

RFP Title: HCRC Diversity, Equity, & Inclusion Partnership
RFP Number: HCRC-2021-01-AH

REQUEST FOR PROPOSALS

REGARDING:

RFP TITLE: HCRC DIVERSITY, EQUITY, &
INCLUSION PARTNERSHIP

RFP NUMBER: HCRC-2021-01-AH

PROPOSALS DUE:

MAY 24, 2021 NO LATER THAN 2:00 P.M. PACIFIC TIME

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INTRODUCTION

As discussed in detail in section 2.0, *infra*, the Habeas Corpus Resource Center (HCRC) is seeking a Subject Matter Expert (“Proposer”) to design a long-term training program and deliver the training for all of the HCRC’s 70 employees on the topics of Diversity, Equity, and Inclusion (DEI), including information on the history of white supremacy and systemic racism and how it plays out in our country and in the workplace and guidance on how to dismantle those systems to create and sustain a more equitable and anti-racist work environment. The Proposer will also help the HCRC develop and implement action plans to incorporate DEI into its organizational policies, practices, and culture.

The HCRC’s employees are located in San Francisco and the trainings will ideally be provided in such location but given the constraints of the current pandemic, virtual trainings and facilitation are also a possibility.

1.0 BACKGROUND INFORMATION

1.1 Established in 1998, the 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 state courts 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. The HCRC is located in downtown San Francisco.

1.2 Since 2014, the HCRC has taken steps to create a more diverse, equitable, and inclusive workplace. HCRC established a standing Diversity Committee in 2014 – a self-selected committee comprised of a cross section of employees. The committee’s primary goal was to facilitate and enhance the implementation of existing recruitment, hiring, mentoring, retention, and promotion policies that increase diversity. In addition, the committee monitored existing policies and practices to ensure that they were consistent with, and actively promoted, the office’s goals of attracting, retaining, and promoting staff, interns, and volunteers from diverse backgrounds.

In June 2018, HCRC engaged a trainer to provide a one-time training to the entire staff on the topic of on Detecting and Discussing Bias.

In November 2018, after an RFP process, the HCRC contracted with a consulting group to design and deliver a training program on the topics of diversity and

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inclusion in the workplace, including information on implicit bias and micro aggressions. HCRC worked with this group for approximately a year before discontinuing the relationship because the group did not succeed in addressing multiple concerns raised by HCRC staff.

In the aftermath of the murder of George Floyd and in the midst of the ongoing global pandemic, the Diversity, Equity and Inclusion Committee was formed. Like the original Diversity Committee, the DEI Committee consists of self-selected HCRC employees from a cross-section of the staff including two supervisors. The DEI committee has created three working groups to focus on ensuring DEI principles are integrated into the agency in the areas of Training, Hiring, and Retention.

The DEI Committee believes it is imperative to have an outside, expert trainer to guide us through the necessary steps to become an anti-racist workplace.

2.0 DESCRIPTION OF DESIRED SERVICES AND DELIVERABLES

The Proposer will have experience collaborating with organizations in the following areas:

- Facilitating organizational transformation around DEI issues and racial and social justice.
- Discussing how white supremacy systematically plays out in our country and places of employment.
- Teaching an intersectional analysis of systemic oppression and the skills people need to change behavior, interactions, conflicts, internal dynamics, and organizational culture.

The Proposer will utilize its experience to facilitate and assist HCRC in reaching the following goals:

- Identify and assess how implicit bias, micro aggressions, power dynamics, and systemic racism play out at HCRC and offer strategies for what we can do to minimize or eradicate these injustices within our office.
- Help HCRC employees heal, through facilitation, longstanding conflicts and remedy past inequities.
- Create and implement tools to help us communicate and provide constructive feedback when racism, sexism, ableism, classism or any other oppressive power dynamic is experienced or witnessed, either implicitly or explicitly, at the office.

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- Create additional tools to enable us to review policies, systems/programs, and practices, and implement new ones, through a DEI lens.
- Teach HCRC how to gather and review data to increase DEI in hiring & promotion practices.
- Provide trainings to HCRC supervisor group specific to how to be a DEI competent manager/supervisor.

In addition to trainings and facilitated conversations on the above topics, the Proposer will also be available to guide discussions and issues as they arise, and provide timely responses to feedback given by the HCRC.

Below is a non-exhaustive list of potential deliverables the Proposer may provide in meeting our goals:

- Provide a roadmap for how HCRC can work to become a more equitable, diverse, inclusive and anti-racist workplace.
- Solicit anonymous information to map the cultural climate of our office.
- Guide a brainstorm session with the DEI committee to create incremental action steps.
- Distribute a memo of baseline knowledge on how white supremacy and systemic oppression operates in the workplace.
- Facilitate training sessions to strategize confronting implicit bias and learning how to have uncomfortable conversations.
- Lead a workshop to develop a shared language regarding diversity, equity, inclusion, and race.
- Provide regular check-ins to customize programming for our evolving needs.
- Create evaluation tools that track our progress in meeting our goals.
- Facilitate the communication of equity challenges between employees and management
- Review policies and work with staff to ensure policies reflect and implement DEI goals.

The Proposer's proposal should include trainings for all of HCRC's employees over at least a 12-month period. Contract will begin no later than June 15, 2021 with an initial planning meeting with the DEI Committee.

3.0 TIMELINE FOR THIS RFP

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

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subject to change at the discretion of the HCRC.

EVENT	DATE
RFP issued	April 30, 2021
Deadline for questions to: RFP@hcrc.ca.gov	May 17, 2021 No later than 1:00 PM PT
Questions and answers posted (estimate only)	As they arise until May 20, 2021
Latest date and time proposal may be submitted to: RFP@hcrc.ca.gov	May 24, 2021 No later than 2:00 PM PT
Anticipated interview dates (<i>estimate only</i>)(if necessary)	May 25-27, 2021
Evaluation of proposals (<i>estimate only</i>)	May 27, 2021
Notice of Intent to Award (<i>estimate only</i>)	June 1, 2021
Negotiations and execution of contract (<i>estimate only</i>)	June 2-10, 2021
Contract start date (<i>estimate only</i>)	June 15, 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)	The rules that govern this solicitation.
Attachment 2: HCRC Terms and Conditions Services – Short Form Agreement	<u>If selected</u> , 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 and submit with its proposal.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed certifications with its proposal.

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Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification with its proposal.
Attachment 6: Bidder Declaration	Complete and Return this form with the proposal only if Proposer wishes to claim DVBE incentive associated with this RFP
Attachment 7: DVBE Declaration	Complete and Return this form with the proposal only if Proposer wishes to declare DVBE status.
Attachment 8: Proposer Questionnaire	The Proposer must complete this questionnaire and submit with its proposal.

5.0 PAYMENT INFORMATION

5.1 The following payment related issues are applicable:

- a. Basis for Payments: The resulting contract will be comprised of firm fixed pricing for the Description of Services and Deliverables described in section 2.0 of this RFP.
- b. No other expenses (including travel expenses) will be reimbursed by the HCRC.
- c. Contractor shall submit invoices upon satisfactory completion of services.
- d. The payment term is net 60 days from date of acceptance of the deliverable and receipt of invoice.
- e. A payment retention of 10% may be applied to all deliverables.

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" section below and related questionnaire. Expensive bindings, color displays, and the like are not necessary or desired.
- 6.2 The Proposer must submit its proposal in PDF format along with any other supporting materials.
- 6.3 Proposal must be delivered via email, by the date and time listed on the coversheet of this RFP to:

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6.4 Late proposals will not be accepted.

6.5 Any questions may be directed to RFP@hcrc.ca.gov and subsequent answers will be posted online at <https://www.courts.ca.gov/rfps.htm>.

7.0 PROPOSAL CONTENTS

7.1. **The 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. Proposer should fill out the attached Questionnaire (Attachment # 8) and may include any supporting materials.

b. Acceptance of 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 (a) a redlined version of the Terms and Conditions that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.

c. 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

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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.

- a. A detailed line item budget showing total cost of the proposed services.
- b. A full explanation of all budget line items in a brief narrative titled “Budget Justification.”
- c. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

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 contract will be awarded, the HCRC will post an intent to award notice on the Courts Bidders/Solicitations website:

CRITERION	MAXIMUM NUMBER OF POINTS
Training design, content, effectiveness	30
Ability to provide follow up consultation, office hours, and/or advising, as necessary	15
Diversity of trainers/facilitators	15
Cost	30
Flexibility to readjust training design as needed	5

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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 by phone or video conference. 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

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Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

12.4 If Proposer wishes to seek the DVBE incentive:

- a. Proposer must submit with its proposal a DVBE Declaration (Attachment 7) 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 6). 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.
- b. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 6). 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.

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). 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 solicitation specifications protest is seven (7) days from the posting of the proposal due date. Protests must be sent to:

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RFP@hcrc.ca.gov
Attn: Protest Officer
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Or via mail to:
Habeas Corpus Resource Center
Attn: Protest Officer
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303 2nd Street, Suite 400S
San Francisco, CA 94107