

RFP Title: Development of Credentialing Requirements for ASL Generalist Interpreters
RFP Number: **CFCC-2024-01-TQ-ASL**

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

*Development of Credentialing Requirements for ASL
Generalist Interpreters*

PROPOSALS DUE:

April 5, 2024, NO LATER THAN 1:00 P.M. PACIFIC TIME

[REVISED ON MARCH 4, 2024]

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 recommends improvements to the courts, adopts rules and procedures for court administration, 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/hearing-impaired. 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.
- 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 education resources for almost 2,000 California certified and registered court interpreters.
- 1.4 In addition, CIP and CIAP are responsible for 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 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 In 2015, the Registry of Interpreters for the Deaf, Inc. (RID) eliminated testing for the Specialist Certificate: Legal (SC:L) credential for American Sign Language

(ASL) interpreters. The SC:L credential has been the credential status accepted by the California judiciary as certification that ASL interpreters have achieved appropriate training to work in the courts.

- 1.6 Based on the 2020 Language Need and Interpreter Use Study, American Sign Language (ASL) is the third most interpreted language in the California courts.
- 1.7 On November 17, 2023, to address the current shortage of ASL court interpreters, the Judicial Council approved the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification for a period of at least four years to expand the number of available ASL court interpreters. Effective January 1, 2024, ASL court interpreters with the Texas BEI Court Interpreter Certification may apply to CIP to be added to the Judicial Council [Master List](#) of Certified Court and Registered Interpreters.
- 1.8 The Judicial Council now recognizes persons who hold the formerly offered SC:L credential as well as the Texas BEI Court Interpreter Certification as qualified to interpret in the California courts.
- 1.9 The Judicial Council also directed CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts.
- 1.10 The November 17, 2023, council report is available at <https://jcc.legistar.com/View.ashx?M=F&ID=12443593&GUID=86D50238-F331-4F4E-BBA7-A91D30995599>.
- 1.11 Currently, RID offers national level ASL-English generalist interpreter certification. RID has a certification program for both hearing and deaf sign language interpreters to receive generalist (non-court specific) credentials.
- 1.12 Holders of the RID National Interpreter Certification (NIC) are hearing and have demonstrated general knowledge in the field of ASL interpreting, ethical decision making, and ASL interpreting skills. Candidates earn NIC certification if they demonstrate professional knowledge and skills that meet or exceed RID's minimum professional standards necessary to perform in a broad range of ASL interpretation and transliteration assignments. This credential has been available since 2005.
- 1.13 Holders of the RID Certified Deaf Interpreter (CDI) certification are deaf or hard of hearing, and have demonstrated knowledge and understanding of interpreting, deafness, the Deaf community, and Deaf culture. Holders have specialized training

and/or experience in the use of gestures, mime, props, drawings, and other tools to enhance communication. Holders possess native or near-native fluency in ASL and are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial (for example, to ensure communication with a deaf client who is not fluent in ASL). As needed, the court may appoint a CDI to act as the “intermediary interpreter” between the individual who is deaf or hard of hearing and an ASL court interpreter. This credential has been available since 1998.

- 1.14 The Texas BEI also currently tests for ASL generalist interpreters, at the following levels: Basic, Advanced, and Master.
- 1.15 There are several other generalist interpreter credentials that ASL interpreters may presently hold, but they may be for credentials that are recognized but no longer offered for testing (e.g., NIC Advanced or NIC Master). Courts around the country determine which credentials they will recognize for ASL generalist interpreters to work in the courts and identify additional training or portfolio requirements.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Judicial Council seeks the services of a Contractor with experience to assist the Language Access Services Program with research and developing recommendations for a proposal to certify persons with ASL generalist credentials to perform work in the California courts.
- 2.2 The consultant will develop a work plan and conduct research with California court stakeholders and other state court systems. Research methods may include qualitative and/or quantitative research, online research, stakeholder interviews (with California courts or other state courts, or Deaf or hard-of-hearing advocacy groups), focus groups, or surveys. In the work plan, the consultant should address how they will analyze the information gathered if it is primarily received through interviews or focus groups.
- 2.3 Based on the research conducted, the consultant will submit a written preliminary and final report with research findings and recommendations for the Judicial Council to consider to certify persons with ASL generalist credentials, once they complete recommended training and portfolio requirements.
- 2.4 The written report produced by consultant should cover processes and requirements used by other states to allow persons with an ASL generalist credential to work in the courts (including credentials, training, and portfolio requirements). The Judicial

Council will provide the consultant with state research conducted to date by council staff (on 25 of the 41 states that allow persons with an ASL generalist credential to work in the courts once they complete training and portfolio requirements; consultant will need to finish this research).

- 2.5 The written report should also identify case types or matters that may be appropriate for persons with a generalist credential to work on in the California courts, and make recommendations for California regarding accepted generalist credentials, training, portfolio, and other requirements for consideration by CIAP and the Judicial Council. In the report, the consultant must provide information on how recommendations were developed (e.g., from standards established or satisfaction measures conducted by other states, or opinions expressed in interviews or focus groups).
- 2.6 The written report must include recommendations regarding how California would handle credential renewal and complaints regarding persons with an ASL generalist credential who may be credentialed to work in the courts. The report must include recommendations for any proposed and necessary edits to California Evidence Code section 754(f) to allow persons with an ASL generalist credential to work in the California courts, provided they meet the training and portfolio requirements identified by the Judicial Council.
- 2.7 Consultant will provide two virtual presentations and meeting materials on report findings and recommendations: (1) to a CIAP subcommittee dedicated to the project and (2) to CIAP.
- 2.8 Consultant will prepare and submit a brief final written project report with recommended next steps for any additional research or training that may be necessary for the Judicial Council to develop to support persons with an ASL generalist credential to perform work in the California courts.

The proposed contract is estimated to be effective from **May 1, 2024, through March 31, 2025.**

The estimated funds available for this project will not exceed **\$200,000.00.**

2.9 The Proposed Bidder must have expertise in the following areas:

- 1) Research on national court trends, including research with court stakeholders, and development of reports and recommendations for judicial branch audiences.

- 2) Credentialing of and certifications for American Sign Language (ASL) interpreters, including the Registry of Interpreters for the Deaf (RID) certifications and other certifications accepted by courts, best practices nationwide for court training and portfolio requirements for ASL interpreters who work in the courts, and options appropriate for California.
- 3) 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.
- 4) The California court system, court proceedings and legal terminology, and the role of the court interpreter.
- 5) Court interpreter education, including state-of-the-art training methods and necessary areas of continued skills development and enrichment for court interpreters.
- 6) Research, analysis, report writing, and providing presentations with PowerPoint for judicial branch audiences.

2.10 Project Deliverables

Deliverables	Estimated Completion Date	Estimated Maximum Firm Fixed Amount (\$)
<p>Deliverable No. 1</p> <p>The consultant will meet with Judicial Council staff virtually, and then develop and submit a draft written workplan for all deliverables under this contract. The workplan should cover research methods, California court stakeholders to interview, and timelines for finishing the project’s deliverables. Research methods may include online research, stakeholder interviews (with California courts or other state courts, or Deaf or hard-of-hearing advocacy groups), focus groups, or surveys. In the work plan, the consultant should address how they will analyze the information gathered if it is primarily received through interviews or focus groups.</p>	<p>May 31, 2024</p>	<p>TBD</p>

Deliverables	Estimated Completion Date	Estimated Maximum Firm Fixed Amount (\$)
<p>Deliverable No. 2</p> <p>Consultant will revise the draft workplan based on Judicial Council staff feedback and submit a final written workplan to the Judicial Council.</p>	<p>June 14, 2024</p>	<p>TBD</p>
<p>Deliverable No. 3</p> <p>Consultant will conduct research with California court stakeholders and submit a preliminary report with research findings and recommendations for the Judicial Council to certify persons with ASL generalist credentials.</p> <p>The written report produced by the consultant should cover processes and requirements used by other states to allow persons with an ASL generalist credential to work in the courts (including credentials, training, and portfolio requirements). The Judicial Council will provide the consultant with state research conducted to date by council staff (on 25 of the 41 states that allow persons with an ASL generalist credential to work in the courts once they complete training and portfolio requirements; consultant will need to finish this research).</p> <p>The written report must identify case types or matters that may be appropriate for persons with a generalist credential to work on in the California courts, and make recommendations for California regarding accepted generalist credentials, training, portfolio, and other requirements for consideration by CIAP and the Judicial Council. In the report, the consultant must provide information on how recommendations were developed (e.g., from standards established or satisfaction measures conducted by other states, or opinions expressed in interviews or focus groups).</p> <p>The report must make recommendations regarding how California would handle credential renewal and complaints regarding persons with an ASL generalist</p>	<p>October 18, 2024</p>	<p>TBD</p>

Deliverables	Estimated Completion Date	Estimated Maximum Firm Fixed Amount (\$)
<p>credential who may be credentialed to work in the courts. The report must make recommendations for any proposed and necessary edits to California Evidence Code section 754(f) to allow persons with an ASL generalist credential to work in the California courts, provided they meet the training and portfolio requirements identified by the Judicial Council.</p>		
<p>Deliverable No. 4</p> <p>Consultant will revise the preliminary report based on Judicial Council staff feedback and submit a final report to the Judicial Council.</p>	<p>November 1, 2024</p>	<p>TBD</p>
<p>Deliverable No. 5</p> <p>Consultant will virtually present report findings and recommendations to the CIAP Interpreter Language Access Subcommittee. Prior to the presentation, the consultant will prepare and deliver to the Judicial Council a PowerPoint presentation and any other additional meeting materials for the subcommittee.</p>	<p>November 22, 2024</p>	<p>TBD</p>
<p>Deliverable No. 6</p> <p>Consultant will virtually present report findings and recommendations to the CIAP. Prior to the presentation, the consultant will prepare and deliver to the Judicial Council a PowerPoint presentation and any other additional meeting materials for CIAP.</p>	<p>December 31, 2024</p>	<p>TBD</p>
<p>Deliverable No. 7</p> <p>Based on feedback from the subcommittee and CIAP, the consultant will revise the final report and submit it to the Judicial Council (if needed), and will also prepare and submit a brief final written project report with recommended next steps for any additional research or training that may be necessary for the Judicial Council to develop to support persons with an ASL generalist credential to perform work in the California courts.</p>	<p>January 31, 2025</p>	<p>TBD</p>

3.0 TIMELINE FOR THIS RFP *[Revised]*

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	March 1, 2024
Deadline for questions	March 11, 2024, by 1:00 PM
Questions and answers posted	March 15, 2024
Latest date and time proposal may be submitted	<i>April 5, 2024, by 1:00 PM [Revised]</i>
Evaluation of proposals (<i>estimate only</i>)	<i>April 5-15, 2024 [Revised]</i>
Notice of Intent to Award (<i>estimate only</i>)	April 20, 2024
Negotiations and execution of contract (<i>estimate only</i>)	May 1-15, 2024
Contract start date (<i>estimate only</i>)	May 1, 2024
Contract end date (<i>estimate only</i>)	March 31, 2025

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFP 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 the JBE 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.

ATTACHMENT	DESCRIPTION
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	Complete this form only if the Proposer wishes 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.
Payee Data Record Form (STD 204)	<p>This form contains information the Judicial Council of California (JCC) requires in order to process payments and must be submitted with the proposal.</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.</p> <p>https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.documents.dgs.ca.gov%2Fdgs%2Ffmc%2Fpdf%2Fstd205.pdf&data=05%7C02%7CDeborah.Mok%40jud.ca.gov%7Cd01652d411ee4ca6f35e08dc179ec08c%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638411217810984836%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=SgFNH4Bfpv8KW%2FWHv5UXRbm9R8cqVVeMDgxu8hkDB8k%3D&reserved=0</p>

5.0 PAYMENT INFORMATION

- Subject to the terms in **Attachment 2**, Appendix B, Payment Provisions, the selected provider will be paid on a firm-fixed price per Deliverable basis.
- The resulting contract will be comprised of firm fixed pricing for satisfactory completion of each deliverable listed above in Section 2.10. Due Dates listed in the table above in Section 2.10 are estimated. The actual due dates and firm fixed amounts will be based on the awarded proposal.
 - Contractor shall submit invoices upon satisfactory completion of services.

- No other expenses, including travel expenses, will be reimbursed by the Judicial Council.
- The payment term is Net 60 from date or acceptance of services.

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 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.
- The Proposer must submit **an electronic copy** of the cost proposal. 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 or the proposal will not be accepted.
- 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 RFP 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 2.0 Description of Services and Deliverables 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 JCC to verify the experience cited.
 - e. Proposed Work Plan based on the Description of Services and Deliverables as defined in Section 2.0 and 2.10, 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. References are to include names, addresses, telephone numbers and the email address of a contact person. The JCC 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 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.

Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The JCC, 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. 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. 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>
 - v. 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>
 - vi. 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.

- vii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 8**) and submit the completed certification with its proposal.
- 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 JCC determines that 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 Contractor is a California corporation, limited liability company ("LLC"), limited partnership ("LP"), or limited liability partnership ("LLP"), then the Contractor shall include in their Proposal a copy of their Certificate of Status from the Secretary of State of California that contractor is in good standing in California.

If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, then Contractor shall include in their Proposal proof that Contractor is in good standing in its home jurisdiction.

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

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

- i. Proposer to provide a detailed line-item budget for each Deliverable described in Section 2.0 and 2.10. ***The total costs for the entire project shall not exceed \$200,000.00***, which includes all expenses, as stated in section 5.0 of this RFP.
- ii. Payment will be made after completion and acceptance of Deliverables as follows:

PAYMENT NUMBER	BILLABLE ACTIVITY	INVOICE DUE DATE
#1	Completion of Deliverable 1	June 28, 2024
#2	Completion of Deliverable 2	July 15, 2024
#3	Completion of Deliverable 3	November 15, 2024
#4	Completion of Deliverable 4	December 1, 2024
#5	Completion of Deliverable 5	December 31, 2024
#6	Completion of Deliverable 6	January 31, 2025
#7	Completion of Deliverable 7	February 28, 2025

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 JBE reserves the right to negotiate extensions to this period.

9.0 EVALUATION OF PROPOSALS

The JBE 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 JBE will post an intent to award notice at [Bidders / Solicitations - RFP \(ca.gov\)](#).

CRITERION	MAXIMUM NUMBER OF POINTS
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 bidder to timely meet all project deliverables and ensure high quality work products.</i>	25
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>	20

CRITERION	MAXIMUM NUMBER OF POINTS
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>	17
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>	30
Acceptance of the Terms and Conditions	5
DVBE Incentive	3
TOTAL	100

10.0 INTERVIEWS

The JBE 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 interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at JBE’s offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE 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:

- A. 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.
- B. Proposer must submit with its proposal a DVBE Declaration (**Attachment 5**) 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 JCC'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 MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY

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IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

14.0 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 JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to: Solicitations@jud.ca.gov. (Indicate in the email subject line “PROTEST”, RFP Number, and Name of Your Firm).