



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688

Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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# MEMORANDUM

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**DATE**

April 23, 2003

**TO**

POTENTIAL BIDDERS

**FROM**

Kenneth Kann  
Supervising Attorney  
Office of the General Counsel  
Judicial Council of California  
Administrative Office of the Courts

**SUBJECT**

REQUEST FOR PROPOSALS:

**Official Publisher of Judicial Council  
Forms—OGC 04-23-03**

**ACTION REQUESTED**

You are invited to review and respond to the  
Request for Proposals identified above.

**DEADLINE**

Proposals must be received by 5 p.m. on May  
28, 2003

**SUBMISSION OF PROPOSAL:**

Proposals should be sent to:

Kenneth Kann  
Supervising Attorney  
Office of the General Counsel  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
415-865-7664 fax

**CONTACT FOR FURTHER INFORMATION**

Douglas C. Miller  
Attorney  
Office of the General Counsel  
415-865-7535 phone  
415-865-7664 fax  
douglas.miller@jud.ca.gov

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## **1.0 GENERAL INFORMATION**

### *1.1 Background*

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policymaking body of the California judicial branch. 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 performs other functions prescribed by law, including the adoption or approval of forms to be used in California courts, known as Judicial Council forms. 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 AOC Divisions*

The divisions of the AOC with primary responsibility for the preparation and modification of Judicial Council forms are the Office of the General Counsel (forms for general civil and criminal trial and appellate practice, small claims court, and probate practice), and the Center for Families, Children & the Courts (forms for family law, juvenile court, and domestic violence; foreign-language instructional forms in these fields; and other specialized forms, including “plain language” forms designed for use by self-represented litigants, interactive “fillable” forms that may be completed on computers, and interactive forms with special features making them accessible by persons with disabilities). The Information Services division of the AOC is primarily responsible for implementing the AOC’s program to develop electronic filing in California courts. The official publisher of Judicial Council forms will interact directly with AOC personnel from each of these divisions and, occasionally, with personnel from other divisions.

## **2.0 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)**

The Judicial Council seeks a contractor to be the official publisher of Judicial Council forms, beginning on or about August 1, 2003. No minimum amount of work is guaranteed. The official publisher will be selected for at least a two-year term for the following purposes: (1) to provide drafting, layout, and other assistance to the Judicial Council in the development and production of new and revised forms; (2) to produce and distribute printed camera-ready originals of new and revised forms; (3) to provide to the AOC electronic versions of new and revised forms for publication on the California Courts Web site; and (4) to publish the forms in a printed or electronic version. The contracting publisher will be designated by the Judicial Council and the AOC, and will be entitled to call itself the “Official Publisher of California Judicial Council Forms.”

### **3.0 SCOPE OF SERVICES**

#### *3.1 Description of the Work*

3.1.1 Provide drafts of new and revised Judicial Council forms prepared by the AOC, within two business days of a request from the AOC transmitted by telephone, facsimile, or e-mail, or within one business day in the event of an urgent request. The current official publisher produces and revises the forms using Omniform®, a software product of Scansoft, Inc. Some AOC personnel who work on Judicial Council forms also use this program to prepare drafts of new and revised forms. This AOC activity in the preparation of forms is expected to increase during the term of the contract. Other software programs that have been used to prepare drafts of new and revised Judicial Council forms include Microsoft Word®, Adobe Acrobat®, and Quark XPress®. (Quark XPress has been used to create “plain language” forms, which require special graphics and other formatting to enhance their readability. Quark XPress is not favored for continued use.) Please specify the software program(s) you would propose to use to prepare or modify the forms, including any software costs. Please specify your capability to convert existing form files to the specified software program(s) you propose to use, or any other processes you propose for working with current forms files. You may examine Adobe® Portable Document Format (pdf) file copies of all current Judicial Council forms on the California Courts Web site at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).

3.1.2 Receive and transmit drafts of new and revised forms from and to the AOC by facsimile and by secure electronic file attachments to e-mail. The current official publisher customarily transmits electronic file copies of drafts of new and revised forms to the AOC as pdf files. Please specify the format you propose to use to send electronic file copies of new and revised forms between you and the AOC, and all necessary software, including software costs.

3.1.3 Maintain a style manual and propose updates and corrections as appropriate. The AOC will provide a copy of the existing style manual that will serve as a starting point for the manual required under this paragraph. Most new or revised forms must conform to the forms style manual. “Plain language” forms designed for use by self-represented persons must conform to a separate set of format and appearance guidelines that the AOC will provide. Examples of “plain language” forms may be seen under the adoption and domestic violence form categories at the Web site address listed in paragraph 3.1.1.

3.1.4 Within two business days following each Judicial Council meeting at which new or revised forms are adopted or approved (at least two meetings a year), produce drafts of each new or revised form adopted or approved by the council. The number of new and amended forms typically varies from 1 to 100 forms, and sometimes more, per meeting of the Judicial Council. An individual form typically varies in length from one to four sides. The Judicial Council is scheduled to meet six times in 2003, with the April and October meetings specifically dedicated to the review of new and amended forms along with rules of court. The majority of the forms

considered at each meeting are revisions of existing forms. In most instances, the effective dates of the new and revised forms are July 1 for forms reviewed at the April council meeting and January 1 of the year following for forms reviewed at the October council meeting.

3.1.5 Produce final drafts of the forms mentioned in paragraph 3.1.4 within two business days of receipt of final revisions from the AOC.

3.1.6 Within ten business days of receipt of approved final drafts, produce and mail, using address labels provided by the AOC, collated sets of new and revised forms exactly as approved by the Judicial Council. These forms must be high-quality, camera-ready originals printed on at least 90 brightness, 92 opacity, white coated text stock, with a minimum weight of 90 pounds. Printed multi-page forms must be printed on both sides of the paper. The text of even-numbered pages of printed multipage forms must be “tumbled”—rotated 180 degrees so that the text may be read when the reader lifts up the previous page of a printed form that is fastened at the top of the odd-numbered page. The publisher may not place its logo or similar identification on these camera-ready forms. The forms described in this paragraph include (1) the AOC’s required distribution of sets of original forms to the courts, (2) 20 sets of original forms to the AOC, and (3) distribution of sets of original forms to others, possibly including other publishers. The number of sets in this category may change during the term of the contract but is not expected to exceed 220. At the present time, a total of approximately 150 sets of new and revised forms is distributed after each Judicial Council meeting at which new or revised forms are adopted or approved.

3.1.7 Produce and deliver to the AOC, within the same time frame as the sets of printed forms specified in paragraph 3.1.6, electronic versions of the new and revised forms as Adobe® pdf files that can be posted on, downloaded from, and printed from the California Courts Web site for public and internal court use at no charge (non-fillable). When viewed or printed through Adobe Acrobat Reader® software, these forms must also be exactly as approved by the Judicial Council, except that the official publisher may place its logo or similar identification on these forms, in a size and place on each form approved by the AOC.

3.1.8 The official publisher is required to publish a complete set of the forms, either in a printed or an electronic version. Special consideration will be given to a publisher who will publish the forms in a printed version, either directly or through a third party licensed by the official publisher. The forms must be published exactly as approved by the Judicial Council, except that the official publisher may place its logo or similar identification on these forms, in a size and in a place on each form approved by the AOC.

3.1.9 Produce, as requested by the AOC, versions of some of the forms in languages other than English. The AOC will be responsible for the content of the text of all foreign-language forms, but the official publisher must demonstrate the ability to produce forms in Chinese, Korean, Spanish, and Vietnamese, and possibly in other languages that may be added during the term of the contract.

3.1.10 The AOC reserves the right to develop and make available for public use a set of simple, "fillable" electronic Judicial Council forms. These forms will have fillable text fields and checkboxes that enable a user to complete the forms on a computer equipped with Adobe Acrobat Reader® software and then print out a completed copy. The AOC is posting these forms on the California Courts Web site and making them available to the public at no cost. The AOC anticipates adding features that will enhance the forms' accessibility to disabled persons, particularly compatibility with certain computer screen readers. Special consideration will be given to a bidder who is able, if the AOC requests help, to assist developing or maintaining these forms.

3.1.11 The AOC is working to develop, and will thereafter maintain, statewide procedures and standards for the electronic filing of documents in all California trial courts, including the electronic filing of Judicial Council forms. These statewide electronic filing standards and procedures will be based on Extensible Markup Language (XML) schema, which will require Judicial Council forms to be embedded with XML tags that conform to the statewide standards. The AOC expects to establish these common electronic filing standards and procedures during the term of the proposed contract, and anticipates that within a reasonable time thereafter, electronic filing of Judicial Council forms will be possible. Special consideration will be given to a bidder who is familiar with XML programming and related technology, and who can work with the AOC on this project as needed in the future, including the preparation of forms with XML embedded tags that conform to the AOC electronic filing standards and procedures.

3.1.12 Identify three employees, including at least one supervisor, who will be the designated contact persons with whom staff of the AOC will directly communicate concerning Judicial Council forms. Preference will be given to bidders whose designated contact persons are available during normal business hours in California (8 a.m. to 5 p.m., United States Pacific time) regardless of where they are located.

### 3.2 *Rights of Official Publisher*

3.2.1 The official publisher will be designated by the Judicial Council and the AOC, and may call itself the "Official Publisher of California Judicial Council Forms."

3.2.2 The official publisher will be listed first on the Web page listing forms publishers on the California Courts Web site.

3.2.3 The official publisher may use the designation “Official Publisher of California Judicial Council Forms” in the production of forms either electronically or in hard copy and directly or through a license.

3.2.4 The official publisher may use the designation “Official Publisher of California Judicial Council Forms” in any advertising or promotion.

3.2.5 The official publisher may sell the forms to the public, in paper or in electronic form, including interactive (fillable) and e-filing versions.

3.2.6 The official publisher will have no ownership right in any of the forms produced or revised under the requirements of the contract contemplated by this RFP and cannot copyright them. All Judicial Council forms produced or revised by the official publisher under the requirements of the contract are in the public domain. At the end of the contract the publisher must provide to the AOC, at no cost, electronic file copies of the latest version of each form in the amendable format specified under paragraph 3.1.1, and in the interactive or fillable and e-filing versions described in paragraphs 3.1.10–3.1.11 if these have been created. The AOC may use these copies to produce and revise the forms after the term of the contract, directly or with the assistance of others, including any successor official publisher.

#### **4.0 SPECIFICS OF A RESPONSIVE PROPOSAL**

##### *4.1 Bidder Information That Must Accompany Proposal*

4.1.1 Name, address of the bidder’s principal office and, if different, address of its principal office in California, telephone number(s), and social security number or tax identification number. As of the date of the contract contemplated in this Request for Proposals, the successful bidder must be authorized to do business in California and must have a designated agent for service of process in California.

4.1.2 Four copies of the proposal signed by an authorized representative of the bidder, including name, title, address, and telephone number of the person who is the bidder’s authorized representative.

4.1.3 Résumés describing the background and experience of the bidder’s key staff in conducting the proposed activities, specifically including the proposed designated contact persons described in paragraph 3.1.12.

4.1.4 Description of key staff’s knowledge of the requirements necessary to complete the contract contemplated by this Request for Proposals.

4.1.5 Description of the length of time the bidder has been in the forms production business, the company's average monthly sales, and its ownership and management structure.

4.1.6 Description of the experience, both in length of time and volume, the bidder has had in the production of both electronic and paper forms.

4.1.7 Names, addresses, and telephone numbers of a minimum of five clients or customers for whom the bidder has performed services similar to those described in this Request for Proposals. The AOC may check all or any of these references.

4.1.8 Straightforward, concise information that will satisfy the requirements noted above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the stated instructions, responsiveness to solicitation document requirements, and completeness and clarity of content.

#### 4.2 *Methodology*

Describe the bidder's overall approach to acting as the official publisher of Judicial Council forms. The description should include specific techniques that will be used in acting as the official publisher and how the bidder will meet the requirements of preparing, revising, and editing the forms and providing other services to the AOC.

### **5.0 COST PROPOSAL**

Describe in detail any costs proposed to be charged to the AOC for any of the services to be provided. The proposal must also specify any free services that will be provided by the bidder and any royalty or other payment that will be made to the Judicial Council for designation as the official publisher. The proposal must detail any costs that would be charged to the AOC.

### **6.0 RIGHTS**

The AOC and the State of California reserve the right to reject any and all proposals or any parts thereof, and the right to request or not to request similar proposals in the future. This Request for Proposals is not an agreement, obligation, or contract. The State of California is not responsible for the cost of preparation of any bidder's proposal. One copy of a submitted proposal will be retained for official files and will become a public record.

Oral or e-mailed proposals will not be accepted. Faxed proposals will be accepted if they are received by 5 p.m. on May 28, 2003, and are followed by identical copies as required in paragraph 4.1.2 that are sent by registered or certified mail with postmarks no later than May 28, 2003. The bidder may send an advance copy of a proposal by facsimile to the Project Director at

the fax number listed in section 7.0. However, sending an advance copy by fax does not satisfy the requirements of paragraph 4.1.2.

## **7.0 PROJECT MANAGEMENT**

Address proposals to the Project Director:

Kenneth Kann  
Supervising Attorney  
Office of the General Counsel  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
415-865-7664 fax

## **8.0 EVALUATION OF PROPOSAL**

The AOC will evaluate the proposal using the following criteria:

- A. Quality of work plan submitted
- B. Experience on similar assignments
- C. Credentials of staff to be assigned to the project
- D. Ability to meet timing requirements to meet deadlines
- E. Reasonableness of cost projections
- F. Capacity to provide services for a prolonged period of time

Based on the criteria listed above, the AOC will select a bidder and negotiate with that bidder to reach a final contract. The AOC reserves the right to negotiate with other bidders or not to enter into a contract if it cannot reach a final contract with that bidder.

## **9.0 ADDITIONAL REQUIREMENTS**

It may be necessary to interview bidders to clarify aspects of their proposals. If interviews are conducted, they will most likely be by telephone conference call. The AOC will notify bidders regarding any interview arrangements.



## **10.0 CONTRACT TERMS AND ADMINISTRATIVE RULES**

A contract with the successful bidder will be signed by the parties on a State of California Standard Contract form and will include terms appropriate for this project. The contract will contain all applicable terms and will be fully integrated. The terms of the contract will include, but are not limited to: (1) completion of the project within the timeframe provided; (2) no additional work authorized without prior approval; (3) no payment without prior approval; (4) funding availability subject to the Legislature's approval; (5) termination of contract under certain conditions; (6) indemnification of the State of California; (7) approval by the State of California of any subcontractors; (8) national labor relations board, drug-free workplace, nondiscrimination, and Americans With Disabilities Act requirements; and (9) minimum appropriate insurance requirements.

Incorporated in this Request for Proposals, and included as Attachment A, is a document entitled "Administrative Rules Governing Requests for Proposals." Bidders must follow these rules in preparing their proposals.

**ATTACHMENT A**  
**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**

**ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

**A. General**

1. This Request for Proposals (RFP), the evaluation of proposals, and the award of any contract, must conform with current competitive bidding procedures as they relate to the procurement of goods and services. A bidder's proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. A nondiscrimination clause will be included in any contract that ensues from this RFP.
3. In addition to explaining the AOC's requirements, the RFP includes instructions that prescribe the format and content of proposals.

**B. Errors in the RFP**

1. If a bidder submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the bidder must immediately provide the AOC with written notice of the problem and request that the RFP be clarified or modified. Without disclosing the source of the request, the AOC may modify the RFP prior to the date fixed for submission of proposals by issuing an addendum to all potential bidders to whom the RFP was sent.
2. If a bidder submitting a proposal knows of or should have known of an error in the RFP but fails to notify the AOC of the error prior to the date fixed for submission of proposals, the bidder will bid at its own risk. If the bidder is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

**C. Questions regarding the RFP**

1. If a bidder has any questions regarding this RFP, they must be submitted in writing to the Project Director identified in the RFP, at the mailing address or the fax number listed in section 7.0 of the RFP, by 5 p.m. on May 7, 2003.
2. If a bidder's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the bidder may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." The bidder must submit a statement with the question explaining why the question is sensitive. If the AOC concurs that disclosure of the question or the answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the bidder will be notified.

3. If a bidder submitting a proposal believes that one or more of the RFP's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the bidder may submit a written request that the RFP be changed. The request must set forth the recommended change and the bidder's reasons for proposing the change. Any such request must be submitted to the Project Director identified in the RFP, at the mail address or the fax number listed in section 7.0 of the RFP, by 5 p.m. on May 7, 2003.

#### **D. Addenda**

The AOC may modify the RFP prior to the date fixed for submission of proposals by mailing or faxing an addendum to the potential bidders to whom the request was sent. If any potential bidder determines that an addendum unnecessarily restricts its ability to bid, it must notify the Project Director no later than one day following its receipt of the addendum.

#### **E. Withdrawal and resubmission/modification of proposals**

A bidder may withdraw its proposal at any time prior to the deadline for submitting proposals by notifying the AOC in writing of its withdrawal. The bidder must sign the notice. The bidder may thereafter submit a new or modified proposal, provided that it is received at the AOC no later than 5 p.m. on May 28, 2003. Modification offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after 5 p.m. on May 28, 2003.

#### **F. Evaluation process**

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with the requirements of the RFP.
2. A proposal may be rejected if it fails to meet a material requirement of the RFP. A deviation is material to the extent that a response is not in substantial accord with the requirements. Material deviations cannot be waived. Immaterial deviations may cause a bid to be rejected.
3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the AOC regarding a requirement of the RFP.
4. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.
5. During the evaluation process, the AOC may require an authorized representative of the bidder to answer questions about the bidder's proposal. Failure of a bidder to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal unresponsive to the RFP.

## **G. Rejection of bids**

The AOC may reject any or all proposals and may or may not waive an immaterial deviation or defect in a proposal. The AOC's waiver of an immaterial deviation or defect does not modify the RFP or excuse a bidder from full compliance with the specifications required in the RFP. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part or negotiate any or all items with individual vendors if it is deemed in the AOC's best interest. The AOC also reserves the rights to (1) reject any bid or proposal that is not responsive to the solicitation requirements; (2) reject any bid or proposal because the bidder does not meet the AOC's stated criteria for contractor responsibility; (3) reject any bid or proposal where the bidder fails to satisfactorily comply with a criterion, regardless of the listed importance of the criterion, if it is considered a significant element of the procurement; or (4) make no selection if proposals are deemed to be outside the fiscal year constraints or against the best interest of the AOC.

## **H. Award of contract**

1. An award of a contract, if made, will be in accordance with the RFP to a responsible bidder submitting a proposal in compliance with all the requirements of the RFP and any addenda thereto, except for immaterial defects that are waived by the AOC.
2. The AOC reserves the right to determine the suitability of proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

## **I. Decision**

Questions regarding the AOC's award of any business on the basis of proposals submitted in response to this RFP, or on any related matter, should be addressed to the Project Director identified in the request.

## **J. Execution of contracts**

1. The AOC will make a reasonable effort to execute any contract based on this RFP within 30 days of selecting a proposal that best meets its requirements.
2. A bidder submitting a proposal must be prepared to use a standard State of California contract form rather than its own contract form.

## **K. Protest procedure**

1. The AOC intends to be completely open and fair to all bidders in selecting the best contracting partner within budgetary and other constraints described in the RFP. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.
2. A bidder submitting a proposal may protest an award if it meets all the following conditions:
  - a. the protesting bidder has submitted a proposal that it believes is responsive to the RFP;
  - b. the protesting bidder believes that its proposal meets the AOC's administrative and technical requirements, proposes items of proven quality and performance, and offers a competitive cost to the AOC; and
  - c. the bidder believes that the AOC has incorrectly selected another bidder.
3. A bidder who is qualified to protest should contact Mr. Grant Walker at the address given below, or should telephone him at 415-865-7978.

Grant Walker  
Manager of Business Services  
Finance Division  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

4. If Mr. Walker is unable to resolve the protest to the unsuccessful bidder's satisfaction, the bidder must file a written protest within five working days of the contract award notification. The written protest must state the facts surrounding the issue and the reasons the unsuccessful bidder believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to Mr. Walker at the address in 3 above. A receipt should be requested for hand-delivered material.

## **L. News releases**

News releases pertaining to the award of a contract may not be made without prior written approval of the AOC's Manager of Business Services.

**M. Disposition of materials**

All materials submitted in response to this RFP will become the property of the State of California and will be returned only at the AOC's option and at the expense of the bidder who submitted the proposal. One copy of a submitted proposal will be retained for official files and become a public record. However, any confidential material submitted by a bidder that was clearly marked as such will be returned upon request.

**N. Payment**

1. Payment terms will be specified in any contract that may ensue as a result of this RFP.
  
2. **THE STATE OF CALIFORNIA DOES NOT MAKE ADVANCE PAYMENTS FOR SERVICES.** Payment is normally made based upon completion of tasks as provide in the contract between the State of California and the selected bidder. The State of California may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withhold may depend upon the length of the project and the payment schedule provide in the contract between the State of California and the selected bidder.