

# REQUEST FOR PROPOSALS

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**JUDICIAL COUNCIL OF CALIFORNIA**

**REGARDING:**

**Benchmarks for Statewide Collection Entities**

RFP number: BS-2018-03-DM

**PROPOSALS DUE:**

~~MAY 6, 2019~~ MAY 17, 2019 NO LATER THAN **3:00 P.M.** PACIFIC TIME

## **1.0 BACKGROUND 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 Judicial Council of California (JCC) is the staff agency for the council and assists both the council and its chair in performing their duties.

In July 2007, [AB 367 Court-ordered debt](#) was signed into law, it required the Judicial Council to develop performance measures and benchmarks to review the effectiveness of court and county collection programs (Participating Entities); and to report on these collection programs to the Legislature on or before December 31st annually. In order to meet the legislative mandate, the Judicial Council sought to enter into a contact with a person or entity (Contractor) with expertise to provide comprehensive benchmarking. The Collections Reporting Template (CRT), and the benchmarks were established in 2008.

As part of the Public Safety Trailer bill with the 2018 Budget, [Government Code 68514\(b\)](#) was enacted which states that “Judicial Council shall separately list the information required by subdivision (a) for fines and fees assessed in a year prior to the current reporting year that had outstanding balances in the current reporting year.” The existing CRT was modified to capture the new data, including the separation of collections information by period, which substantially impacted the Gross Recovery Rate (GR) and Success Rate (SR) for all participating entities. **Now the Judicial Council is seeking to enter into a contract with a person or entity with expertise to provide updates to the established benchmarks to align with the CRT.**

### **1.2 Contract Terms**

The JCC intends to award a single, two (2)-year contract for this RFP. The contract may be extended for one (1) year at the option of Judicial Council.

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

2.1 [Penal Code Section 1463.010](#) charges the JCC with adopting guidelines for a comprehensive program for collections and provides for the establishment of performance measures and benchmarks.

2.2 Government Code Section 68514 required the data being collected by the Judicial Council from the Participating Entities to be separated into prior fiscal year and current fiscal year sections. The existing CRT was modified to capture the new data, including the separation of collections information by period, which substantially impacted the GRR and SR for all participating entities. Using the benchmarks at their current value, the GRR and SR are no longer valid. The benchmarks which were established in 2009 are set at 34 percent for GRR and 31 percent for SR.

2.3 The Contractor awarded the contract may work remotely for the entire duration of the project. A representative must be available via phone for meetings with staff, participating entities or committees.

2.4 The successful Contractor should provide the following services and deliverables:

### **Scope of Services**

- **Project Initiation:** Contractor will facilitate a one-hour conference call at the onset of the phase to review the work plan and clarify the deliverable schedule, outlined in the Section 2.4.
  - Provide quarterly progress reports due on the last day of the quarter to include but not limited to, analysis of the issues, methods and approaches used to analyze data, list of recommendations, timeliness of meeting due dates.
- **Statistical Analysis** – Contractor will provide analysis of existing performance measurers and benchmarks that measure the effectiveness of participating entities. Review of the new reporting requirement under Government Code Section 68514 and the impact to the performance measurers and benchmarks.
- **Data Gathering:** JCC will provide Contractor electronically the CRT's submitted from 58 Participating Entities. Contractor will review and determine reasonable percentages for the GRR and the SR.
- **Develop Draft Recommendations:** Contractor will measure the participating entities performance against standards in the Performance Measures and Benchmarks (**PMB**) and evaluate statistical correlation between individual process data, collections performance and efficiency. This analysis will be used to develop improvement recommendations.
- **Refine and Finalize Standards:** Contractor will use the results of the statistical analysis to develop draft recommendation (Draft Performance Measures and Benchmarks, **Draft PMB**) for measuring the success of each program.

- **Update Benchmark Standards (Final PMB):** Contractor’s recommendations will be made available to all 58 Participating Entities for comment. After comment period, Contractor will review all recommendations and finalize the Performance Measurers and Benchmarks. Recommendations will be presented to the JCC for approval.
- **Summary and Recommendation:** Contractor will develop a **Final Report** documenting findings and outline final recommendations for consideration.
- **Judicial Council Approval:** The final Performance Measurers and Benchmarks (**Final PMB**) and the **Final Report** summarizing all Contractor’s findings and recommendations will have to be approved by the JCC. There will be additional review by other advisory committee’s and potentially subcommittees prior to the final approval of the JCC. Contractor will prepare the item for the JCC and must be available via phone to answer questions as presented.

**Deliverables**

<b>Deliverables</b>	<b>Estimated Completion Date</b>
1. Project kick off meeting and proposed approach in writing	June 30, 2019
2. 1 <sup>st</sup> Progress Report 2 <sup>nd</sup> Progress Report	December 31, 2019 March 31, 2020
3. Draft recommendations for Performance Measurers and Benchmarks (PMB)	June 30, 2020
4. Final Performance Measurers and Benchmarks (Final PMB)	September 1, 2020
5. Final Report summarizing all the consultant’s findings	December 1, 2020
6. Judicial Council Approval	March 15, 2021

**Desired Qualification**

The successful Contractor will preferably have five years’ experience in developing collections benchmarks. The proposal should clearly outline the experience of the Proposer.

**3.0 TIMELINE FOR THIS RFP**

The JCC has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the JCC.

EVENT	DATE
RFP issued	April 10, 2019
<b><u>Optional Pre-bid Conference</u></b> Bidders that wish to participate can dial in via <b>1-877-820-7831 (participant 124116).</b>	<b><u>May 9, 2019</u></b> <b><u>10:00am – 11:00 a.m</u></b> <b><u>(Pacific Time)</u></b>
Deadline for questions <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>	<del>April 22, 2019 by 3:00 p.m.</del> <b><u>May 13, 2019 by 3:00 p.m.</u></b> <b><u>(Pacific Time)</u></b>
Questions and answers posted <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a> ( <i>estimate only</i> )	<del>April 26, 2019</del> <b><u>May 14, 2019</u></b>
Latest date and time proposal may be submitted	<del>May 6, 2019 by 3:00 p.m.</del> <b><u>May 17, 2019 by 3:00 p.m.</u></b> <b><u>(Pacific Time)</u></b>
Evaluation of proposals ( <i>estimate only</i> )	<del>May 6 – 10, 2019</del> <b><u>May 20-24, 2019</u></b>
Notice of Intent to Award ( <i>estimate only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	<del>May 14, 2019</del> <b><u>May 30, 2019</u></b>
Negotiations and execution of contract ( <i>estimate only</i> )	<del>May 15, 2019 – June 14, 2019</del> <b><u>May 31, 2019 – June 21, 2019</u></b>
Contract start date ( <i>estimate only</i> )	<del>May 14, 2019</del> <b><u>June 21, 2019</u></b>
Contract end date ( <i>estimate only</i> )	<del>June 14, 2021</del> <b><u>June 21, 2021</u></b>

#### 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: Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the Standard 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.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Payee Data Record Form	This form contains information the JCC requires to process payments and must be submitted with the proposal.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: References	The Proposer must provide at least 3 references and submit with its proposal.
Attachment 9: Bidder Declaration	The Proposer must complete this form only if wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation
Attachment 10: DVBE Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.

## 5.0 PAYMENT INFORMATION

### The Judicial Council should pay the Contractor:

- The resulting contract will be comprised of firm fixed pricing for the Scope of Services and Deliverables described in Section 2.0 of this RFP and payment for services performed shall be by completion of each of the identified deliverables listed in Table 1 below.
- No other expenses (including travel expenses) will be reimbursed by the Judicial council;
- Contractor shall submit invoices upon satisfactory completion of services;
- The payment term is Net 60 from date or receipt of invoice; and
- See Attachment 2, Standard Terms & Conditions, Appendix B, Pricing and Payment.

**Table 1**

Deliverable #	Deliverable	Estimated Completion Date	Retention* (%)
1	Project kick off meeting and proposed approach in writing	June 30, 2019	15%
2	1 <sup>st</sup> Progress report 2 <sup>nd</sup> Progress	December 31, 2019 March 31, 2020	15% for each progress report
3	Draft recommendations for Performance Measurers and Benchmarks (PMB)	June 30, 2020	20%
4	Final Performance Measurers and Benchmarks (Final PMB)	September 1, 2020	20%
5	Final Report Summarizing all the consultant’s findings	December 1, 2020	15%

**\*The JCC shall have the right at the time of Acceptance, to withhold the amounts to be paid to Contractor according to the retention % outlined in Table 2 above.**

## 6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. All printed materials shall be furnished on 8 ½” x 11” paper, no foldouts, and printing on one-side wherever possible. 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.

- 6.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
- a. 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 original technical proposal (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
  - b. 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 Judicial Council 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.
  - c. The Proposer must submit an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

- 6.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

**Bid Desk – Benchmarks for Statewide Collection Entities**  
Judicial Council of California  
Branch Accounting and Procurement| Administrative Division  
Attn: Sheryl Berry-T, RFP No: BS-2018-03-DM  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

- 6.4 Late proposals will not be accepted.
- 6.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.



## 7.0 PROPOSAL CONTENTS

7.1 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.

- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. Proposer to describe their experience in developing collection benchmarks and the number of years in the field.
- d. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- e. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The Judicial Council may check references listed by the Proposer.
- e. Proposed method or Work Plan to complete the work. Including: project initiation, how will the data be analyzed, draft of standards (are the GRR and SR the correct standards to measure collection success), comment period from participating entities, and finalization of standards; Ability to meet timing requirements to complete the project, outlined in Table 1 of Section 2.4.
- f. Acceptance of the 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 (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
- g. Certifications, Attachments, and other requirements.

- i. Proposer must complete the General Certifications Form (**Attachment 4**) and submit the completed form with its proposal.
- ii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 5**) and submit the completed certification with its proposal.
- iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed certification with its bid.
- v. The Proposer must provide at least 3 references (**Attachment 8**) and submit with its proposal.
- vi. The Proposal must complete Bidder Declaration (**Attachment 9**) and DVBE Declaration (**Attachment 10**) only if wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.

7.2 Cost Proposal. The following information must be included in the cost proposal in accordance with the requirements of this RFP and with Section 5.

- i. A “not to exceed” total cost, inclusive of all work and expenses for the Scope of Services and Deliverables described in Section 2.0 of this RFP.
- ii. Fully Burdened Hourly Rates for key staff members working on this contract, inclusive of any and all anticipated travel, overhead, profits, and other costs and/or expenses to the performance of the contract, if awarded.
- iii. As a separate document, submit a detailed line item budget showing the cost of the services for each Deliverable, the estimate number of staff and number of hours needed to complete each deliverable.

Table 2

Deliverable #	Deliverable	Number of Staff	Number of Hours	Cost Per Deliverable
1	Project kick off meeting and proposed approach in writing			

2	Progress reports (due on December 31, 2019 and March 31, 2020)			
3	Draft recommendations for Performance Measurers and Benchmarks (PMB)			
4	Final Performance Measurers and Benchmarks (Final PMB)			
5	Final Report Summarizing all the consultant's findings			
	<b>TOTALS</b>			

**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.

### 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 Judicial Council of California 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 evaluation team 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 a contract will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of proposal (Completeness and inclusion of required information in conformance with the RFP submission requirement in Section 6.0 and 7.0; and clarity of the proposal content)	5
Quality of work plan submitted (the degree to which the proposed services conform and comply with the expressed needs as outlined in Section 2.0.	20
Experience on similar services/credentials of staff to be assigned to the project	25

CRITERION	MAXIMUM NUMBER OF POINTS
Ability to meet timing requirements to compete the project	<b>10</b>
Acceptance of the Terms and Conditions (A proposer's exception to the JCC's Standard Terms or Conditions will receive 0 point)	<b>7</b>
Cost	<b>30</b>
DVBE Incentive	<b>3</b>

## 10.0 INTERVIEWS

Council staff 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 likely be held at the Judicial Council staff offices. The Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. Council staff 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 Judicial Council 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 Judicial Council right to disclose information in the proposal, or (b) requiring the Judicial Council 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 The Proposer will receive a DVBE incentive if, in the sole determination of the Council's staff, 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 as 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. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

12.4 If Proposer wishes to seek the DVBE incentive:

- The Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 9**). The Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- The Proposer must submit with its proposal a DVBE Declaration (**Attachment 10**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration (**Attachment 10**). If the 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 BUP on file with DGS.

12.5 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, Council staff 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 JCC 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 MISREPRETATION 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 <https://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

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protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California  
Branch Accounting and Procurement | Administrative Division  
Attn: Protest Officer, RFP Number: BS-2018-03-DM  
455 Golden Gate Avenue, 6th floor  
San Francisco, CA 94102-3688