

RFP Title: Resource Assessment Study  
RFP Number: RFP-OCR-2023-25-LV

# REQUEST FOR PROPOSALS

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**JUDICIAL COUNCIL OF CALIFORNIA**  
***OFFICE OF COURT RESEARCH***

**REGARDING:**  
**Resource Assessment Study**  
**RFP-OCR-2023-25-LV**

**PROPOSALS DUE:**  
**December 8, 2023, NO LATER THAN 4:00 P.M. PACIFIC TIME**

## **1.0 BACKGROUND INFORMATION**

In 2000, the Judicial Council’s Office of Court Research was tasked with developing empirical workload measures to guide resource allocation for trial courts. This directive led to the creation of the Resource Assessment Study (RAS) model, a weighted caseload model designed to estimate resource needs in the trial courts.

The RAS model, initially approved by the Judicial Council in 2005, assesses case complexity by assigning caseweights, representing the time in minutes required to process a case from filing through disposition, including post-disposition activities, derived from a time study in the courts. This allows for the estimation of unique workloads for each court based on the specific volume of case types they handle.

Over the years, the RAS model has evolved. In February 2013, an updated version of RAS caseweights, alongside other model parameters, was approved, following a 2010 time study. Also in 2013, the Judicial Council adopted the Workload-based Allocation and Funding Methodology (WAFM), a funding model relying on the RAS model as its basis, later becoming the Workload Formula.

In July 2017, following a 2016 time study, the RAS model received additional approvals, including updates to caseweights and other model parameters. Currently, the RAS model includes caseweights for 22 distinct case types.

This Request for Proposal (RFP) is part of the ongoing evolution of the RAS model, focusing on updating caseweights to maintain accuracy and relevance for resource allocation in trial courts.

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

The Judicial Council (the “Judicial Council”, “JBE” or the “JC”) seeks the services of a firm or entity with relevant expertise (see below). Prospective persons, firms, or entities, for the purposes of this RFP will be referred to as “Consultants” or “Contractors”.

The Consultant will provide the following services (collectively the “Services”):

- 2.1 The Judicial Council seeks the services of a consultant with expertise in the evaluation of workload, performance, and court administration for purposes of evaluating staff workload and assessing staffing need in the California trial courts. Knowledge of trial court operations in general and the California court system more specifically is highly desirable.
- 2.2 The Consultant will conduct an update of the Resource Assessment Study (RAS) model. The resulting work product will be a new set of RAS model caseweights

used in the RAS model/Workload Formula (WF). The RAS caseweights will be obtained primarily through a time study in at least 15 trial courts.

2.3 The Consultant, with Judicial Council staff support, will develop the scope of work, conduct the time study and related time study tasks and activities (court staff trainings, material development, etc.), validate and analyze the data, conduct court interviews and focus groups, present findings to an advisory body, and draft a report to the Judicial Council summarizing the work and findings.

2.4 The initial set of RAS model caseweights should be completed by December 2024 for presentation to the Judicial Council in January 2025 for use in FY 2025-26 trial court budget allocations. The Consultant should be available beyond December 2024 through June 2025 (contract end date) for any revisions or additional refinements to the caseweights following the January 2025 Judicial Council meeting.

2.5 Deliverables, Estimated Due Dates and Estimated Available Budgets.

<b>RAS Caseweight Update for FY2025-26</b>		
<b>Deliverables: Phase: Activities</b>	<b>Estimated Due Date</b>	<b>Estimated Available Budget</b>
<b>Deliverable 1:</b> <b>Phase 1:</b> Project Scope; develop data collection tool (build/test); census; staff training	April 30, 2024	\$40,000 - \$53,000
<b>Deliverable 2:</b> <b>Phase 2:</b> Pilot test instrument; conduct time study	August 31, 2024	\$88,000 - \$117,000
<b>Deliverable 3:</b> <b>Phase 3:</b> Data validation, finalize new caseweights; sufficiency of time survey; focus groups; draft report	December 31, 2024	\$95,000 - \$126,000
<b>Deliverable 4:</b> <b>Phase 4:</b> Caseweight refinement;	April 30, 2025	\$77,000 - \$103,000

### 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.

<b>EVENT</b>	<b>DATE</b>
RFP issued	November 7, 2023
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	November 17, 2023

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EVENT	DATE
Questions and answers posted at: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> ( <i>estimated</i> )	November 28, 2023
Latest date and time proposal may be submitted	December 8, 2023 (no later than 4:00P.M. Pacific Time)
Evaluation of proposals ( <i>estimate only</i> )	December 13, 2023
Notice of Intent to Award ( <i>estimate only</i> )	December 14, 2023
Negotiations and execution of contract ( <i>estimate only</i> )	By December 19, 2023
Contract start date ( <i>estimate only</i> )	January 3, 2024
Contract end date	April 30, 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: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JBE Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form	This form contains information the JBE requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Form Supplement (STD 205)	This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD204 – Payee Data Record. Use this form to provide additional remittance address and additional Authorized Representatives of the Payee not identified on the STD 204.
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: DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.
Attachment 9: Bidder Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.

## 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.
- 5.2 No other expenses including travel expenses will be reimbursed by the Judicial Council.
- 5.3 Contractor shall submit invoices upon satisfactory completion of services. The payment term is Net 60 from date of receipt of acceptance of deliverable(s).

## 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 through email by the date and time listed on the coversheet of this RFP 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.
- 6.4 Submission acceptance will be based on the date and time the email is received by the Judicial Council. Proposal must be received prior to the due date and time or the proposal will not be accepted.

## 7.0 PROPOSAL CONTENTS

- 7.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.
- a. The Proposer’s name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using their

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. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
- e. Proposed method to complete the work.
  - i. Proposals should present a comprehensive data collection methodology that ensures data accuracy, reliability, and security. This should encompass a well-structured sampling strategy for selecting participating trial courts, data collection tools, robust data validation procedures, and detailed analysis methods. The proposal must instill confidence in the methodology's ability to provide accurate and meaningful insights while safeguarding sensitive data.
  - ii. The proposal should explicitly address how the methodology aligns with all deliverables specified in Section 2 to ensure the successful and timely completion of the project.
- f. Acceptance of the Terms and Conditions.
  - i. **On Attachment 3**, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.
  - ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
  - iii. **Note: A material exception (addition, deletion, or other modification) to any of the Terms and Conditions may render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.**

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

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

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

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



- vi. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- vii. Proof of financial solvency or stability (e.g., balance sheets and income statements).

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

- i. A detailed line item budget showing total cost of the proposed services.
- ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
- iii. A firm fixed price for each of the deliverables outlined in Section 2.5. Costs shall not exceed estimated available budget for each deliverable listed in Section 2.5.

**NOTE:** It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

**8.0 OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

**9.0 EVALUATION OF PROPOSALS**

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the Judicial Council will post an intent to award notice at

<http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted	17

CRITERION	MAXIMUM NUMBER OF POINTS
Experience on similar assignments	20
Reasonableness of cost projections	30
Credentials of staff to be assigned to the project	10
Acceptance of the Terms and Conditions	10
Ability to meet timing requirements to complete the project	10
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3

## 10.0 INTERVIEWS

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

## 11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

**PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** Except as required by law, the JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will 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, pursuant to this Section 12.0. **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 JBE's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer's proposal. The number of points that will be added is specified in Section 9.0 above.

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

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 9**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Proposer must submit with its proposal a DVBE Declaration (**Attachment 8**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

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

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

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

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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.**

#### **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](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 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](mailto:Solicitations@jud.ca.gov).

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