

RFP Title: ICWA Tribal Dependency Attorney Curriculum  
RFP Number: RFP-CFCC-23-141RB

# REQUEST FOR PROPOSALS

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*JUDICIAL COUNCIL OF CALIFORNIA*

**REGARDING: ICWA TRIBAL DEPENDENCY ATTORNEY  
CURRICULUM**

**RFP NUMBER: RFP-CFCC-23-141RB**

**PROPOSALS DUE: APRIL 7, 2023, NO LATER THAN 5:00 P.M. PACIFIC  
TIME**

## **1.0 BACKGROUND INFORMATION**

- 1.1 Judicial Council of California. The Judicial Council of California (“Judicial Council” or “JCC”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the JCC to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JCC’s Court Operations and Services Division, Center for Families, Children & the Courts (“CFCC”) supports programs in court settings that improve practice and services for children, youth, parents, families, and other court users.
  
- 1.2 Project. This request seeks a proposal to develop an “ICWA Tribal Dependency Attorney Curriculum”. This project involves adapting an existing model multi-disciplinary curriculum for attorneys representing children and parents in the juvenile dependency system, to include attorneys representing tribes in cases governed by the Indian Child Welfare Act (ICWA) and issues related to ICWA. Elements of the curriculum will include: development of a fact pattern intended to illustrate issues that arise in dependency cases governed by the Indian Child Welfare Act (ICWA); ICWA specific issues that arise during representation such as, tribal rights and participation, ethical and professional issues in representing and obtaining instructions from a tribal entity, and at each hearing throughout the life of a case including emergency removal/detention, disposition, status review hearings, hearing to terminate reunification services, and Welfare and Institutions Code section 366.26 hearing; specific legal issues to be addressed will include active efforts, ICWA placement preferences, qualified expert witness testimony, and permanency planning. Skills to be addressed include evaluating a case plan to determine whether it meets the standards of active efforts; direct and cross examination of a social worker regarding case planning, delivery of active efforts, tribal engagement and collaboration and efforts to meet the ICWA placement preferences, evaluation of a qualified expert witness report and direct and cross examination of a qualified expert witness. Case file materials to be developed include sample delivered services logs, case plans, court reports and qualified expert witness reports. Final work product will include an instructor guide for the trial skills trainers including ICWA and California specific law and legal standards. The preferential contractor will have direct experience representing tribes in dependency cases governed by ICWA in California courts.

## **2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

- 2.1 Introduction:

The JCC seeks the services of a person or an entity, such as a law firm, legal services organization or law school, with expertise representing tribes in juvenile dependency cases governed by ICWA in California to develop a skills-based training curriculum for attorneys involved in dependency cases in California governed by ICWA.

The contractor will be expected to meet with JCC staff, review and adapt the content of the existing curriculum. Contractor must create an outline of changes, provide a draft of the changes and the final changes.

The funding available for this project is no more than **\$50,000.00, which includes all expenses.** The JCC intends to award one (1) Agreement with a term approximately from **April 28, 2023, through June 30, 2023 with the option of extending the contract from July 1, 2023 to June 30, 2024 (Option Year 1) and July 1, 2024 to June 30, 2025 (Option Year 2) for contractor to serve as faculty and help vet, train, and recruit faculty for the trainings from this curriculum Funding for the option terms will be dependent on the budget.**

#### 2.1.1 General Scope of Services Requirements

2.1.1.1 Review existing curriculum;

2.1.1.2 Form a focus group of tribal attorneys and use contract funding to compensate focus group members to help contractor adapt and develop the curriculum.

2.1.1.3 Adapt or develop a fact pattern intended to illustrate issues that arise in dependency cases governed by the Indian Child Welfare Act (ICWA) and Indian law specific issues that may arise during representation of tribes such as, tribal rights and participation, ethical and professional issues in representing and obtaining instructions from a tribal entity;

2.1.1.4 The fact pattern must address issues at each hearing throughout the life of a case including emergency removal/detention, disposition, status review hearings, hearing to terminate reunification services, and Welfare and Institutions Code section 366.26 hearing.; specific legal issues to be addressed will include active efforts, ICWA placement preferences, qualified expert witness testimony, and permanency planning.

2.1.1.5 Skills to be addressed in the curriculum include evaluating a case plan to determine whether it meets the standards of active efforts; direct and cross examination of a social worker regarding case planning, delivery of active efforts, tribal engagement and collaboration and efforts to meet the ICWA placement preferences,

evaluation of a qualified expert witness report and direct and cross examination of a qualified expert witness.

2.1.1.6 Materials to be developed include case file materials to be developed include sample delivered services logs, case plans, court reports and qualified expert witness reports.

2.1.1.7 Final work product will include an instructor guide for the trial skills trainers including ICWA and California specific law and legal standards.

2.1.1.8 Serve as faculty for the developed curriculum and help JCC staff recruit and vet other tribal experts as faculty for the delivery of this curriculum.

## 2.2.1 Tasks and Deliverables.

The JCC anticipates the following major tasks and specific deliverables in connection with the scope of services described in this Request for Proposal (RFP). Without changing the Deliverables, the Proposer should correct, validate and expand on the tasks, as deemed necessary or desirable by the Proposer.

### 2.2.1.1 Tasks- Year 1

2.2.1.1.1 Meet with and obtain input from CFCC dependency attorneys and outcomes for this project.

2.2.1.1.2 Review existing dependency attorney curriculum. Adapt the existing curriculum to incorporate ICWA issues. Provide an outline of curriculum to CFCC dependency attorneys;

2.2.1.1.3 Make modifications to outline based on feedback from CFCC dependency attorneys.

2.2.1.1.4 Present full draft of the curriculum to CFCC dependency attorneys for review.

2.2.1.1.5 Incorporate CFCC dependency attorneys' input and present final versions of curriculum and associated materials.

2.2.1.1.6 **Deliverable 1:** Meet with JCC staff and provide summary note of the meeting about the project.  
**Estimated Due Date: May 5, 2023**

- 2.2.1.1.7 **Deliverable 2:** Provide JCC staff with a roster of the focus group. **Estimated Due Date: May 5, 2023**
- 2.2.1.1.8 **Deliverable 3:** Review existing dependency attorney curriculum. Adapt the existing curriculum to incorporate ICWA issues. Provide an outline of curriculum to CFCC dependency attorneys. **Estimated Due Date: May 22, 2023.**
- 2.2.1.1.9 **Deliverable 4:** Make modifications to outline based on feedback from CFCC dependency attorneys and return to CFCC for review. **Estimated Due Date: June 2, 2023.**
- 2.2.1.1.10 **Deliverable 5:** Present full draft of curriculum to CFCC dependency attorneys for review. **Estimated Due Date: June 19, 2023.**
- 2.2.1.1.11 **Deliverable 6:** Incorporate CFCC dependency attorneys' input and present final draft of the curriculum. **Estimated Due Date: June 30, 2023**

#### 2.2.1.2 Tasks Option Year 1

- 2.2.1.2.1 Create a trainer's manual to accompany the developed curriculum.
- 2.2.1.2.2 **Deliverable 7:** Meet with the JCC to plan the delivery of the curriculum and draft a tentative trainer's manual **Estimated Due Date: August 1, 2023.**
- 2.2.1.2.3 **Deliverable 8:** Make modification of the trainer's manual based on JCC feedback and present the final version to the JCC. **Estimated Due Date: September 30, 2023.**
- 2.2.1.2.4 Conduct a "train the trainers" for faculty on this curriculum.
- 2.2.1.2.5 **Deliverable 9:** Provide JCC staff with a list of vetted attorneys as faculty for the training. **Estimated Due Date: October 15, 2023.**
- 2.2.1.2.6 **Deliverable 10:** Meet with faculty for train faculty on how to use the teacher's manual and the curriculum. **Estimated Due Date: December 15, 2023.**

2.2.1.2.7 Serve as faculty for two trainings to 50 attorneys in each training.

2.2.1.2.8 **Deliverable 11:** Prepare and serve as faculty for training one. **Estimated Due Date: April 30, 2024.**

2.2.1.2.9 **Deliverable 12:** Prepare and serve as faculty for training two. **Estimated Due Date: June 15, 2024.**

2.2.1.3- Option Year 2

2.2.1.3.1 Conduct a "train the trainers" for faculty or this curriculum.

2.2.1.3.2 **Deliverable 13:** Meet with faculty for train faculty on how to use the teacher's manual and the curriculum. **Estimated Due Date: November 15, 2024.**

2.2.1.3.3 Serve as faculty for two trainings to 50 attorneys in each training.

2.2.1.3.4 **Deliverable 14:** Prepare and serve as faculty for training three. **Estimated Due Date: April 30, 2025.**

2.2.1.3.5 **Deliverable 15:** Prepare and serve as faculty for training four. **Estimated Due Date: June 15, 2025**

**3.0 TIMELINE FOR THIS RFP**

The JBE has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the JBE.

EVENT	DATE
RFP issued	March 24, 2023
Deadline for written questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	March 30, 2023, COB
Questions and answers posted ( <i>estimate only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	April 3, 2023
Latest date and time proposal may be submitted <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	April 7, 2023, COB
Evaluation of proposals ( <i>estimate only</i> )	April 10-14, 2023

EVENT	DATE
Notice of Intent to Award ( <i>estimate only</i> )	April 14, 2023
Negotiations and execution of contract ( <i>estimate only</i> )	April 17 to 28, 2023
Contract start date (estimate only)	April 28, 2023
Contract end date (estimate only)	June 30, 2023
Option Year 1	July 1, 2023 to June 30, 2024
Option Year 2	July 1, 2024 to June 30, 2025

**4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs	These rules govern this solicitation.
Attachment 2: Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6 & 6A: Payee Data Record and Supplemental Forms (STD 204 & 205)	These forms contain information the JCC requires in order to process payments and must be submitted with the proposal.
Attachment 7: DVBE Declaration	This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal.
Attachment 8: Bidder Declaration	This form needs to be signed by the Proposer if the Vendor is participating in the DVBE incentive and submitted with the proposal.
Attachments 3-8 must be signed by an authorized representative of the Contractor.	

## 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/Milestone listed below. Completion Dates listed in the below table are estimated. The actual completion 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 JCC.
  - The payment term is Net 60 from date of acceptance of services.



**Table 1 Milestones:**

<b>Milestone(s)/Deliverable(s) Description</b>	<b><i>Estimated Completion Date</i></b>
<p><b>First Milestone and Deliverable:</b></p> <p>Meet with and obtain input from CFCC dependency attorneys and outcomes for this project.</p>	<p>May 5, 2023</p>
<p><b>Second Milestone and Deliverable :</b></p> <p>Provide JCC staff with a roster of the focus group.</p>	<p>May 5, 2023</p>
<p><b>Third Milestone and Deliverable:</b></p> <p>Review existing dependency attorney curriculum. Adapt the existing curriculum to incorporate ICWA issues. Provide an outline of curriculum to CFCC dependency attorneys.</p>	<p>May 22, 2023</p>
<p><b>Fourth Milestone and Deliverable:</b></p> <p>Make modifications to outline based on feedback from CFCC dependency attorneys and return to CFCC for review</p>	<p>June 2, 2023</p>
<p><b>Fifth Milestone and Deliverable:</b></p> <p>Present full draft of curriculum to CFCC dependency attorneys for review</p>	<p>June 19, 2023</p>
<p><b>Sixth Milestone and Deliverable:</b></p> <p>Incorporate CFCC dependency attorneys’ input and present final draft of the curriculum.</p>	<p>June 30, 2023</p>
<p><b>Option Year 1</b></p>	
<p><b>Seventh Milestone and Deliverable:</b></p> <p>Meet with the JCC to plan the delivery of the curriculum and draft a tentative trainer’s manual.</p>	<p>August 1, 2023</p>

<b>Eighth Milestone and Deliverable:</b>  Make modification of the trainer’s manual based on JCC feedback and present the final version to the JCC.	September 30, 2023
<b>Ninth Milestone and Deliverable:</b>  Provide JCC staff with a list of vetted attorneys as faculty for the training	October 15, 2023
<b>Tenth Milestone and Deliverable:</b>  Meet with faculty for train faculty on how to use the teacher’s manual and the curriculum.	December 15, 2023
<b>Eleventh Milestone and Deliverable:</b>  Prepare and serve as faculty for training one.	April 30, 2024
<b>Twelfth Milestone and Deliverable:</b>  Prepare and serve as faculty for training two.	June 15, 2024
<b>Option Year 2</b>	
<b>Thirteenth Milestone and Deliverable:</b>  Meet with faculty for train faculty on how to use the teacher’s manual and the curriculum.	November 15, 2024
<b>Fourteenth Milestone and Deliverable:</b>  Prepare and serve as faculty for training three.	April 30, 2025
<b>Fifteenth Milestone and Deliverable:</b>  Prepare and serve as faculty for training four.	June 15, 2025

## 6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposals should provide straightforward, concise information that satisfies

the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

- 6.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
  - a. The Proposer must submit **an electronic copy** of the Technical Proposal. The proposal must be signed by an authorized representative of the Proposer. The Technical Proposal must be submitted via email to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). 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 can be submitted in the same email to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) as the Technical Proposal but should be a **separate attachment** marked “COST PROPOSAL,” from the technical proposal. The Proposer must write the RFP title and number in the subject line of the email.
- 6.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP. For the purposes of this RFP, proposals shall be transmitted only by email
- 6.4 Late proposals will not be accepted.
- 6.5 For the purposes of this RFP, proposals shall be transmitted only by email.

## 7.0 PROPOSAL CONTENT

- 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.

- d. A resume must be provided for each individual proposed for this Agreement. An acceptable resume shall include the person's education, any applicable credentials and/or certifications, current work history and a summary of experience and knowledge to support the minimum qualifications of key personnel outlined in Section 2.0 Description of Services and Deliverables experience cited. A separate section covering the Proposer's background, Principal Officers, and Staff Qualifications and Experience.
- e. Provide Work Plan based on description of Tasks and Deliverables as defined in Section 2.2.1.
- 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 Respondent's organization and corporate structure.
- f. Proposed method to complete the work.
  - i. Project plan that outlines the proposed approach, using the general deadlines specified within this RFP:
  - ii. Sample outline of curriculum development
  - iii. Sample learning objectives
  - iv. Sample evaluations, including any continuing education credits that will be given
  - v. Sample timeline for curriculum development, including any interactive and adult learning principles that will be used.
- g. Acceptance of the Terms and Conditions.
  - i. On **Attachment 3**, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it **MUST** provide the required additional materials 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.
- 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 Darfur Contracting Act Certification (**Attachment 5**) and submit the completed certification with its proposal.
- iii. The Proposer must complete the Payee Data Record Form (**Attachment 6**) and submit the completed copy with its proposal
- iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof 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, 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 – Project 1

The following information must be included in the cost proposal;

- i. Proposer to provide a detailed line-item budget for each milestone(s) described and the costs shall not exceed estimated firm fix priced of each deliverable and the total costs for the entire project should be within the budget as stated in section 2.1 of this RFP.
- ii. Payment will be made after completion and acceptance of deliverables as follows:

<b>PAYMENT NUMBER</b>	<b>BILLABLE ACTIVITY</b>	<b>INVOICE DUE DATE</b>
#1	Completion of Deliverable 1	June 5, 2023
#2	Completion of Deliverable 2	June 5, 2023
#3	Completion of Deliverable 3	June 22, 2023
#4	Completion of Deliverable 4	July 2, 2023
#5	Completion of Deliverable 5	July 19, 2023
#6	Completion of Deliverable 6	July 30, 2023
#7	Completion of Deliverable 7	September 1, 2023
#8	Completion of Deliverable 8	October 30, 2023
#9	Completion of Deliverable 9	November 15, 2023
#10	Completion of Deliverable 10	January 15, 2024

#11	Completion of Deliverable 11	May 30, 2024
#12	Completion of Deliverable 12	July 15, 2024
#13	Completion of Deliverable 13	December 15, 2024
#14	Completion of Deliverable 14	May 30, 2025
#15	Completion of Deliverable 15	July 15, 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 JCC 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 JCC will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the JCC will post an intent to award notice at the court's website.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted	17
Experience on similar assignments	30
Cost	30
Qualifications of staff to be assigned to project based on resumes submitted including experience, background, expertise and credentials if any	10
Acceptance of the Terms and Conditions	5
Ability to meet timing requirements to complete the project	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3

## 10.0 INTERVIEWS

The JCC *may* conduct interviews with Proposers to clarify aspects set forth in their

proposals. The interviews will be conducted by phone. If there's a need to clarify any portion of the Proposers proposal, the JCC will notify Proposer regarding interview arrangements.

## **11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The JCC 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 will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JCC's right to disclose information in the proposal, or (b) requiring the JCC 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

## **12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

Eligibility for and application of the DVBE incentive is governed by the JBE's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section **9.0** above.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). 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 7**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it

must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the JBE may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the JBE's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

If using DVBE subcontractors, the Proposer must complete and return to the JBE a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer's final invoice to the JBE. If the Proposer fails to do so, the JBE will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Proposer refuses to comply with the certification requirements, the JBE shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

**FRAUDULENT MISREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.**

### **13.0 PROTESTS**



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RFP Number: RFP-CFCC-23-141RB

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](http://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 JCC to receive a solicitation specifications protest is the proposal due date for submitting questions.

Protests must be sent to:

[Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)

Judicial Council of California  
Branch Accounting and Procurement  
ATTN: Protest Hearing Officer  
455 Golden Gate Avenue  
San Francisco, CA 94103

(Indicate Solicitation Number and Name of Your Firm on the email heading.)