution of contract (<i>estimate only</i>) | Friday, June 20, 2008 |

3.0 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)

- 3.1 The AOC seeks the services of a qualified service provider with expertise in commercial book publishing.
- 3.2 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 have published revised editions of the Felony Sentencing Handbook and Mandatory Criminal Jury Instructions Handbook annually. New editions of the California Judges Benchbook: Search and Seizure and the California Judges Benchbook: Domestic Violence Cases in Criminal Court will be published with annual cumulative updates to follow.
- 3.3 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.
- 3.4 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 non-judges, and as consideration, the publisher will print copies of both handbooks and both benchbooks to be distributed to California judicial officers. The Contract Terms, as set forth in *Attachment 2 - Contract Terms*, would be modified accordingly.
- 3.5 The services are expected to be performed by the selected service provider between **July 1, 2008** and **June 30, 2009** (“**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, 2009 through June 30, 2010 |
| Second Option Term: | July 1, 2010 through June 30, 2011 |
| Third Option Term: | July 1, 2011 through June 30, 2012 |

- 3.6 The projected publication dates are as follows:

3.6.1 Initial Term

- 2009 Mandatory Criminal Jury Instructions Handbook — January 2009
- 2009 Felony Sentencing Handbook — March 2009
- California Judges Benchbook: Domestic Violence Cases in Criminal Court (Fifth Edition) — June 2009
- California Judges Benchbook: Search and Seizure (Third Edition) — June 2009

3.6.2 **First Option Term**

- 2010 Mandatory Criminal Jury Instructions Handbook — January 2010
- 2010 Felony Sentencing Handbook — March 2010
- Cumulative update to California Judges Benchbook: Domestic Violence Cases in Criminal Court (Fifth Edition) — June 2010
- Cumulative update to California Judges Benchbook: Search and Seizure (Third Edition) — June 2010

3.6.3 **Second Option Term**

- 2011 Mandatory Criminal Jury Instructions Handbook — January 2011
- 2011 Felony Sentencing Handbook — March 2011
- Cumulative update to California Judges Benchbook: Domestic Violence Cases in Criminal Court (Fifth Edition) — June 2011
- Cumulative update to California Judges Benchbook: Search and Seizure (Third Edition) — June 2011

3.6.4 **Third Option Term**

- 2012 Mandatory Criminal Jury Instructions Handbook — January 2012
- 2012 Felony Sentencing Handbook — March 2012
- Cumulative update to California Judges Benchbook: Domestic Violence Cases in Criminal Court (Fifth Edition) — June 2012
- Cumulative update to California Judges Benchbook: Search and Seizure (Third Edition) — June 2012

5.0 **RFP ATTACHMENTS**

5.1 Included as part of this RFP are the following attachments:

- 5.1.1 Attachment 1 - Administrative Rules Governing Request for Proposals. Proposers shall follow the rules, set forth in *Attachment 1*, in preparation and submittal of their proposals.
- 5.1.2 Attachment 2 - Contract Terms. Contracts with successful firms will be signed by the parties on a State of California Standard Agreement form and will include terms appropriate for this project. Terms and conditions typical for the requested services are attached as *Attachment 2 - Contract Terms* and include *Exhibits A through D*.
- 5.1.3 Attachment 3 - Vendor's Acceptance of the RFP's Contract Terms. Proposers must either indicate acceptance of Contract Terms, as set forth in *Attachment 2 - Contract Terms*, or clearly identify exceptions to the Contract Terms, as set forth in *Attachment 3*.

- 5.1.3.1 If exceptions are identified, then proposers must also submit (i) a redlined version of *Attachment 2 – Contract Terms*, that clearly tracks proposed changes to this attachment, and (ii) written documentation to substantiate each such proposed change.

6.0 EVALUATION OF PROPOSALS

Proposals will be evaluated by the AOC using the following criteria, in order of descending priority:

- 6.1 Experiences on similar projects with expertise in commercial book publishing.
- 6.2 Ability to meet time requirements to complete the Project.
- 6.3 Quality of work plan submitted
- 6.4 Credentials of the key personnel to be assigned to the Project

7.0 SPECIFICS OF A RESPONSIVE PROPOSAL

The following information shall be included in the proposal:

- 7.1 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.
- 7.2 Ability to meet time requirements to complete the Project. Overall plan with time estimates for completion of both handbooks and both benchbooks.
- 7.3 Delivery of Manuscript. Identification of format in which the final manuscript of both handbooks and both benchbooks must be provided to proposer.
- 7.4 Typesetting. Typesetting specifications for both handbooks and both benchbooks.
- 7.5 Electronic Publication. Describe electronic distribution, if any, of the contents of both handbooks and both benchbooks to California judicial officers.
- 7.6 Credentials of key personnel to be assigned to the Project. Describe their knowledge of the requirements necessary to complete this project.
- 7.7 Contact information. Provide proposer's point of contact, including name, physical and electronic addresses, and telephone and facsimile numbers.
- 7.8 Compliance with Contract Terms. Complete and submit *Attachment 3 - Vendor's Acceptance of the RFP's Contract Terms*. If changes to *Attachment 3* are proposed, then also submit redlined version of *Attachment 3- Vendor's Acceptance of the RFP's Contract Terms* as well as written justification supporting any such proposed changes.

8.0 SUBMISSIONS OF PROPOSALS

- 8.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted in item *RFP: 7.0 Specifics of a Responsive Proposal*, 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.
- 8.2 Proposers will submit *one (1) original and three (3) copies* of the technical proposal signed by an authorized representative of the company, including name, title, address, and telephone number of one individual who is the responder's designated representative.
- 8.3 Proposals must be delivered to the individual listed under Submission of Proposals, as set forth on the cover memo of this RFP.
- 8.4 Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery.
- 8.5 In addition to submittal of the original and three (3) copies of the proposals, as set forth in items 8.2, above, proposers are also required to submit an electronic version of the entire proposal on *CD-ROM*.

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

10.0 ADDITIONAL REQUIREMENTS

It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews will likely be conducted by telephone conference call. The AOC will notify prospective service providers regarding the interview arrangements.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

The policy of the Administrative Office of the Courts 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.