

RFP Title: AB1194 CONSERVATORSHIP STUDY
RFP Number: CFCC-2023-53-DM

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

RFP TITLE: AB1194 CONSERVATORSHIP STUDY

RFP NUMBER: CFCC-2023-53-DM

PROPOSALS DUE:

November 17, 2023*, NO LATER THAN *1:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 BACKGROUND

The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the JCC 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 JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC staff assists both the council and its chair in performing their duties.

1.2 CENTER FOR FAMILIES, CHILDREN & THE COURTS

The JCC's Center for Families, Children & the Courts (CFCC) will coordinate this project. The CFCC focuses on juvenile and family projects that improve the lives of children through positive changes in the trial and appellate courts' handling of matters involving children and families.

The comprehensive conservatorship study, mandated by [Assembly Bill 1194](#) and revised by [Assembly Bill 1756](#), requires a review of conservatorship casefiles. The JCC is responsible to submit a comprehensive study of conservatorship casefile review, data analysis, and recommendations to the legislature no later than January 1, 2027.¹

1.3 REVIEW OF AB 1194 CONSERVATORSHIP STUDY

California Probate Code section 1458 (a) provides that on or before January 1, 2027, the Judicial Council shall report to the Legislature the findings of a study measuring court effectiveness in conservatorship cases, including the effectiveness of protecting the legal rights and best interests of conservatees.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Judicial Council seeks the services of a service provider with expertise in quantitative and qualitative evaluation, statistical analysis, court file review, public policy, and conservatorship.

TERM: The services are expected to be performed for a period of approximately **35 months** with an *estimated* starting date of **January 2, 2024, through November 30, 2026.**

¹ An amendment was made to §1458 of the Probate Code to extend the deadline for the report to January 1, 2027 in [AB 1756](#).

2.1 SCOPE OF SERVICES

The Proposer is expected to develop a comprehensive study examining effectiveness in conservatorship cases as outlined in Assembly Bill 1194 (AB 1194), culminating in a report provided to the Judicial Council with a summary of findings and recommendations. The Proposer will be expected to collect data on approximately 2,000 conservatorship cases from 5 – 10 small, medium, and large size courts. Casefile review may include electronic case files but will require substantial in-person, onsite hard copy file review. The Proposer will need to obtain their own license for a secure data collection platform and provide a copy of all data collected to the Judicial Council. The data collection is expected to begin as early as **August 2024** and must be completed no later than **August 15, 2025**. The Proposer is expected to analyze the data and provide a draft report to the Judicial Council by **February 16, 2026**. A finalized, edited version of the report is due to the Judicial Council no later than **August 3, 2026**. Throughout the contract period, the Proposer is expected to meet with the JCC AB 1194 Program Manager approximately on a monthly basis and provide a summary of project progress status on all aspects of the study including but not limited to data collection, summaries and findings of data analyzed, and focus groups.

- 2.2 All research plans must be approved by the JCC AB 1194 Program Manager prior to performing work.

All written reports should adhere to the latest version of the JCC Style Guide and any other related report guidelines, templates, etc. as directed by the JCC when submitting written work. All written work must be transmitted in a hardcopy format, as required by the JCC, and electronically in an editable Microsoft Word format. All charts, tables, and graphics must be submitted in an editable format as well. The Proposer must submit an annotated bibliography and hard copies of all source materials used with each deliverable (and include an electronic link to an online source if available).

- 2.3 Develop a study measuring court effectiveness in conservatorship cases including the effectiveness of protecting the legal rights and best interests of a conservatee.

The study will include onsite, manual review of temporary and general probate conservatorship cases filed with the courts in Fiscal Year (FY) 2018 – 2019 for a sample size of 5 – 10 courts. Review must be conducted at a minimum of one small court, one medium sized court, and one large court.

Prepare a written report to the Judicial Council including a summary of data, analysis, and findings of the Study, an analysis of the effectiveness of protecting the legal rights and best interests of a conservatee and compliance with statutory timeframes. The Study must include recommendations for statewide performance measures to be collected, best practices that serve to protect the legal rights of conservatees, and staffing needs to meet case processing requirements, as required by Probate Code § 1458. Provide all data collected to the Judicial Council. Written report must contain the following analyses

with case data separated by cases in which a professional fiduciary was appointed from cases in which a nonprofessional conservator was appointed:

- 1) Number of petitions filed requesting appointment of a conservator by granted and denied.
- 2) Number of conservatorships under court supervision at the end of the fiscal year in which a court investigation was conducted.
- 3) Number of conservatorships under court supervision at the end of the fiscal year in which a court review hearing was held.
- 4) Number of petitions or objections filed by, or on behalf of a conservatee, challenging a conservator's action, failure to act, accounting or compensation by granted and denied.
- 5) Number of conservatorships under court supervisions in which accountings due, and the number of accountings received after they were due or not received at all.
- 6) Number of conservatorships of the estate, or of the person and the estate, under court supervision in which bond was not required of the conservator.
- 7) An analysis of compliance with statutory timeframes in the FY 2018-2019.
- 8) A description of operational differences between courts that affect the processing of conservatorship cases including timeframes and steps taken to protect the legal rights and best interests of conservatees.
- 9) The report shall include recommendations for statewide performance measures to be collected, best practices that serve to protect the legal rights of conservatees, and staffing needs to meet case processing requirements.

2.4 Work with the AB 1194 Program Manager or designee to update and ensure the sampling strategy yields sufficient data for the analysis. Initial sample size estimates yielded a sample of 5 – 10 courts with approximately **2,000** cases to be analyzed. Perform the casefile review, enter data into the casefile review tool, and conduct an analysis on the case file data (from approximately **2,000** case files). Provide a detailed plan for the handling of collected case file review data including a timeline on data management.

2.5 After casefile data collection, organize and conduct 3-5 focused discussion groups involving clerks, attorneys, litigants who have appeared or tried to appear, and other parties from the same 5-10 small, medium, and large size courts included in the sample to obtain more information regarding the operational processes that may have impacted the processing of conservatorship cases, including timeframes and steps taken to protect the legal rights and best interests of conservatees. Focus groups may be conducted via videoconference or in person if permitted by the court.

The focused discussion group will elicit feedback on: 1) the operational processes of how a conservatorship case is handled by the court, 2) information on processes that may have impacted the processing of the case(s), 3) what processes are in place that aid in the processing of the conservatorship cases, and 4) what improvements could be made to the way in which conservatorship cases are processed by their courts. Develop a list of discussion questions for each focus group in consultation with the JCC AB 1194

Program Manager. Submit a written report on focus group themes, operational differences between courts affecting the processing of conservatorship cases, and other notable themes to be included in the final report to the Judicial Council.

- 2.6 Provide updates on data analysis and findings from both court file data collection and focus groups from **deliverables 5 and 6** useful for the development of draft recommendations of statewide performance measure to be collected, best practices that serve to protect the legal rights of conservatees, and staffing needs to meet case processing requirements on a monthly basis.
- 2.7 Collaborate with the JCC AB 1194 Program Manager and other JCC staff, as appropriate, to develop draft statewide performance recommendations based on the findings from the casefile review and focus group(s).
- 2.8 Approximately on a monthly basis, meet and collaborate with the JCC AB 1194 Program Manager and other JCC staff to provide an update and summary on data collection, summary of findings, and report progress in **deliverables 3 - 7**. Provide the JCC AB 1194 Program Manager with an initial draft report of all the findings of the research estimated to be no later than **February 16, 2026**, and a revised final report by no later than **August 3, 2026**.
- 2.9 Participate in videoconference or teleconference meetings with the JCC AB 1194 Program Manager and other JCC staff, as appropriate, to review the development of research design, data analysis procedures and research methodology, and written reports and be responsive to emails and phone calls from the JCC AB 1194 Program Manager on an ongoing basis.
- 2.10 **DELIVERABLES, ESTIMATED DUE DATES, and ESTIMATED AVAILABLE BUDGETS:** The Proposer will be asked to do the following, by the dates listed to the right of each deliverable:

Deliverable	Estimated Due Date	Estimated Available Budget
Deliverable 1: Meeting with JCC AB 1194 Program Management and staff		
Review the AB 1194 statute. First videoconference or teleconference meeting with JCC staff.	February 16, 2024	\$5,000
Deliverable 2: Case File Review Sample Size Calculation		
Draft casefile review tool and update the sample size calculation with the number of the courts to be sampled in the case file review with the JCC AB 1194 Program Manager. Submit a Microsoft Excel spreadsheet detailing calculations and formulas used, including a written summary of how figures were derived.	June 14, 2024	\$15,000

Deliverable 3: Casefile Review Data collection		
Submit detailed written final plan for the handling of collected case file review data and written report development. Include data management timeline of data entry procedures, data validation techniques, research methodology, and proposed statistical tests.	August 1, 2024	\$60,000
Begin casefile review data collection at courts.		
Deliverable 4: Monthly Casefile Review Data Collection Check-in and Bi-Monthly Summary		
On a monthly basis meet and collaborate with the JCC AB 1194 Program Manager and other JCC staff to provide an update on data collection. Provide written bi-monthly summaries on the progress of data collection including aggregate findings, draft analyses, discussion of results for the casefile review tool. Submit a detailed written plan for organizing, collecting, and analyzing data on focus group interviews to the Judicial Council AB 1194 Program Manager as follows: 1) First check in to provide a written summary and status update on the casefile data collection and focus group plan. (October 4, 2024) 2) Second check in to provide a written summary of data collection, draft analyses, and draft plan for identifying the focus groups, the handling of focus group interview data and analysis plan for Deliverable 6. (December 6, 2024) 3) Final check in with aggregate findings, draft analyses, and discussion of results of the casefile review data. Submit a detailed written final plan describing focus group timeline, recruitment, questions, and sampling strategy to ensure statewide representativeness, organization, facilitation, transcription, audio recording, and written report development for all three groups as identified in Section 2.3 above. (February 3, 2025)	February 3, 2025	\$375,000 (\$125,000 per bi-monthly check-in over the course of 6 months (August 1, 2024 to February 3, 2025))
Deliverable 5: Case File Review Data Analysis		
Provide quarterly summaries on the status of the finalized electronic database, accompanying charts, tables, graphics, and a draft written report on casefile review findings, analyses used, and discussion of results to the Judicial Council AB 1194 Program Manager as follows: 1) Submit a written summary of preliminary analyses and the electronic database of data entered from case file review in both Microsoft Excel and .csv formats, include coding sheet. Submit uniformly formatted charts, tables, and graphics of analyzed	August 1, 2025	\$250,000 (2 payments of \$125,000 in May and August of 2025)

<p>data, in addition to copies of syntax and formulas used to run various statistical tests and data analyses, and a written summary of how these numbers were derived. (May 2, 2025)</p> <p>2) Submit written draft report in a Microsoft Word format of case file review findings, results and litigant characteristics as reflected in previous conservatorship studies, as well as any research limitations or challenges encountered while conducting this part of the study. The report shall include the Items identified in Section 2.3 above. (August 1, 2025)</p>		
<p>Deliverable 6: Focus Groups and Data Analysis</p>		
<p>Hold focus group meetings.</p> <p>Submit written report in a Microsoft Word format of focus group themes and findings, as well as any research limitations or challenges encountered while conducting this part of the study.</p> <p>Submit digital copies of audio recordings and written transcripts from all focused discussion groups.</p>	<p>August 15, 2025</p>	<p>\$70,000</p>
<p>Deliverable 7: Draft Report</p>		
<p>Submit a report with written policy recommendations based on findings from the casefile review and focus groups. The following criteria shall be used when making the policy recommendations:</p> <p>1) ensure the recommendations provide guidance on statewide performance measures to be collected 2) ensure that the recommendations address best practices that courts should follow that serve to protect the legal right of conservatees 3) ensure that the recommendations address staffing needs/requirements that are essential to meet case processing requirements.</p> <p>Submit a written final draft report in a Microsoft Word format. The final draft report shall include the written reports from Deliverables 1-7 (as identified above), analysis of data elements identified in Section 2.3 – 2.5, in addition to the policy recommendations.</p>	<p>February 16, 2026</p>	<p>\$100,000</p>
<p>Deliverable 8: Final Report</p>		
<p>Submit a revised final report based on feedback from the JCC Program Manager. This final report shall include an introduction describing the background of the study, in addition to a conclusion that also addresses any research limitations or challenges encountered while conducting the study.</p>	<p>August 3, 2026</p>	<p>\$100,000</p>

Deliverable 9: Telephone and Email Contact with JCC AB 1194 Program Management		
Consult with the JCC AB 1194 Program Manager, JCC staff, or designee via telephone approximately on a monthly basis and be responsive to emails and phone calls from the JCC AB 1194 Program Manager on an as-needed basis. Schedule, including day and time, to be arranged.	November 30, 2026	\$24,000
On an on-going basis through November 30, 2026 Proposer shall be available to respond to any questions regarding methodology and study findings that may arise during the public comment or review by the JCC.		

2.11 Authority and Approval

The Proposer is not authorized to make final and binding decisions or approvals on behalf of the JCC. As required in the resulting Agreement, the Proposer will obtain the necessary approvals from the AB 1194 Program Manager and/or the Contracts Manager as may be required.

2.12 Monthly Project Status

The Proposer shall submit monthly project status reports to the Project Manager, describing work performed, work status, work progress difficulties encountered, remedial actions, and statement of activity anticipated subsequent to reporting period for approval prior to payment of invoices. Invoices shall include, in detail, all costs and charges applicable.

2.13 Proposer Responsibilities

2.13.1 The Proposer’s Project Manager shall have the following responsibilities under this Contract:

- 1) Works closely with JCC AB 1194 Program Manager.
- 2) Manages, prepares and refines the Contract’s deliverables.
- 3) Proactively assists with resolution of issues with any aspect of the Work.
- 4) Proactively anticipates Project deviations and is responsible for taking immediate corrective action; and
- 5) Works with JCC Program Manager to manage and coordinate work and knowledge transfer.

2.13.2 The Proposer’s Key Personnel shall have the following responsibilities under this Contract:

- 1) Works closely with Proposer’s Project Manager and JCC AB 1194 Program Manager, as appropriate, to accomplish Deliverables.

- 2) Proactively assists with preparing and refining the Contract’s deliverables.
- 3) Proactively assists with identification and resolution of issues with any aspect of the Work; and
- 4) Assists with performing work and knowledge transfer.

2.14 JCC Responsibilities

The JCC AB 1194 Program Manager will be responsible for managing, scheduling, and coordinating all Project activities, including Project plans, timelines, and resources, and escalating issues for resolution to JCC management.

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	October 3, 2023
Deadline for questions solicitations@jud.ca.gov	October 30, 2023, at 1:00 PM (PST)
Questions and answers posted www.courts.ca.gov (<i>estimate only</i>)	November 3, 2023
Deadline to submit proposals to solicitations@jud.ca.gov	November 17, 2023, no later than 1:00 PM (PST)
Evaluation of proposals (<i>estimate only</i>)	November 20 - December 8, 2023
Notice of Intent to Award (<i>estimate only</i>)	December 12, 2023
Negotiations and execution of contract (<i>estimate only</i>)	December 13 - 29, 2023
Contract start date (<i>estimate only</i>)	January 2, 2024
Contract end date (<i>estimate only</i>)	November 30, 2026

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: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JBE 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 Form	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form (STD204)	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Supplement (STD205)	This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete and submit with its proposal the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.

Attachment 9: Bidder Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.
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5.0 PAYMENT INFORMATION

- 5.1 Subject to the terms in Attachment 2, Appendix B, Payment Provisions, the selected provider will be paid on a firm-fixed amount per deliverable basis for **deliverable 1 to 8**, the amount for each deliverable should be fully burden and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, travel and profit.
- 5.2 **Deliverable 9** will be paid based on the hourly rate and actual hours of services rendered.
- 5.3 Contractor shall submit invoices upon satisfactory completion of services. The payment term is Net 60 from date or receipt of acceptance of Deliverable(s).
- 5.3 No other expenses including travel expenses will be reimbursed by the Judicial Council.

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.
- 6.2 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 technical proposal must be signed by an authorized representative of the Proposer.
 - b. The Proposer must submit an electronic copy of the cost proposal. The cost proposal must be signed by an authorized representative of the Proposer. The cost proposal may be submitted in the same email as the technical proposal above but should be a separate attachment marked “**COST PROPSOAL**” from the technical proposal.
- 6.3 Proposals must be delivered through email by the date and time listed on the coversheet of this RFP to:

Solicitations@jud.ca.gov

The Proposer must write the RFP title and number in the subject line of the email.

- 6.4 Submission acceptance will be based on the date and time the email is received by the Judicial Council. Proposal 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. 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. Key Personal
 - i. Credentials of key personnel to be assigned to project.
 - Proposer has demonstrated experience with similar casefile reviews/evaluations and/or professional research skills in evaluating large data sets involving social policy in its implementation through the legal system.
 - Proposer is familiar with quantitative and qualitative research design and analysis; and
 - Proposer has demonstrated knowledge and understanding of conservatorship laws.
 - 1) Experience of key personnel working on similar assignments.
 - 2) Experience of key personnel in each of the following areas:

- Proposer’s key personnel have demonstrated experience with research design, quantitative analysis, conducting focus groups, and preparing literature reviews.
 - Proposer’s key personnel have demonstrated experience using commonly accepted statistical analysis software such as Statistical Package for the Social Sciences (SPSS), Python, or R for quantitative data analysis, coding data, and displaying data in graphical form.
 - Proposer’s key personnel have demonstrated knowledge and understanding of social policy analysis; and
 - Proposer has demonstrated an ability to work collaboratively with an administrative policymaking agency in analyzing data, program evaluation, and developing draft policy and/or legislative recommendations.
- ii. 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. Provide the most recent resume and the names, physical and electronic addresses, and telephone numbers of a minimum of **three (3) clients** for whom the proposed key personnel have conducted similar services. The JCC may check references listed by the Proposer.
- iii. Ability to meet timing requirements to complete the Work.
 - Plan must include time estimates for completion of all work required; and
 - Discuss the key personnel’s availability and ability to complete the work within the project schedule, set forth in Section 2.10 above.
- iv. Company Stability and Capabilities. Provide the following information about your company:
 - Proposer’s point of contact, including name, physical and electronic addresses, and telephone and facsimile numbers in a cover letter.
 - Number of years your company has been in the business of research consultation.
 - Number of full-time employees.

- Disclose any judgments, pending litigation, or other real or potential financial reversals that might materially affect the viability of the Proposer.
 - Annual gross revenue from your most recent audited or reviewed profit and loss statement and balance sheet. State the audit/review year and the annual gross revenue. The JCC may request a copy of your most recent audited or reviewed profit and loss statement and balance sheet.
- d. Names, addresses, and telephone numbers of a minimum of two (2) clients for whom the Proposer has conducted similar services. The JUDICIAL COUNCIL may check references listed by the Proposer.
- e. Proposed method to complete the work:
 - i. Proposed process necessary to address the overall project objectives.
 - ii. Proposed research methodology for the case file review including sampling strategy, data management procedures, data security and data verification procedures, and approach to analysis and synthesis of results.
 - iii. Proposed method to conduct and organize focus groups, including participant recruitment strategy and development of discussion questions.
 - iv. Proposed project and team organization; and
 - v. Proposed approach of obtaining JCC Project Manager’s review and approval of all research design elements and deliverables developed for the project.
- 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.

- iii. **Note:** A material exception (addition, deletion, or other modification) to any of the Terms and Conditions may render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.

- g. Certifications, Attachments, and other requirements.
 - i. Proposer must complete and submit with proposal **Attachment 4, General Certifications Form** to certify that no interest exists that would constitute a conflict of interest under California Public Contract Code §§10365.5, 10410 or 10411; Government Code §§1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restricts employees and former employees from contracting with judicial branch entities.
 - ii. Proposer must complete and submit with proposal **Attachment 5, Darfur Contracting Act Certification Form** to certify that Proposer is not a “scrutinized” company as defined in Public Contract Code §10476.
 - iii. Proposer must complete and submit with proposal **Attachment 6A, Payee Data Record Form**.
 - iv. Proposal must complete and submit with proposal, **Attachment 7, Unruh and FEHA Certification Form**.
 - v. If Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. **The Proposer shall provide a copy of their Certificate of Status with the Secretary of State of California.** The Judicial Council may verify by checking with California's Office of the Secretary of State. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer is in good standing in its home jurisdiction.

Note: Proposer may be required to register with the California Secretary of State if it meets the definition of transacting intrastate business or “doing business” under the California Corporations Code. As there is no easy definition for what constitutes “doing business”, it is important for Proposer to carefully evaluate their own connections—even indirect—to California. Proposer with concerns regarding the Secretary of State registration requirements are encouraged to consult with their legal counsel.

You can find out information regarding the steps on how to register a business with the California Secretary of State at:

<https://bizfileonline.sos.ca.gov/>

- iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.

7.2 Cost Proposal. The following information must be included in the cost proposal.

- i. Proposer to provide a detailed line-item budget showing the **Firm Fixed Amount** for each of the **first eight deliverables** specified in Section 2. The Firm Fixed Prices for each of the eight deliverables should be fully burden and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, travel and profits.

Proposer to provide hourly rates, titles, and responsibilities for each “Key Personnel,” for **Deliverable 9**, plus rates for any additional staff, but can group this information for other personnel in a more general manner. Staff rates should be fully burdened and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, travel and profits.

- ii. The total amount for all deliverables specified in Section 2.10.
- iii. The available funding for the resulting contract will range between **\$800,000** and **\$999,000**.

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 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 will be awarded, the JUDICIAL COUNCIL will post an intent to 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, and clarity of the proposal content	3
Reasonableness of cost projections	30
Quality of work plan submitted	13
Acceptance of the Terms and Conditions	15
Credentials of staff to be assigned to the project	12
Experience of key personnel working on similar assignments	12
Ability to meet timing requirements to complete the project	8
Company Stability and Capabilities	4
Disabled Veteran Business Enterprise (DVBE) Incentive	3

10.0 INTERVIEWS

The JUDICIAL COUNCIL may conduct interviews with Proposers to clarify aspects set forth in their proposals or finalize the contract terms and conditions, including cost. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JUDICIAL COUNCIL’s offices. The JUDICIAL COUNCIL will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JUDICIAL COUNCIL will notify eligible Proposers regarding interview arrangements.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA

RULES OF COURT. Except as required by law, the JBE 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 may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JBE’s right to disclose information in the proposal, or (b) requiring the JBE 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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 11. **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 JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’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 9**). 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 8**) 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 JBE 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 JBE'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 JBE 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 JBE 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 JBE. If the Proposer fails to do so, the JBE 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 JBE 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 JBE 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. The deadline for the JUDICIAL COUNCIL to receive a solicitation specifications protest is the proposal due date. In order to be considered valid, all such protests:

A) Must be submitted by email to: Solicitations@jud.ca.gov

RFP Title: AB1194 CONSERVATORSHIP STUDY

RFP Number: CFCC-2023-53-DM

(Indicate Solicitation Number and Name of Your Firm in the subject line of your email.)