

RFP Title: Interdisciplinary Education for Juvenile Court Stakeholders
on Legal and Emotional Permanence; Moving toward A Kin First Culture
RFP Number: CFCC23-164RB

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

**REGARDING: INTERDISCIPLINARY EDUCATION FOR
JUVENILE COURT STAKEHOLDERS ON LEGAL AND
EMOTIONAL PERMANENCE; MOVING TOWARD A
KIN-FIRST CULTURE**

RFP NUMBER: CFCC23-164RB

**PROPOSALS DUE: NO LATER THAN JANUARY 2, 2024, 5:00 P.M. PACIFIC
TIME**

1.0 BACKGROUND INFORMATION

- 1.1 Judicial Council of California. The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the Judicial 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 Judicial Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Judicial Council’s Court Operations and Services Division, Center for Families, Children & the Courts (“CFCC”) supports programs in court settings that improve practice and services for children, youth, parents, families, and other court users.
- 1.2 Interdisciplinary permanency training. A core service provided by CFCC is interdisciplinary education on permanency for children and non-minor dependents in foster care. The juvenile court plays a unique role in ensuring permanency for children, both in its supervision of the dependency case and its ability to convene all participants in the dependency system. Participants in permanency trainings include judges, parent and child attorneys, social workers, county counsel, probation officers, tribal representatives and advocates working with the Indian Child Welfare Act (ICWA), Court Appointed Special Advocates (CASA), parents, juvenile dependency mediators, and other advocates and stakeholders.
- 1.3 Structure of request for proposal. This request seeks proposals for a permanency project to align county systems to create a kin-first culture. The deliverables include one contract term and two option years. Funding for Option Year 2 and Option Year 3 are subject to availability of funds. The Judicial Council intends to award **one agreement**.
- 1.4 Project. This request seeks a proposal to develop a curriculum that can be delivered **in person** on moving legal and emotional permanency toward a kin-first culture specifically explaining how the Family First Prevention and Services Act, concurrent planning, family engagement and connectedness, lead to emotional and legal permanence. Curriculum development will focus on topics of legal and emotional permanency for all juvenile court stakeholders specifically incorporating the youth voice and lived experience, new case law and legislation. Curriculum will include the Judicial Council Bench Cards and guidance from the Administration of Children and Families, specifically [ACYF-CB-IM-20-09: Achieving Permanency for the Well-being of Children and Youth](#) and ACF Youth Engagement Team: Recommendations for Improving Permanency and Well-Being.

Contractor will provide trainings on legal and emotional permanency for foster children to the juvenile court, court appointed dependency counsel, and other

child welfare and juvenile justice partners incorporating the materials and topics listed above in at least 2 counties (**Year 1**). Training will focus on concurrent planning, legal and emotional permanency, and reasonable efforts requirements for youth in post-permanency to achieve permanency and how the Center for Excellence in Family Finding can provide support to move the county toward a kin-first culture. It is anticipated that contractor will seek assistance and feedback from Judicial Council staff as well as the California Child Welfare Council Permanency Committee.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

2.1 Introduction:

The Judicial Council seeks the services of a person or an entity with expertise in interdisciplinary education and working in the permanency topics listed in Section 1.4 above.

The Judicial Council intends to award one (1) Agreement with the initial term (Year 1) of approximately seven (7) months estimated to be performed by the successful Proposer from **February 1, 2024**, through **September 30, 2024**, with the possibility of two (1) one-year options (Year 2 and Year 3) to extend the term. The first option term (Year 2) if exercised is expected to begin on **October 1, 2024**, and end on **October 31, 2025**. The second option term (Year 3) is expected to begin on **November 1, 2025**, and end on **October 31, 2026**. The Judicial Council in its sole discretion may exercise option terms prior to the expiration of the initial term or any option term.

Contractor is expected to provide two live trainings in the first contract term. Each live training is expected to last approximately **6 to 8 hours over one to two (2) days, for a minimum of 50 and up to 120 participants at each training** and the contractor's responsibility and proposed costs shall include all aspects of the training including providing venues if trainings are done in person and faculty, marketing the training and providing registration, coordinating the training on-site if in person, providing educational credit to participants if possible, and evaluating efforts. The curriculum and training plan will be devised by contractor in consultation with Judicial Council Center for Families, Children & the Courts education staff. The funding available for this project is \$57,000.00 in Year One \$60,000.00 in Year 2 and \$60,000.00 in Year Three. This funding includes all expenses, including travel, venue, material, faculty, and other expenses resulting from an requested edits associated with deliverables.

2.1.1 General Scope of Services Requirements:

2.1.1.1 The training program must encompass those aspects of the roles and responsibilities of all juvenile court stakeholders that can usefully be discussed in educational sessions by judicial officers,

- attorneys, court appointed special advocates (CASA), child welfare workers and probation officers.
- 2.1.1.2 The training curriculum must focus on topics such as an overview of the Family First Prevention and Services Act, concurrent planning, family engagement and connectedness, emotional and legal permanence, and finding permanency for older youth.
 - 2.1.1.3 Contractor must develop curriculum for a minimum 6 to 8-hour training session over one or two days in consultation with Judicial Council Staff.
 - 2.1.1.4 Contractor will present and finalize curriculum based on feedback from the Judicial Council staff.
 - 2.1.1.5 Trainings must encompass a mix of classroom-style instruction and group exercises and participation.
 - 2.1.1.6 Trainings are expected to last **one to two days** and approximately **six to eight hours** and presented in a venue that will accommodate a minimum of **50 up to 120** participants. The distance learning component must be at least 1 hour in length for each component of the curricula.
 - 2.1.1.7 Curriculum development and **two (2)** live trainings delivered in person must be presented in **Year 1**.
 - 2.1.1.8 Trainings must be delivered on a county-by-county basis and in consultation with Judicial Council staff and the California Department of Social Services.
 - 2.1.1.9 Contractor must deliver training programs that must include a significant amount of participatory activity and include a method for practice and individual feedback from the instructor(s).
 - 2.1.1.10 Contractor will deliver the training programs that include different methods for discussion, including but not limited to audio/visual vignettes, as well as case studies, other written materials, handouts, and job aids.
 - 2.1.1.11 Contractor will provide faculty including subcontracting with faculty when necessary. Faculty will be experienced professionals in their area of training. A one to two-day training session must include a minimum of one to two faculty, from different backgrounds and disciplines, to create a varied and engaging experience for attendees. Faculty drawn from system participants such as child, youth and parents that have been through the juvenile justice system is requested. Past Judicial Council trainings of this type have included approximately six to eight faculty over two (2) days.
 - 2.1.1.12 Contractor will secure and pay for all training venues. Judicial Council will be notified prior to any venue selection being finalized. Contractor will cover all logistical costs such as audiovisual equipment and wireless services, and catering costs for participants.

- 2.1.1.13 Contractor will secure and pay for catering. Catering must include continental breakfast and nutritional lunch that will accommodate special meal requests for dietary restrictions.
- 2.1.1.14 Contractor will provide marketing to ensure registration between a minimum of 50 and up to 120 participants at each training and a mix of disciplines represented by the participants.
- 2.1.1.15 Judicial Council will assist in marketing by disseminating training information to stakeholders, including judges, attorneys, child welfare, court appointed counsel, and probation officers through e-publications designed for court professionals, and targeted outreach through email. Judicial Council will post and house the distance learning curricula.
- 2.1.1.16 Contractor will maintain a program for participants to register for the training, manage registration process, confirm attendance at training, and provide other logistical support to participants as need. Contractor will also provide Judicial Council with a listing of program registrants including full contact information
Contractor will provide registration software, registration services and other logistical support to participants.
- 2.1.1.17 Contractor will provide all written and printed materials required for each person at training.
- 2.1.1.18 Contractor will provide on-site coordination of services including coordination with the venue staff, the faculty, caterers, and participants if the training is in person.
- 2.1.1.19 Contractor will provide and or assist the Judicial Council in providing continuing education units for attorneys and other professional credits.
- 2.1.1.20 Contractor will administer course evaluations and record them in a database and report evaluations to the Judicial Council.

2.1.2 Tasks and Deliverables.

The Judicial Council anticipates the following major tasks and specific deliverables in connection with the scope of services described in this Request for Proposal (RFP). Without changing the Deliverables, the Proposer should correct, validate, and expand on the tasks, as deemed necessary or desirable by the Proposer.

2.1.2.1 **Task 1 – Curriculum Development**

- 2.1.2.1.1 Meet with and obtain input from CFCC dependency attorneys and tribal project’s staff on needs, gaps, objectives, and outcomes for this project.
- 2.1.2.1.2 Design and develop the curriculum. Curriculum must include competencies, objectives, outline, and agenda with content to be covered. Instructor training or lesson plan for curriculum must be developed that includes key points for each learning objective, and participant

- materials, power point presentations and other multi-media presentations or training methods, exercises, hypothetical's, case studies, practice opportunities with direct and immediate individual feedback/critique, participant evaluation forms and other handouts.
- 2.1.2.1.3 Contractor is expected to provide substantially new content that has not been offered by the Judicial Council in previous curriculum, based on adult learning principles and a careful consideration of current delinquency policy and practices.
 - 2.1.2.1.4 Curriculum must focus on increased permanency outcomes for children in our juvenile court system.
 - 2.1.2.1.5 Make modifications to curriculum based on feedback from CFCC delinquency attorneys.
 - 2.1.2.1.6 **Deliverable 1:** Complete and send draft outline of the curriculum package, to the Judicial Council **Estimated Due date: March 15, 2024.**
 - 2.1.2.1.7 **Deliverable 2:** Complete and send the curriculum package, to the Judicial Council, which will be used for future trainings, including all items mentioned above, at least 15 days prior to the deliverable date to give Judicial Council staff an opportunity to review and collaborate on any needed changes. **Estimated Due date: May 31, 2024.**
- 2.1.2.2 **Task 2 – Program presentations**
- 2.1.2.2.1 Schedule and coordinate logistics, including venues for training and registration tools and process, for training programs in each of the two (2) locations in California.
 - 2.1.2.2.3 Reproduce and assemble program materials for instructors and participants.
 - 2.1.2.2.4 Secure faculty and conduct trainings in each of the two (2) locations that are 6 to 8 hours over one or two days in length at each location.
 - 2.1.2.2.5 Review feedback from evaluations and debrief with Judicial Council staff.
 - 2.1.2.2.6 Revise curriculum package as required by Judicial Council.
 - 2.1.2.2.7 **Deliverable 3:** Program presented, and registration and evaluation information provided to Judicial Council staff, as well as debrief with Judicial Council staff within 10 days following the training. The **first** training should occur by **September 30, 2024.**

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2.1.2.2.9 **Deliverable 4:** Program presented, and registration and evaluation information provided to Judicial Council staff, as well as debrief with Judicial Council staff within 10 days following the training. The **second** training shall occur by **September 30, 2024.**

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued:	December 12, 2023
Deadline for written questions to solicitations@jud.ca.gov	December 18, 2023
Questions and answers posted (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	December 19, 2023
Latest date and time proposal may be submitted. solicitations@jud.ca.gov	January 2, 2024
Evaluation of proposals (<i>estimate only</i>)	January 3 to 16, 2024
Notice of Intent to Award (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	January 17, 2024
Negotiations and execution of contract (<i>estimate only</i>)	January 18 to 31, 2024
Contract start date. (<i>estimate only</i>)	February 1, 2024

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs	These rules govern this solicitation.
Attachment 2: Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
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 Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 7: Iran Act	The Proposer must complete this Certification, if applicable.
Attachment 8: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification,
Attachment 9 DVBE Declaration	This form needs to be signed by the Proposer if the Proposer is participating in the DVBE incentive and submitted with the proposal.
Attachment 10 Bidder Declaration	This form needs to be signed by the Proposer if the Proposer is participating in the DVBE incentive and submitted with the proposal.

5.0 PAYMENT INFORMATION

- Subject to the terms in Attachment 2, Appendix B, Payment Provisions, the selected provider will be paid on a firm-fixed price per Deliverable basis.
- The resulting contract will be comprised of firm fixed pricing for satisfactory completion of each deliverable/Milestone listed below. Completion Dates and Firm Fixed Amounts listed in the below table are estimated. The actual completion dates and firm fixed amounts will be based on the awarded proposal.
 - Contractor shall submit invoices upon satisfactory completion of services.
 - No other expenses including travel expenses will be reimbursed by the Judicial Council.
 - The payment term is Net 60 from date or acceptance of services.

Table 1 Milestones:

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Milestone(s) Description	<i>Estimated Completion Date</i>	<i>Estimated <u>Maximum</u> Firm Fixed Amount</i>
Initial Term (Year 1): February 1, 2024, to September 30, 2024		
<p>Deliverable 1 Draft Outline of Curriculum:</p> <p>Curriculum Outline:</p> <ul style="list-style-type: none"> • Collaborate with Judicial Council staff and other faculty to develop content. • Develop draft materials and job aids. • Participate in email exchanges and phone calls with Judicial Council to discuss curriculum and training objectives. 	<i>By March15, 2024</i>	<i>\$10,000.00</i>
<p>Deliverable 2 Final Draft of Curriculum Package:</p> <p>Curriculum Feedback:</p> <ul style="list-style-type: none"> • Make suggested changes on curriculum and job aids after Judicial Council Staff review. 	<i>By May31, 2024</i>	<i>\$7,000.00</i>
<p>Deliverable 3: Training 1</p> <ul style="list-style-type: none"> • Deliver Training 1. 	<i>By September 30, 2024</i>	<i>\$20,000.00</i>
<p>Deliverable 4: Training 2:</p> <ul style="list-style-type: none"> • Deliver Training 2. 	<i>By September 30, 2024</i>	<i>\$20,000.00</i>
First Option Term (Year 2): November 1, 2024, to October 31, 2025		
<p>Deliverable 5: Training 3</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. 	<i>By October 31, 2025</i>	<i>\$20,000.00</i>

<ul style="list-style-type: none"> • Deliver Training 3. 		
<p>Deliverable 6: Training 4</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. • Deliver Training 4. 	<i>By October 31, 2025</i>	<i>\$20,000.00</i>
<p>Deliverable 7: Training 5</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. • Deliver training 5. 	<i>By October 31, 2025</i>	<i>\$20,000.00</i>
Second Option Term (Year 3): October 1, 2025, to September 30, 2026		
<p>Deliverable 8: Training 6</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. • Deliver Training 6. 	<i>By October 31, 2026</i>	<i>\$20,000.00</i>
<p>Deliverable 9: Training 7</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. • Deliver Training 7. 	<i>By October 31, 2026</i>	<i>\$20,000.00</i>
<p>Deliverable 10: Training 8</p> <ul style="list-style-type: none"> • Review evaluations and consult with Judicial Council staff regarding any changes to the curriculum. • Deliver Training 8. 	<i>By October 31, 2026</i>	<i>\$20,000.00</i>

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 6.3 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
 - a. The Proposer must submit **an electronic copy** of the technical proposal. The proposal must be signed by an authorized representative of the Proposer. The technical proposal must be submitted via email to Solicitations@jud.ca.gov. The Proposer must write the RFP title and number in the subject line of the email.
 - b. The Proposer must submit their Cost Proposal as an attachment to an email sent to solicitations@jud.ca.gov. The proposal must be signed by an authorized representative of the Proposer. It should be a **separate attachment** marked “COST PROPOSAL”, from the technical proposal. The Cost Proposal must include all components required in Section 7.2 and 7.3.
- 6.4 Proposals must be delivered by the date and time listed on the coversheet of this RFP.
- 6.5 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received prior to the due date and time, or the proposal will not be accepted.

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. A cover letter containing 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. Describe the organization's key staff (including the dedicated program manager) that would service the contract. Provide a listing of the key staff, including name, title, and length of service within the organization along with a resume for each key staff member. Other staff should be identified by name and title; additional qualifications and experience on similar projects may be included.
- d. A separate section covering the Proposer's background, Principal Officers, and Staff Qualifications and Experience.
- e. Provide at least two (2) clients as references whom the Proposer has conducted similar services. References are to include names, addresses, telephone numbers and the email address of a contact person. The Judicial Council staff may contact referenced clients when reviewing a proposal to verify the information provided. A reference must be external to a Proposer's organization and corporate structure.
- f. Proposer must include a Work Plan showing how they will complete the Tasks and Deliverables as defined in Section 2.0.

The Work Plan will outline the proposed approach, using the general deadlines specified within this RFP and include the following:

- i. Sample outline of curriculum development.
 - ii. Sample learning objectives.
 - iii. Sample evaluations, including any continuing education credits that will be given; and
 - iv. Sample timeline for curriculum development, including any interactive and adult learning principles that will be used.
- g. 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 as noted below. 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 shows all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
 - h. Certifications, Attachments, and other requirements.
 - i. The 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. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- v. The Proposer must complete the Payee Data Record form (Attachment 6) and submit the completed form with its proposal.
- vi. The Proposer must complete the Unruh and FEHA Certification (Attachment 7) and submit the completed certification with its proposal.

7.2 Cost Proposal

The following information must be included in the cost proposal.

- i. Proposer to provide a detailed line-item budget for each deliverable (s) described and the costs shall not exceed estimated firm fix priced of each deliverable and the total costs for the entire project should be \$177,000.00 as stated in section 2.1 of this RFP.
- ii. Provide estimate of cost for distance learning platform
- iii. Payment will be made after completion and acceptance of deliverables as follows:

PAYMENT NUMBER	BILLABLE ACTIVITY	INVOICE DUE DATE
#1	Completion of Deliverable 1	No later than April 15, 2024
#2	Completion of Deliverable 2	No later than June 30, 2024
#3	Completion of Deliverable 3	No later than October 30, 2024
#4	Completion of Deliverable 4	No later than October 30, 2024
#5	Completion of Deliverable 5	No later than October 30, 2025
#6	Completion of Deliverable 6	No later than October30, 2025
#7	Completion of Deliverable 7	No later than October30, 2025
#8	Completion of Deliverable 8	No later than October 30, 2026

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#9	Completion of Deliverable 9	No later than October 30, 2026
#10	Completion of Deliverable 10	No later than October30, 2026

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 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 Judicial Council 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 is awarded, the Judicial Council will post an intent to award notice at www.courts.ca.gov/rfps.htm.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted	17
Experience on similar assignments	30
Cost	30
Qualifications of staff to be assigned to project based on resumes submitted including experience, background, expertise and credentials if any	10
Acceptance of the Terms and Conditions	5
Ability to meet timing requirements to complete the project	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3

10.0 INTERVIEWS AND NEGOTIATION

Judicial Council staff may conduct interviews with Proposers to clarify aspects set forth in their proposals or to finalize the contract terms and conditions, including cost.

Interviews and negotiations may be conducted by phone or videoconference. If there's a need to clarify any portion of the Proposers proposal, the Judicial Council will notify Proposer 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's 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

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council'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 9.0 above.

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").

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 10). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Proposer must submit with its proposal a DVBE Declaration (Attachment 9) 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 DVBE Declaration. 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 BUP on file with DGS.

Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

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 Judicial Council 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.

If using DVBE subcontractors, the Proposer must complete and return to the Judicial Council a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer's final invoice to the Judicial Council. If the Proposer fails to do so, the Judicial Council will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the Judicial Council shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Proposer refuses to comply with the certification requirements, the Judicial Council shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

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 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.

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The deadline for the Judicial Council to receive a protest for this RFP is the proposal due date.
(Indicate Solicitation Number and Name of Your Firm in the email.)

Protests must be sent via email to: Solicitations@jud.ca.gov