



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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Chief Justice of California
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Director, Finance Division

TO: **POTENTIAL PROPOSERS**

FROM: Administrative Office of the Courts
Finance Division

DATE: **August 4, 2010**

SUBJECT/PURPOSE OF MEMO: **REQUEST FOR PROPOSALS FOR THIRD PARTY CLAIMS ADMINISTRATION SERVICES FOR TRIAL COURTS**

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: **Third Party Claims Administration Services for Trial Courts**
RFP Number: **OGC-201001-RB**

QUESTIONS TO THE SOLICITATIONS MAILBOX: Questions regarding this RFP must be directed to solicitations@jud.ca.gov by **no later than 1:00 p.m. Pacific Time, August 17, 2010.**

DATE AND TIME PROPOSAL DUE: There will not be a pre-proposal conference for this RFP.
Proposals must be received by **no later than close of business, August 31, 2010.**

SUBMISSION OF PROPOSAL: Proposals must be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden, RFP No. OGC-201001-RB
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 Background

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 Background of the Judicial Council Litigation Management Program

The Litigation Management Program was established by the Judicial Council in the fall of 1999, and was initially implemented in January 2000. On January 1, 2001, section 811.9 of the Government Code took effect. That section codifies the responsibility of the Judicial Council to provide for representation, defense, and indemnification of judges, subordinate judicial officers, executive officers, and employees of the trial courts, in accordance with sections 811 through 995 of the code.

On January 1, 2003, amendments to the Government Claims Act took effect. The Act now explicitly identifies the Judicial Council as the “board” for purposes of claims against judicial officers and “judicial branch entities.” By rule of court, the council has authorized the AOC’s Office of General Counsel (OGC) to act for the council on claims that affect the trial and appellate courts, judicial officers, and employees of those entities.

2.0 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)

The AOC seeks the services of one or more claims administration firms to provide claims administration services to the AOC for third party claims affecting trial courts, judicial officers, court executives, and court employees. This RFP is the means for prospective service providers to submit their qualifications to the AOC and request selection as a service provider.

3.0 SCHEDULE OF RFP EVENTS

3.1 The following due dates shall apply to this RFP:

EVENT	KEY DATE
RFP issued	August 3, 2010
Deadline for questions to solicitations@jud.ca.gov	1:00 p.m. Pacific Time August 17, 2010
Answers to questions posted on the Courtinfo Website (<i>estimate only</i>)	August 19, 2010
Latest date and time proposal may be submitted	Close Of Business August 31, 2010
Notice of Intent to Award (<i>estimate only</i>)	September 10, 2010
Anticipated start date	October 1, 2010

4.0 RFP ATTACHMENTS

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

- 4.1.1 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.
- 4.1.2 Attachment 2, Contract Terms. Contracts with successful firms will be signed by the parties on an AOC 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: Exhibit A, Standard Provisions; Exhibit B, Special Provisions; Exhibit C, Payment Provisions; and Exhibit D, Work to be Performed.
- 4.1.3 Attachment 3, Proposer'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 this Attachment 3.
- 4.1.4 Attachment 4, Payee Data Record Form. The AOC is required to obtain and keep on file, a completed Payee Data Record for each proposer prior to entering into a contract with that proposer. Proposals must include a completed and signed Payee Data Record Form, set forth as Attachment 4.

5.0 SCOPE OF WORK

- 5.1 The service provider(s) will provide the services set forth below for a period up to three years, consisting of an initial one-year term beginning October 1, 2010 and ending September 30, 2011, and, at the sole discretion of the AOC, two consecutive, optional one-year terms.
- 5.2 When services are requested, the service provider will provide the following services within the timeframes noted:
 - 5.2.1 Conduct an investigation of each claim to the extent requested by the responsible OGC attorney.
 - 5.2.2 Within 30 days of receipt of a claim, send to the OGC attorney a report containing any evaluation of liability and damages and describing the nature and timing of any remaining work necessary to resolve the claim.
 - 5.2.3 Provide any additional report as requested by the OGC attorney.
 - 5.2.4 If the OGC attorney agrees that settlement should be attempted, communicate with the claimant, as necessary, to achieve settlement within the given authority.
 - 5.2.5 If settlement is reached, obtain the claimant's signature on the AOC-approved release document and, if necessary, a completed W-9.
 - 5.2.6 For each claim, maintain a file containing documentation of any investigation and all telephone conversations, discussions, or meetings, which shall be available for review by the AOC at any reasonable time.
- 5.3 The services may be provided in certain counties or throughout the state.
- 5.4 The amount for claims administration services to the AOC for third party claims against trial courts, judges, subordinate judicial officers, court executives, and court employees in third party actions covered by the program is expected to be approximately \$10,000.00 annually; however, there is no express or implied guarantee of any dollar value for any contract awarded as a result of this RFP

6.0 SPECIFICS OF A RESPONSIVE PROPOSAL

The following information and attachments shall be included in the proposal:

- 6.1 In a cover letter, signed by an authorized representative, please provide the company name, address, telephone and fax numbers, federal tax identification number and proposer's point of contact, including name, physical and e-mail addresses, and telephone and facsimile numbers.

- 6.2 Description of how the proposed services will be provided including how the services will meet the AOC's service and timing requirements. Also provide your firm's plans for transitioning those services that are in process at the expiration or termination of the agreement if awarded as a result of this RFP.
- 6.3 Resumes describing the background and experience of key staff, as well as each individual's ability and experience in providing the proposed services.
- 6.4 Geographic or other limitation, if any, to the firm's proposal to provide some or all of the services offered. Please address how your firm would handle claims in remote counties and cities other than where your firm is located.
- 6.5 Names, addresses, and telephone numbers of a minimum of five (5) clients for whom the firm has provided similar services, with a general description of the services provided. The AOC may check references.
- 6.6 Submit a completed Attachment 3 form, entitled "Proposer's Acceptance of the RFP's Contract Terms".
- 6.7 Submit a completed Attachment 4, Payee Data Record.
- 6.8 Proposed fee schedule. It is expected that all bidders responding to this RFP will offer the bidder's government or comparable favorable rates.

7.0 EVALUATION OF PROPOSALS

Proposals will be evaluated by the AOC using the following criteria based on the proposer's responses to the paragraphs of this RFP in parenthesis:

- 7.1 Experience on similar engagements (6.3, 6.5)
- 7.2 Favorableness of fee proposal (6.8)
- 7.3 Service capabilities (6.2)
- 7.4 Proposed exceptions to Standard and Special Provisions set forth in Attachment 2 (6.6)
- 7.5 Experience and expertise of staff to be assigned (6.3)
- 7.6 Ability to meet timing requirements (6.2)
- 7.7 Location of offices (6.4)
- 7.8 Responses to reference inquiries (6.5)

8.0 SUBMISSIONS OF PROPOSALS

- 8.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted 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 must submit, in **hardcopy form, one (1) original and three (3) copies** of the proposal, and, on a **CD-ROM, one (1) electronic version of the entire proposal**.
- 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 (with accompanying CD-ROM) will be accepted. Responses should be sent by registered or certified mail or by hand delivery.

9.0 INTERVIEWS

It also may be necessary to interview prospective service providers to clarify aspects of their submittal. The AOC will notify prospective service providers regarding the 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 the proposal. One copy of a submitted proposal will be retained for official files and will become a public record.

11.0 AVAILABILITY OF FUNDS

The AOC will not be in default or breach of any agreement resulting from this RFP if the AOC is unable to pay any amount owed because of the State of California's failure to timely approve and adopt a State budget. As set forth in Attachment 2, Contract Terms, Exhibit B, Section 4, entitled "State's Obligation Subject to Availability of Funds," paragraph 4:

“Notwithstanding any provision of this Agreement to the contrary, a default or breach of this Agreement shall not occur if the AOC is unable to pay any amount owed hereunder because of the State of California’s failure to timely approve and adopt a State budget. Should the AOC fail to pay any amount as a result of the State of California’s failure to timely approve and adopt a State budget, the AOC shall promptly pay any previously due and unpaid amounts upon approval and adoption of the State budget.”

12.0

CONFIDENTIAL OR PROPRIETARY INFORMATION

- 12.1 The Administrative Office of the Courts is bound by California Rule of Court 10.500 (see: <http://www.courtinfo.ca.gov/rules/amendments/jan2010-2.pdf>) as to disclosure of its administrative records. If the information submitted 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 pursuant to a request for public documents.
- 12.2 If the AOC does not consider such material to be exempt from disclosure under Rule 10.500, the material may be made available to the public, regardless of the notation or markings. If the proposer is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of Rule 10.500, then it should not include such information in its proposal.

END OF FORM