

JUDICIAL COUNCIL OF CALIFORNIA

QUESTIONS AND ANSWERS

Court Interpreter Exam Administration and Development, CFCC-2022-02-TQ

November 14, 2022

- 1. Please clarify whether the fees listed in the table are representative of the current fees being charged to candidates, with a small Cost of Living Adjustment applied, and are not negotiable?**

Answer: The current examination fees are described in the RFP. Future examination fees that may be charged by vendor are described in the Standard Agreement, reflect a 2.5% increase each year, and are non-negotiable.

- 2. Please clarify whether the \$500,000 maximum per calendar year is in addition to the examination fees the proposer will collect from candidates, as stated in Section 2.2, or whether \$500,000 is the total yearly contract maximum, as described in Sections 3.9.8 and 3.10.1.3?**

Answer: The up to \$500,000 (max) amount per calendar year is in addition to the exam fees that will be collected by vendor from candidates.

- 3. Please clarify the intent of providing 3 references of organizations who have used our services, and 3 references with testimonials from candidates? Global data privacy laws/regulations do not allow us to share the Personal Data of candidates outside of a consent opt-in process and with clear disclosure of how that Personal Data will be used (e.g., for scheduling, test delivery, or provision of test results). Instead, would three organizational references, and three anonymized candidate testimonials be acceptable?**

Answer: The purpose of the references is to determine if the proposer has the experience on similar projects. The Judicial Council may contact the references provided. Only individual candidate testimonials may be anonymized.

- 4. The RFP indicates: The Oral Proficiency Exams (OPE) developed by the American Council on the Teaching of Foreign Languages (ACTFL) are used to credential interpreters in non-designated languages and to test language proficiency for bilingual court staff. ACTFL exclusively licenses its products to LTI. Can JCC clarify if the vendor will license the exams from LTI or if JCC will license the exams from LTI? Who is responsible for the payment of licensing fees? What is the current licensing fee (total or per candidate) paid to LTI?**

Answer: The vendor is responsible for all exam licensing fees, including those from LTI. It is recommended that prospective bidders contact LTI for a quote before submitting bids.

- 5. The RFP indicates: The Written Examination is a computer-based test developed**

and maintained by the NCSC. Can JCC clarify if the vendor will license the exams from NCSC or if JCC will license the exams from NCSC? Who is responsible for the payment of licensing fees? What is the current licensing fee (total or per candidate) paid to NCSC?

Answer: The vendor must license exams from NCSC. The vendor is responsible for all exam licensing fees, as well as rater and proctor fees for the BIE. It is recommended that bidders contact NCSC for a quote prior to submitting their bid.

- 6. The RFP indicates: In addition to the examination fees the proposer will collect from candidates, the estimated funds available for managing and administering all interpreter examination services under this RFP, including optional services such as Exam Maintenance or Development, will not exceed \$500,000.00 per calendar year. Can JCC clarify if the \$500,000 per calendar year can be used to develop and maintain the candidate handbook candidate registration system, examination licensing fees, ad hoc reports, etc., as well as any optional services?**

Answer: The up to \$500,000 (max) amount per contract year, plus any exam fees collected by the vendor, must cover all vendor expenses for all standard and any optional services to be provided.

- 7. The RFP indicates: The proposer must collect and securely store candidate demographic data obtained during the candidate registration process for all three exam types using a standard registration data collection platform. Can JCC provide a copy of the current application?**

Answer: No. The registration data collection platform, the process, and the application are proprietary to the current vendor. If awarded the bid, the vendor is expected to create, maintain, and administer a new registration candidate demographic data collection platform, process, and application. See RFP section 3.2.1

- 8. The RFP indicates: notice of intent to award on 16 December 2022 with an estimated contract start date of 1 January 2023. Can JCC indicate when test administration would begin, given the needed time to transition services?**

Answer: Testing dates for commencement of examination administration in 2023 are TBD. Dates for commencement of examinations will be agreed upon between the vendor and the Judicial Council after the bid has been awarded.

- 9. Does the Judicial Council currently have a contract in place with a testing vendor to administer the written examination, the BIE oral examination, and the OPE oral examination?**

Answer: Yes. The current vendor is Prometric, Inc.

- 10. The RFP states a notice of intent to award on December 16, 2022, and a contract start date of January 1, 2023. It is not possible for bidders other than the incumbent to meet this requirement. A program of this magnitude would take a minimum of 90 days to implement following contract award. We ask that the Judicial Council please extend the program launch date to March 1, 2023, or April 1, 2023, in order to ensure a fair and competitive bidding process.**

Answer: See response to question #8.

- 11. The RFP mentions a call center volume of 10K calls per year. Can the Judicial Council provide the following information about call center volume? The number of calls seems high considering the annual testing volumes listed, can the Judicial Council please clarify the reasons for this? Who is calling? How many callers are repeat callers? Why are they calling?**

Answer: The JCC cannot provide specific data regarding the identity of callers, the number of repeat callers, or the call reason. Generally, candidates call to schedule an exam, request testing results, ask questions about the court interpreting testing process, or request program information.

- 12. We understand that the successful vendor may be responsible for locating and training proctors and raters for oral exams. Does the payment for proctors (BIE and OPE) come out of testing fee, or out of the budget mentioned in 2.2? What is this cost of this payment?**

Answer: All costs associated with proctoring, scoring and rating of all administered interpreting exams are the responsibility of the vendor and must be paid by the vendor under the contract. It is recommended that prospective vendors contact LTI and NCSC for licensing and other quotes prior to submitting a bid. See response to question #6.

- 13. We understand that NCSC owns the content for both the written and BIE examinations. Does the NCSC currently own any test questions that will be shared with the selected vendor? If so, please provide the following information: Will the item banks be provided in an electronic format? Please specify the format. When will the item banks be provided to the successful testing vendor?**

Answer: After the contract is awarded, the vendor will be able to coordinate with NCSC for access to BIE and Written Examination materials. The NCSC has resource reference manuals available to review. See RFP section 1.4.2. It is recommended that proposers review the NCSC Desk Reference Manual which is Exhibit 1 of the RFP. The format of the BIE and Written examinations is electronic and/or paper-based. Vendors should visit the NCSC web page or contact NCSC with any questions regarding the examinations.

- 14. We understand that Judicial Council owns the content for the California-only BIE examination. Does the Judicial Council currently own any California-specific test questions that will be shared with the selected vendor? If so, please provide the following information: Will the item banks be provided in an electronic format? Please specify the format. When will the item banks be provided to the successful testing vendor?**

Answer: After the contract is awarded, the vendor will coordinate with the JCC for access to California-only examinations. The format of the exams is paper and/or computer based.

- 15. We understand that ACTFL owns the content for the OPE examination. Does the ACTFL currently own any test questions that will be shared with the selected vendor? If so, please provide the following information: Will the item banks be provided in an electronic format? Please specify the format. When will the item banks be provided to the successful testing vendor?**

Answer: After the contract is awarded, the vendor will be able to coordinate with LTI,

ACTFL's exclusive licensee, for access to any materials required to administer the OPE. The OPE is a live, 15–30-minute telephone conversation between a certified ACTFL tester and the candidate. See Section 2.3 Oral Proficiency Exam (OPE), of the Agreement Attachment 2 of the RFP. Vendors should visit the LTI web page or contact LTI with any questions regarding the examination.

16. The RFP mentioned that ACTFL exclusively licenses the OPE content to LTI. Would the successful vendor be responsible for any licensing fees to use this exam content?

Answer: The vendor must license the OPE exams from LTI. The vendor is responsible for all exam licensing fees. It is recommended that bidders contact LTI for a quote prior to submitting their bid.

17. What will the successful testing vendor's relationship with the organizations providing content (NCSC, ACTFL, LTI) consist of?

Answer: The testing vendor will need to establish appropriate relationships with ACTFL, LTI, NCSC, and any other organizations or sub-contractors required to obtain and administer interpreter examinations to candidates, score and rate exams, provide exam scores to candidates, and report exam scores to the JCC.

18. Would the successful vendor be responsible for any licensing fees to use this exam content?

Answer: Vendor is responsible for all exam licensing fees.

19. Will the successful testing vendor be responsible for developing new testing content? If so, will the pricing for content development services be calculated separately from the test administration services priced for in the response to this RFP?

Answer: Pricing for exam development and maintenance will not be calculated separately. Costs for these optional deliverables must be included in the not to exceed fee of \$500,000 per year for services. However, exam development and exam maintenance are optional services that the vendor will only provide upon request of the JCC.

20. My question is regarding the language aspect. I noticed that there are two types of tests required for certifying court interpreters, a written English language test, and an oral, presumably, in the target languages. We talked to a number of partners who could potentially be interested in submitting a bid, however, almost every partner we talked to expressed concerns about the fact that it is one bid for two different types of tests, each with different aspects and concerns. From a linguistic point of view, testing for English skills for non-native English speakers is a very different test and assessment from testing the same linguists for the language skill, presumably orally, in interpreting from and to English and their native languages. Question: would there be a consideration of reissuing the bid, perhaps into two bids for each aspect of the certification, or two part-RFP? Equally, we feel the language aspects of either test deserve more emphasis in the bid, with each aspect requiring different focus and specifications. Would there be any interest in sharing some of the linguistic issue that we feel would need be considered in such a bid or future bids?

Answer: This RFP is for administration of the three existing interpreter examinations for the JCC's interpreter testing program. The current exams have been extensively validated and field tested to ensure they continue to meet stated objectives. The JCC does not plan to reissue the RFP at this time.