

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

AB 1032: Workforce Study on Court Interpreters

RFP # CFCC-2024-01-TK

PROPOSALS DUE:

October 11, 2024, NO LATER THAN 3:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (“Judicial Council”) is the policymaking body of the California court system, which includes 58 superior courts, the courts of appeal, and the Supreme Court. Under the authority of the state’s Constitution and with the leadership of the Chief Justice of the California Supreme Court, the Judicial Council is responsible for ensuring the fair, impartial, and consistent administration of justice. The Judicial Council promulgates rules and procedures for court administration, develops and implements policies for the judicial branch, and makes recommendations annually to the Governor and the Legislature. Judicial Council staff assist the Judicial Council with implementing policies and supporting court operations.
- 1.2 Within the Judicial Council’s Center for Families, Children, and the Courts, the Language Access Services Program (LASP) works to develop policies and provide services to ensure equal access to justice for court users who are limited English proficient or deaf/hard of hearing. LASP is comprised of the Court Interpreters Program (CIP) unit and the Language Access Implementation (LAI) unit. CIP works on court interpreter issues, and LAI works on making the courts more language accessible via resources such as signage, technology, and translated forms and web content.
- 1.3 The Court Interpreters Advisory Panel (CIAP) is a standing advisory committee to the Judicial Council. It is charged with making recommendations to the council on the certification, registration, renewal of certification and registration, testing, recruitment, training, continuing education, and professional conduct of interpreters. It also makes recommendations concerning interpreter use and the need for interpreters in court proceedings. CIP provides staff support to CIAP and assists its members with developing policy recommendations. CIP also oversees the credentialing process and development of educational resources for almost 2,000 California certified and registered court interpreters.
- 1.4 In addition, CIP and CIAP are responsible for interpreter recruitment efforts and administration of interpreter credentialing exams. Under Gov. Code § 68563, the Judicial Council conducts a study of language need and interpreter use in the California superior courts every five (5) years and reports these findings to the Governor and the Legislature (see [2020 Language Need and Interpreter Use Study](#)). This study is used to inform the policy recommendations of CIAP and the development of services and resources by CIP.

- 1.5 LASP maintains extensive online public resources for people interested in becoming a court interpreter, including examination information, training resources, and a jobs board. See <https://languageaccess.courts.ca.gov/>.
- 1.6 [Assembly Bill \(AB\) 1032](#) (Stats. 2023, Ch. 556) was approved by the Governor in October 2023. The legislation amended the Trial Court Interpreter Employment and Labor Relations Act, California Government Code sections [71800-71829](#). These amendments will take effect on January 1, 2025.
- 1.7 The Trial Court Interpreter Employment and Labor Relations Act (hereafter the “Interpreter Act”) establishes procedures governing the employment and compensation of certified, registered, and provisionally qualified trial court interpreters and court interpreters pro tempore (intermittent temporary court employees) employed by the courts.
- 1.8 The amendments and additions to Government Code enacted by AB 1032 include the following:
 - (1) inserts new definitions to clarify confusing language in the previously published statute;
 - (2) clarifies that a certified or registered independent contractor interpreter may be appointed by the court when paid directly by the parties;
 - (3) imposes time limits on the use of provisionally qualified interpreters, which may be extended subject to judicial discretion;
 - (4) provides discretion to individual courts to offer local retention bonuses or other one-time stipends to interpreter employees just like other local court employees;
 - (5) clarifies the role of the regional committee in bargaining hourly rates of pay;
 - (6) delays implementation of most provisions until January 1, 2025, to give courts adequate time to prepare and for the Judicial Council to revise rules and forms; and
 - (7) requires the Judicial Council to conduct a workforce study by January 1, 2026, that provides recommendations to the Legislature regarding court interpreter availability and the future court interpreter workforce.
- 1.9 The workforce study is mandated in new Government Code section 71900, which states:
 - (a) On or before January 1, 2026, the Judicial Council shall conduct a court interpreter workforce study and provide recommendations to the Legislature regarding court interpreter availability and the future court interpreter workforce.

(b) The Judicial Council shall work in collaboration with key stakeholder groups, including exclusively recognized employee organizations representing court interpreters and trade associations representing independent court interpreters.

(c) The report to be submitted pursuant to this section shall be submitted in compliance with Government Code section 9795.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Judicial Council seeks the services of a Contractor with relevant experience to assist the Language Access Services Program in conducting a workforce study on court interpreters to meet the requirements of Government Code section 71900.

The funding available for this project will not exceed **\$245,000.00**, which includes all expenses. The Judicial Council intends to award one (1) Agreement with a term of approximately **14 months** with an *estimated* starting date of **November 15, 2024, through December 31, 2025**.

2.2 SCOPE OF SERVICE

The Contractor is expected to develop a comprehensive workforce study on court interpreters as outlined in Government Code section 71900, culminating in a report provided to the Judicial Council with a summary of findings and suggested recommendations.

The workforce study should include detailed data and analysis of that data on:

- 1) the current state of the interpreter workforce;
- 2) their availability to provide service in the courts; and
- 3) projections and recommendations regarding the future court interpreter workforce.

The Contractor will be expected to utilize existing court interpreter data assets to identify areas in which additional data collection may be necessary, propose methods to obtain additional data to meet study requirements, and conduct interviews and focus groups. The Contractor 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 **November 2024** and must be completed no later than **July 31, 2025**. The Contractor is expected to analyze the data and provide a draft report to the Judicial Council by **August 29, 2025**. A finalized, edited version of the report is due to the Judicial Council no later than **September 30, 2025**. Throughout the contract period, the Contractor is expected to meet with the Judicial Council 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 research proposals, data collection including surveys, summaries and findings of data analyzed,

and interviews and focus groups.

- 2.3 All research plans must be approved by the Judicial Council Program Manager prior to performing work.

All written reports should adhere to the latest version of the Judicial Council Style Guide and any other related report guidelines, templates, etc. as directed by the Judicial Council Program Manager when submitting written work. All written work must be transmitted in a hardcopy format, as required by the Judicial Council, and electronically in an editable Microsoft Word format. Any proposed survey should be submitted to the Judicial Council in survey format for review and approval. All charts, tables, and graphics must be submitted in an editable format as well. The Contractor 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).

- 2.4 The Contractor will work in collaboration with the Judicial Council and key stakeholder groups to perform the interpreter workforce study. These groups will provide guidance for sources of quantitative and qualitative data and input for the study. The groups include, but are not limited to Judicial Council staff, court staff, current certified court and registered interpreters (both court employees and independent contractors), provisionally qualified interpreters, exclusively recognized employee organizations representing court interpreters and trade associations representing independent court interpreters, educational institutions that provide interpreter training, aspiring court interpreters, and others as appropriate and as determined by the Judicial Council working closely with the Contractor.
- 2.5 The court interpreter workforce study should be comprehensive and be based on an adequate sample of data to be collected by the Contractor. The Contractor shall submit a proposed sample size estimate to ensure the study sample yields sufficient data for the analysis. It should provide both qualitative and quantitative analyses of data collected. Research and findings should be based on a thorough review of available reports, data from the Judicial Council and from other external sources, and findings from interviews and focus groups.
- 2.6 Interviews and focus groups should involve a representative sample of key stakeholders such as, but not limited to, court staff, court interpreters, justice partners and other stakeholders identified in conjunction with Judicial Council staff. Surveys of stakeholders may be appropriate and will be considered in conjunction with Judicial Council staff.

The interviews and focus group discussion will elicit feedback on interpreter funding and compensation issues, education and recruitment efforts, projected workforce needs and challenges, and opportunities for the judicial branch to expand the interpreter workforce. The Contractor will develop a list of discussion questions for each focus group in consultation with the Judicial Council Program Manager, and submit a written report on focus group themes, factors affecting the court interpreter workforce, and other notable themes to be included in the final report to the Judicial Council. Focus groups and interviews may be conducted via videoconference or in person if permitted by the stakeholder.

The report should contain, but is not limited to, the following types of information over the past three (3) fiscal years (if available). Information may be found within Judicial Council-owned databases or will require additional data sourcing. An asterisk (*) below indicates that the Judicial Council has full or partial data on the topic:

- 1) Workforce information, including:
 - a) Number of court interpreters *
 - b) Number of court interpreters by language and region *
 - c) Number of court employees v. contractors *
 - d) Number of court employees by employment status (full-time, part-time, intermittent part-time)
 - e) Number of court employee vacancies *
 - f) Number of provisionally qualified interpreters *
 - g) Number of provisionally qualified interpreters by language and region *
 - h) Workforce efficiency (e.g., how well existing workforce is utilized)
 - i) Other areas of inquiry to be determined

- 2) Demographic information, including:
 - a) Age range of current workforce *
 - b) Years of service *
 - c) Education background
 - d) Anticipated number of persons expected to retire in the next five (5) years
 - e) Other demographic information to be determined

- 3) Funding and compensation, including:
 - a) Salary range for court employees *
 - b) Salary comparison with federal, medical, and other states
 - c) Standard rates for contractors, and average rates of pay *
 - d) Standard rates for contractors as compared to federal, medical, and other states
 - e) Other areas of inquiry to be determined

- 4) Education and recruitment efforts, including:
 - a) Summary of Judicial Council and court training efforts
 - b) Landscape review of external training programs in California
 - c) Recruitment strategies used by courts and the Judicial Council
 - d) Other areas of inquiry to be determined

- 5) Challenges, including:
 - a) Potential impacts of AB 1032 on the interpreter workforce/availability
 - b) Contractor resistance to accept court employment jobs
 - c) Geographic and local differences impacting interpreter availability
 - d) Aging and retiring workforce
 - e) Barriers to entry regarding training and exam passage
 - f) Other areas of inquiry to be determined

- 6) Projected need for interpreters, including:
 - a) Languages most needed, including indigenous language interpreters
 - b) Projected numbers of interpreters needed per language/case type
 - c) Other areas of inquiry to be determined

- 7) Opportunities and recommendations for improvement, including:
 - a) Testing strategies to support increased passage rates
 - b) Recruitment strategies, including employee incentives
 - c) Education sponsorship and guaranteed employment programs
 - d) Individual court programs to expand the interpreter pool
 - e) Planning for growth of Court Interpreters Program funding
 - f) Use of technology including remote interpreting
 - g) Pipeline development
 - h) Developing programs for indigenous interpreter training
 - i) Other opportunities and recommendations to be determined

- 2.7 Collaborate with the Judicial Council Program Manager and other Judicial Council staff, as appropriate, to develop draft statewide performance recommendations based on the findings from the quantitative analysis and focus group(s).

- 2.8 The Contractor must meet with Judicial Council staff and thereafter develop a written work plan with timelines, tasks, resources, and planned scope of the study, including areas of inquiry. The work plan must be provided to the Judicial Council for review and approval. The work plan should cover planned research methods, including review of existing data sources, sample size estimates, interviews, surveys and focus groups with California court staff and other stakeholders, and timelines for finishing the project's deliverables. The work plan should include a detailed description of

how the Contractor will manage all aspects of the project from beginning to end to timely complete the study.

- 2.9 The Contractor must develop a report outline and draft a preliminary report of findings and suggested recommendations with an executive summary to the Judicial Council for review and feedback. The Contractor must also provide a final report with an executive summary and study findings, including graphic representation of data and analysis.
- 2.10 In addition to the preliminary and final study reports, the Contractor must provide regular updates to the Judicial Council on the progress of their work on a schedule to be mutually agreed upon at the beginning of the project.
- 2.11 The Contractor must present preliminary study findings and recommendations to the Court Interpreters Advisory Panel prior to finalization of the study. Due to internal Judicial Council deadlines, including council approval of the study before submission, the final study must be completed by September 30, 2025.
- 2.12 Approximately monthly, meet and collaborate with the Judicial Council Program Manager and other Judicial Council staff to provide an update and summary on data collection, summary of findings, and report progress in deliverables 3-7. Provide the Judicial Council Program Manager with an initial draft report of all the findings of the research estimated to be no later than August 29, 2025, and a revised final report by no later than September 30, 2025.
- 2.13 Participate in videoconference or teleconference meetings with the Judicial Council Program Manager and other Judicial Council 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 Judicial Council Program Manager on an ongoing basis during the Agreement term.
- 2.14 The Contractor must have expertise in the following areas:
 - 1) Performing workforce studies for government agencies or other types of similar organizations.
 - 2) Research methodologies, data collection, and data analysis.
 - 3) Methods and tools for keeping data confidential and secure.

- 4) Research on national court trends, including research with courts and court stakeholders, and development of reports and recommendations for judicial branch audiences.
- 5) Credentialing and certification of court interpreters, including American Sign Language (ASL), as well as familiarity with the Trial Court Interpreter Employment and Labor Relations Act, Government Code sections 71800- 71829, and the amendments that will go into effect on January 1, 2025, based on changes to AB 1032.
- 6) Interpreting in the California superior courts, including the knowledge, skills, and abilities (KSAs) essential for both spoken language and ASL court interpreting, court interpreter ethics, and continuing education requirements.
- 7) The California court system, court proceedings and legal terminology, and the role of the court interpreter.
- 8) Court interpreter education, including state-of-the-art training methods and necessary areas of continued skills development and enrichment for court interpreters.
- 9) Research, analysis, report writing, and providing presentations with PowerPoint for judicial branch audiences.

2.15 Project Deliverables

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
<p>Deliverable No. 1 – Meeting with Judicial Council Program Manager and Staff</p> <p>Review the AB 1032 statute and study requirements. First videoconference or teleconference meeting with Judicial Council staff.</p>	November 19, 2024	\$2,000
<p>Deliverable No. 2 - Draft Work Plan</p>	December 2, 2024	\$10,000

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
<p>After meeting with Judicial Council staff virtually, the Contractor will develop and submit a draft written work plan and timeline for all deliverables under this contract.</p> <p>The work plan should cover research strategy and methods, California court stakeholders to interview, any data needed from the Judicial Council, and timelines for finishing the project’s deliverables. The work plan should include contingencies for not being able to gather data from a statistically significant sample.</p> <p>Research methods may include online research, stakeholder interviews (with California courts and court personnel and/or independent contractors), focus groups, and/or surveys. In the work plan, the Contractor should address how they will analyze the information gathered if it is primarily received through interviews, surveys or focus groups.</p>		
<p>Deliverable No. 3 – Revise (Finalize) Work Plan and Prepare Study Outline</p> <p>The Contractor will revise the draft work plan based on Judicial Council staff feedback and submit a final written work plan to the Judicial Council. The Contractor will also draft and submit a detailed outline for the study for Judicial Council review, input and approval.</p>	December 30, 2024	\$10,000
<p>Deliverable No. 4 – Inventory Existing Data Resources and Draft Data Collection Instruments</p> <p>The Contractor will inventory existing data resources and create (as required) any data collection instruments to be used to capture gaps in data in order to conduct the workforce study. These may include surveys, focus group questions, and email questionnaires. It should also include any draft communications that will be sent to</p>	February 3, 2025	\$10,000

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
individuals as part of the data collection effort for the study.		
<p>Deliverable No. 5 - Revise (Finalize) Data Collection Instruments</p> <p>The Contractor will revise the draft data collection instruments based on Judicial Council staff feedback and submit final drafts to the Judicial Council.</p>	March 3, 2025	\$5,000
<p>Deliverable No. 6– Identify Participants & Conduct Research</p> <p>On a monthly basis, meet and collaborate with the Judicial Council Program Manager and other Judicial Council staff to provide an update on data collection. The Contractor will provide regular updates on the progress of their research to the Judicial Council during virtual project meetings. Provide written monthly summaries on the progress of data collection including aggregate findings, draft analyses, and discussion of results for the agreed upon analyses. Submit a detailed written plan for organizing, collecting, and analyzing data on focus group interviews to the Judicial Council Program Manager as follows:</p> <p>1) First check-in: The Contractor will work with the Judicial Council to identify key stakeholders, including individuals that will be interviewed or will participate in a focus group or will be surveyed. 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. (April 1, 2025)</p>	July 31, 2025	\$100,000 (\$20,000 per check-in for a total of five [5] check-ins during the period of April 1, 2025 through July 31, 2025).

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
<p>2) Second check-in: The Contractor will provide a list of research participants to the Judicial Council and maintain a schedule for the research phase of the project. Participants for input must include representatives from the court interpreter employee union and trade associations representing independent contractors. (May 1, 2025)</p> <p>3) Third check-in: The Contractor will begin to conduct research as described in the final work plan. (no later than May 31, 2025)</p> <p>4) Fourth check-in: The Contractor will provide a written summary of data collection, draft analyses, and draft plan for identifying the focus groups and the handling of focus group interview data. (June 30, 2025)</p> <p>5) Final check-in: The Contractor will provide aggregate findings, draft analyses, and discussion of quantitative and qualitative results of the data. (July 31, 2025)</p>		
<p>Deliverable No. 7 – Submit and Present on Preliminary Study Report</p> <p>Upon completion of research, the Contractor will submit a written draft report in Microsoft Word format of findings, results and suggested recommendations developed in conjunction with the Judicial Council Program Manager and Judicial Council Staff, as well as any research limitations or challenges encountered while conducting the study.</p>	August 29, 2025	\$52,500

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
<p>The final draft report shall include the written reports from Deliverables 1-6 (as identified above) and analysis of data elements identified in Section 2.6 in addition to the policy recommendations.</p> <p>The Contractor will virtually present study findings and recommendations to the Court Interpreters Advisory Panel. Prior to the presentation, the Contractor will prepare and deliver to the Judicial Council a PowerPoint presentation and any other additional meeting materials for the committee.</p>		
<p>Deliverable No. 8 – Submit Final Study Report and Recommendations</p> <p>Based on feedback from the Judicial Council, the Contractor will revise the study presented and submit the final version to the Judicial Council. 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>The Contractor will also prepare and submit a brief final written report with any recommended areas for additional research or resource development to help the Judicial Council grow the future interpreter workforce to meet the projected demands for the California courts based on discussions with the Judicial Council.</p>	September 30, 2025	\$52,500
<p>Deliverable No. 9 – Telephone and Email Contact with Judicial Council Program Manager</p> <p>Consult with the Judicial Council Program Manager, Judicial Council staff, or designee via telephone</p>	December 31, 2025	\$3,000

Deliverables	Estimated Due Date	Estimated Maximum Firm Fixed Amount (\$)
<p>approximately on a monthly basis and be responsive to emails and phone calls from the Judicial Council Program Manager on an as-needed basis. Schedule, including day and time, to be arranged.</p> <p>On an on-going basis through December 31, 2025, the Contractor shall be available to respond to any questions regarding methodology and study findings that may arise during the public comment or review by the Judicial Council.</p>		

The Judicial Council retains ownership rights to all deliverable work products and data collected under this contract. The Contractor may not share this data with other parties or use it, or any deliverable work product, for future studies without the express written permission of the Judicial Council.

2.16 Authority and Approval

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

2.17 Monthly Project Status

The Contractor shall submit monthly project status reports to the Judicial Council Program 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.

2.18 Contractor Responsibilities

1) The Contractor’s Project Manager shall have the following responsibilities under this Contract:

- a) Works closely with Judicial Council Program Manager.
- b) Manages, prepares and refines the Contract’s deliverables.

- c) Proactively assists with resolution of issues with any aspect of the Work.
 - d) Proactively anticipates Project deviations and is responsible for taking immediate corrective action; and
 - e) Works with the Judicial Council Program Manager to manage and coordinate work and knowledge transfer.
- 2) The Contractor's Key Personnel shall have the following responsibilities under this Contract:
- a) Works closely with Contractor's Project Manager and Judicial Council Program Manager, as appropriate, to accomplish Deliverables.
 - b) Proactively assists with preparing and refining the Contract's deliverables.
 - c) Proactively assists with identification and resolution of issues with any aspect of the Work; and
 - d) Assists with performing work and knowledge transfer.

2.19 Judicial Council Responsibilities

The Judicial Council 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 Judicial Council 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	September 17, 2024
Deadline for written questions to Solicitations@jud.ca.gov	October 1, 2024 No later than 3:00 P.M. (PST)
Questions and answers posted (<i>estimate only</i>) Bidders / Solicitations Judicial Branch of California	October 4, 2024
Latest date and time proposal may be submitted to Solicitations@jud.ca.gov	October 11, 2024 No later than 3:00 P.M. (PST)
Evaluation of proposals (<i>estimate only</i>)	October 14, 2024 – October 23, 2024
Notice of Intent to Award (<i>estimate only</i>)	October 24, 2024
Negotiations and execution of contract (<i>estimate only</i>)	October 31, 2024 – November 14, 2024
Contract start date (<i>estimate only</i>)	November 15, 2024
Contract end date (<i>estimate only</i>)	December 31, 2025

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: JCC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the JCC Standard Form agreement.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The Judicial Council, in its sole discretion, will determine what constitutes a material exception.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Bidder Declaration	The Proposer must complete this form and submit it with their proposal if they wish to claim the DVBE incentive associated with this solicitation.
Attachment 6: DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9 – Reference Form	The Proposer must complete and return this form with its proposal.

ATTACHMENT	DESCRIPTION
Payee Data Record Form (STD 204)	<p>This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. The Payee Data Record Form (STD 204) may be found at the following link:</p> <p>https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf</p>
Payee Data Record Supplement (STD 205)	<p>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. The Payee Data Record Supplement (STD 205) may be found at the following link:</p> <p>https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf</p>

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 price per deliverable basis for **Deliverable 1 to 8**. The amount for each deliverable should be fully burdened and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, and profit.
- 5.2 **Deliverable 9** will be paid based on the hourly rate and actual hours of services rendered.
- 5.3 The resulting contract will be comprised of firm fixed pricing for satisfactory completion of each deliverable listed above in Section 2.15. Due Dates listed in the table above in Section 2.15 are estimated. The actual due dates and firm fixed amounts will be based on the awarded proposal.
- 5.4 The Contractor shall submit invoices upon satisfactory completion of services. The payment term is Net 60 from date or acceptance of services.
- 5.5 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 Proposals will only be accepted by email. The Proposer must submit its proposal in two (2) 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 and the attachment must be marked “**TECHNICAL PROPOSAL**”. The Proposer must write the RFP title and number in the subject line of the email.
 - b. The Proposer must submit an **electronic copy** of the Cost Proposal. The proposal must be signed by an authorized representative of the Proposer. The Cost Proposal must be submitted in the same email as the Technical Proposal above, (via email to Solicitations@jud.ca.gov) but should be a **separate attachment** from the technical proposal and marked “**COST PROPOSAL**”.
- 6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Emails must be received prior to the due date and time listed on the coversheet of this RFP or the proposal will not be accepted. For the purposes of this RFP, proposals shall be transmitted only by email to Solicitations@jud.ca.gov
- 6.4 The Judicial Council reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract, and in no way is the Judicial Council or the State of California responsible for the cost of preparing the proposal. Submitted proposals may be retained for official files and may become public record.
- 6.5 The rules governing this solicitation are found in **Attachment 1**, Administrative Rules Governing RFPS (Non-IT Services).

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 of the key staff (including the dedicated Program Manager) that would service the contract. Provide a listing of the staff, including name, title, and length of service within the organization along with a resume for each staff member. Other staff should be identified by name and title; additional qualifications and experience on similar projects may be included. A separate section covering the Proposer's Background, Principal Officers, and Staff Qualifications and Experience is also required.
- d. A resume must be provided for each individual proposed to service the contract. An acceptable resume shall include the person's education, any applicable credentials and/or certifications, current work history and a summary of experience and any knowledge to support the preferential skills outlined in Section 2.14 as well as the individual's ability and experience in conducting the proposed activities. Sufficient detail must be included in each resume to allow the Judicial Council to verify the experience cited.
- e. Proposed Work Plan based on the Description of Services and Deliverables as defined in Section 2.0 and 2.8, including a timeframe for the completion of all proposed tasks and deliverables, using the estimated due dates provided.
- f. A minimum of two (2) clients may be contacted for whom the Proposer has conducted similar services. The Proposer must complete the Reference Form (**Attachment 9**). 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 an offer to verify the information provided. A reference must be external to a Proposer's organization and corporate structure.
- g. Acceptance of the Terms and Conditions of Contract (**Attachment 3**).
 - i. Proposer must check the appropriate box and sign the Acceptance of the Terms and Conditions 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 redlined 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.

Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The Judicial Council, in its sole discretion, will determine what constitutes a material exception.

- 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 Bidder Declaration form (**Attachment 5**) and submit the completed form with its proposal if they wish to claim the DVBE incentive.
 - iii. The Proposer must complete the DVBE Declaration form (**Attachment 6**) and submit the completed form with its proposal if they wish to claim the DVBE incentive.
 - iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed form with its proposal.
 - v. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 8**) and submit the completed certification with its proposal.
 - vi. The Proposer must submit the completed Payee Data Record Form (STD204) with its proposal. Form and instructions are in fillable PDF format available in the link below:
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>
 - vii. Data Record Supplement STD 205 (if applicable). STD 205 is optional, and it is required only if the remittance address information is different than the mailing address on the STD 204 form. Form and instructions are in fillable PDF format available in the link below:

<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>

- viii. By submitting the Proposal, the Proposer certifies that: (i) it is in compliance with economic sanctions imposed pursuant to applicable laws by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law (collectively, “Economic Sanctions”); and (ii) it is not a target of Economic Sanctions. If the Judicial Council determines that the Proposer is not in compliance with Economic Sanctions or is a target of Economic Sanctions, that shall be grounds for rejection of its Proposal.
- ix. If the Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), then the Proposer shall include in their Proposal a copy of their Certificate of Status from the Secretary of State of California that Proposer is in good standing in California.

If the 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. 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, then Proposer shall include in their Proposal 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/>

- i. 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.

- a. Proposer to provide a detailed line-item budget showing the **Firm Fixed Amount** for each of the **first eight (8) deliverables** specified in Section 2.15. The Firm Fixed Amounts for each of the eight (8) deliverables should be fully burdened and inclusive of all cost, including, but not limited to indirect costs, personnel, materials, overhead, and profits. The detailed line-item budget should include a detailed explanation and justification of costs.
- b. 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 and profits.
- c. The total “not to exceed” amount for all deliverables specified in Section 2.15.
- d. The available funding for the resulting contract will range between **\$200,000.00** and **\$245,000.00**.

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 [Bidders / Solicitations | Judicial Branch of California](#).

CRITERION	MAXIMUM NUMBER OF POINTS
<p>Quality of work plan submitted <i>Proposals should include a work plan that demonstrates an understanding of the scope of work in the RFP, including timeline, specific project approaches, and proposed staffing. Work plan should include concrete steps that will be taken by Proposer to timely meet all project deliverables and ensure high quality work products.</i></p>	20
<p>Completeness of proposal submitted <i>Completeness and inclusion of required information in conformance with the RFP submission requirement; and clarity of the proposal content.</i></p>	5
<p>Experience on similar assignments and credentials of staff to be assigned to the project <i>Proposals should indicate prior experience and/or examples of similar previous projects performed, including specific qualifications/experience for key personnel assigned to each project.</i></p>	20
<p>Ability to meet timing requirements to complete the project <i>Proposals should demonstrate a firm capacity to perform all deliverables within the specific timeframes. Evaluation of ability to meet timing requirements will factor in previous work/projects that successfully met project time requirements and milestones.</i></p>	12
<p>Cost <i>Proposals should include a detailed line-item budget (maximum firm fixed amount for each deliverable) with detailed explanation and justification to ensure timely, effective and efficient delivery of work. Proposal costs will be evaluated to determine whether the anticipated costs are reasonable and appropriate for completion of all project deliverables.</i></p>	30
<p>Acceptance of the Terms and Conditions</p>	10

CRITERION	MAXIMUM NUMBER OF POINTS
Disabled Veteran Business Enterprise (“DVBE”) Incentive	3
TOTAL	100

10.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person, by phone, or utilizing remote meeting tools. 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 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 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 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. 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 11.0. **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 5**). 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 6**) 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-CertificationForm.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. 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 must be submitted by email to: Solicitations@jud.ca.gov. (Indicate in the email subject line "PROTEST", RFP Number, and Name of Your Firm).