|  |  |
| --- | --- |
|  | REQUEST FOR PROPOSALS |
| ***[Judicial council]***  **Regarding:** (1) Administering the Written Exam and Bilingual Interpreting Exams for certified and registered court interpreter candidates,  (2) Administering Oral Proficiency Exams (OPEs) for multiple purposes,  (3) Exam Development Activities, and  (4) Additional Deliverables.  **Court Interpreter Exam Administration and development**  ***RFP- COS-2017-03-LB***  **PROPOSALS DUE:**  *July 7, 2017, 2017* no later than 2*:00* p.m. Pacific time |

**1.0 BACKGROUND INFORMATION**

* + 1. Judicial Council of California. The Judicial Council of California (JUDICIAL COUNCIL), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the JUDICIAL COUNCIL 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 JUDICIAL COUNCIL also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The JUDICIAL COUNCIL staff agency assists both the JUDICIAL COUNCIL and its chair in performing their duties.
    2. The Court Interpreters Program (CIP) oversees the testing, certification and registration process for statewide qualification of court interpreters, as well as other administrative functions such as statewide recruitment, and statewide data collection and analysis.
    3. The CIP staff works to increase access to the courts for non-English speaking persons by improving the quality of interpreting and increasing the number and availability of certified and registered interpreters in the trial courts. CIP services include interpreter recruitment, certification or registration, education and compliance.
    4. For additional information about this solicitation, including electronic copies of the solicitation documents, see the California Courts Website located at [*www.courts.ca.gov/rfps.htm*](http://www.courts.ca.gov/rfps.htm) (“Courts Website”).
  1. Program Authority and Structure
     1. California is the most diverse state in the country, with approximately seven million potential court users who are limited English proficient and speak more than 200 languages. Court interpreters provide crucial language access for these individuals to court services. Court interpreters are provided in a large number of court case types. California’s Government Code §§68560-68566 directs the JUDICIAL COUNCIL to adopt programs and standards to insure that qualified interpreters are provided in the courts. This responsibility includes adopting standards for the testing and certification or registration of court interpreters. The JUDICIAL COUNCIL is also responsible for designating the languages for which a program of certification shall be established, based upon a study every five (5) years of language and interpreter use and need in court proceedings. For all languages that are “nondesignated,” the JUDICIAL COUNCIL is responsible for establishing a program of registration.
     2. To assist it with these duties, the JUDICIAL COUNCIL has appointed a Court Interpreters Advisory Panel. This panel is comprised of judges, court administrators, court interpreters, court staff, and representatives of county offices that are involved in court proceedings. The Court Interpreters Advisory Panel is charged with making recommendations to the JUDICIAL COUNCIL on, among other things, the certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.
  2. General Program Context
     1. The need for qualified interpreters in California is pressing, and it is growing with the increasing racial and ethnic diversity of the state’s estimated population of 39,144,818. Approximately 44% of California’s population speaks a language other than English in the home. This includes over 200 languages and dialects. Roughly 19% of Californians speak English less than “very well,” which effectively excludes them from meaningful participation in a judicial proceeding without substantial language assistance. Over 250 languages and dialects spoken (All data are from the U.S. Census Bureau 2015.)
     2. The 2015 Language Need and Interpreter Use Study, authorized by the JUDICIAL COUNCIL, reports that the top spoken languages by days of interpreter service for FY2012-2013 were: Spanish (178,683), Vietnamese (9,891), Korean (6,849), Mandarin (6,683), Farsi (5,289), Cantonese (4,633), Russian (4,500), Tagalog (3,351), Arabic (4,673), Armenian All (3,191), Punjabi (2,748), Khmer (2,179), Japanese (1,646), Hmong (1,585), Lao (1,379), Romanian (1,225), Hindi (635). These statistics show the overwhelming predominance of Spanish as the most highly-needed language in the California courts.
     3. The JUDICIAL COUNCIL has designated for certification American Sign Language (ASL) and 15 spoken languages. The currently designated spoken languages with Court Interpreter Certification Examinations include Arabic, Eastern Armenian, Cantonese, Farsi, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. There are currently no certification tests for Japanese or Western Armenian. To be qualified to interpret in the California courts, the JUDICIAL COUNCIL requires ASL interpreters to hold a “Specialist Certificate: Legal” (SCL) issued by the Registry of Interpreters for the Deaf (RID).
     4. For the 13 designated spoken languages with certification exams, the certification process includes assessment of candidates’ language proficiency and interpreting skills. Certification exams include written and oral components in English and the target language. Interpreters of designated languages qualified through this process become “certified interpreters.” For nondesignated spoken languages, for which there is no certification exam, candidates must pass the Written Exam and Oral Proficiency Examinations in both English and the paired language(s). Interpreters of nondesignated languages qualified through this process become “registered interpreters.” The Bilingual Interpreting Exam for Certified Interpreters measures interpreting performance in the following modes: Consecutive Interpretation, Sight Translation (English to Foreign Language); Sight Translation (Foreign Language to English); and Simultaneous Interpretation. The oral component for Registered Interpreters is designed to measure a candidate’s ability to comprehend and speak English and the pair language correctly.
     5. There are approximately 1,850 state court interpreters currently certified and registered in California. A total of 884 Written Exams were administered between May 2015 and April 2016. A total of 772 Bilingual Interpreting Exam for certification were administered between May 2015 and April 2016. Approximately 2.5 percent of all exams were appealed by test candidates. If an exam is appealed, the test administrator must investigate whether there were any administrative deficiencies, discrimination, bias, fraud, or inappropriate application of the Americans with Disabilities Act or other accommodations. Performing appeals investigations may require consultation with the JUDICIAL COUNCIL staff.
     6. Between June 2010 and May 2011, the current test administrator answered 8,607 calls from test candidates (roughly 718 calls per month). Test candidates contacted the test administrator to inquire about test procedures, dates, to schedule exams, or to issue complaints. The average call with a test candidate lasted approximate six (6) minutes and seven (7) seconds.
     7. The JUDICIAL COUNCIL contracts with an external provider to develop and administer the certification and registration exams, following the standards and guidelines adopted by the JUDICIAL COUNCIL. Currently, the JUDICIAL COUNCIL administers certification exams from the National Center for State Courts, and some California only exams. Oral Proficiency Exams used for non-designated languages and other purposes have been the ACTFL OPI through Language Testing International as a sub-contractor of the current exam administrator. Additional information about the Court Interpreters Program can be accessed at <http://www.courts.ca.gov/programs-interpreters.htm> and additional information about the court interpreter testing program can be accessed at: http://www.courts.ca.gov/2695.htm.
     8. In 2006, the JUDICIAL COUNCIL contracted for a study of California’s court interpreters testing program. The results of that study were published in 2007 as *Study of California’s Court Interpreter Certification and Registration Testing* (*Study 2007*)[[1]](#footnote-1). Thirty-two (32) knowledge, skills, and abilities (“KSAs”) were identified as essential to the job of court interpreter, classified into linguistic, speaking, listening, reading, interpreting, and behavioral skills. All but the six behavioral KSAs were found to be measurable through the testing process. At its April 25, 2008 business meeting, the JUDICIAL COUNCIL adopted all 32 KSAs as the essential measure of a qualified court interpreter and adopted the 26 measurable KSAs as the basis for California’s court interpreter testing program. Additional findings and recommendations from the Study can be found at: <http://www.courts.ca.gov/documents/altafinalreport.pdf>
     9. In April 2008, the JUDICIAL COUNCIL approved the recommendation made in *Study 2007* regarding the implementation of oral proficiency screening exams (currently referred to as Oral Proficiency Exams) to assess candidates’ core bilingualism in both English and the target foreign language. An oral proficiency screening exam can be used to assess the bilingual abilities of test candidates who wish to become registered court interpreters and individuals who wish to record their bilingual abilities. These screening exams will be used to assess bilingual proficiency, and not interpreting ability. As of November, 2016, this screening exam has not yet been instituted as a requirement. However, it is under serious consideration that it will be required in the near future.
     10. In 2009 the JUDICIAL COUNCIL contracted ALTA Language Services, Inc. (ALTA) to assess the Consortium for Language Access in the Courts’ examinations for certifying member state court interpreters. The purpose of this assessment was to determine the level of functional equivalency between California’s court interpreter certification examinations and the Consortium’s exams, and to determine how California could use Consortium exams if comparable testing standards were established. ALTA was charged with analyzing Consortium test content and identifying the overall strengths and weaknesses of the Consortium testing program. Additionally, ALTA examined the degree to which the knowledge, skills, and abilities required of a California court interpreter are covered by the Consortium exams.[[2]](#footnote-2)
     11. Based on the recommendations of the 2009 study by ALTA Languages Services, Inc., the JUDICIAL COUNCIL adopted the court interpreter certification exam approach utilized by the Consortium effective July 1, 2010. California continues to fund exam development and maintenance activities.
     12. The Consortium for Language Access in the Courts testing program is now known as the National Center for State Courts (NCSC) testing program. The NCSC maintains standardized manuals for test construction, test administration (including candidate information booklets), and test rater system. Further information about the NCSC can be located at:

<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>

* + 1. The following table illustrates historical candidate counts for the written exam for registered and certified interpreters, which is the first step in the testing process.

Table #1

| **Historical Candidate Counts**  **Written Exam** | |
| --- | --- |
| **Year** | **Number of Candidates** |
| FY 2011 – 2012 | 1,172 |
| FY 2012 – 2013 | 1,109 |
| FY 2013 – 2014 | 978 |
| FY 2014 – 2015 | 910 |
| FY 2015 – 2016 | 884 |

**2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

The JUDICIAL COUNCIL seeks the services of a person or entity with expertise in meeting the following tasks and deliverables: (The following section references are in Attachment 2, Standard Terms and Conditions, Exhibit D Work To Be Performed.)

Table #2

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **#** | **Name of Deliverable** | **Tasks** | **Estimated Completion Date** | **Quantity** |
| 1 | Project Management and Communications | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 year documented in 1 report |
| 2 | Annual Summary of Examination Activities | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 report covering all exam types |
| 3 | Final disposition of Written, Bilingual Interpreting Exam, and Oral Proficiency Exam Appeals | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 report covering all exam appeals for exams taken during the 12 month activity period |
| 4 | First Six Months Report on Written Exam On-Going Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 report including multiple components |
| 5 | Second Six Months Report on Written Exam On-Going Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 report including multiple components |
| 6 | Written Exam Maintenance, Development and Republishing | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 complete project |
| 7 | Proctor Services | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 year of services documented in one report |
| 8 | Remote Refresher Training for Experienced Raters | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 year of appropriate refresher training |
| 9 | Rater Recruitment and Selection for Bilingual Interpreting Exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 25 in one year |
| 10 | In Person Rater Training w NCSC | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of one training within one year |
| 11 | In Person Rater Training California Only Languages | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of one training within one year |
| 12 | Specific Language Rater Training | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of four within one year |
| 13 | Report on First Six Months of Administration of Bilingual Interpreting Exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 14 | Additional Re- Scoring Summer/Fall Bilingual Interpreting Exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 set of borderline reports |
| 15 | Pre-consensus Rater Capture and Analysis for Summer/Fall Bilingual Interpreting Exam Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 complete set encompassing all exams administered during exam administration |
| 16 | Post- Consensus Item Level Capturing Summer/Fall Bilingual Interpreting Exam Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 complete set encompassing all exams administered during exam administration |
| 17 | Report on Second Six Months of Administration of Bilingual Interpreting Exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 18 | Additional Re- Scoring Winter/Spring Bilingual Interpreting Exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 set of borderline reports |
| 19 | Pre-consensus Rater Capture and Analysis for Winter/Spring Bilingual Interpreting Exam Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 complete set encompassing all exams administered during exam administration |
| 20 | Post-Consensus Item Level Capturing Winter/Spring Bilingual Interpreting Exam Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 complete set encompassing all exams administered during exam administration |
| 21 | Post consensus item analysis and reports on Bilingual Interpreting Exams (per version, can combine candidates across administrations) | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 8 |
| 22 | Special Report Multi-Year Candidate | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 23 | Thorough exam assessment | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 3 in one year |
| 24 | Special thorough exam assessment | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 3 in one year |
| 25 | Development of a full new exam for California | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to 1 in one year |
| 26 | Development of a full new exam with NCSC | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to 1 in one year |
| 27 | Major maintenance of a California only exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to 1 in one year |
| 28 | Major maintenance of an exam in the NCSC bank | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to 1 in one year |
| 29 | Minor maintenance of a California only exam | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 2 in one year |
| 30 | Minor maintenance of an exam in the NCSC bank | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 2 in one year |
| 31 | Stand-alone scoring guide update | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | Up to a maximum of 3 in one year |
| 32 | First Six Month Report on OPE On-Going Administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 33 | Second Six Month Report on on-going OPE administration | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
|  | **PREFERRED BUT NOT REQUIRED FOR RESPONSIVENESS TO RFP** | | | |
| 34 | ASL/DI: Job Task Analysis, Knowledge Skills and Abilities, Testing Assessment, Testing Options. | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 34 | ASL/DI: Methods for increasing objectivity in rating performances. | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 35 | ASL/DI: Rubric for rating of candidate-provided video of candidate interpreting, set cut score, and rater development. | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 36 | ASL/DI: New exam development, set cut score, and rater development. | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| 37 | ASL/DI: Existing exam modification, set cut score, and rater development. | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
|  | OPTIONAL WORK |  |  |  |
| A | Robust Remote Rater Calibration Training (ROD TO REVIEW from Contract Perspective) | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |
| B | Internet Learning Platform | Reference Attachment 2, Exhibit D, Work To Be Performed | N/A | 1 |

* 1. The services specified in this RFP are expected to be performed by the selected Proposer for a five-year period commencing on or about June 1, 2017 (actual date is TBD), and ending May 31, 2022, subject to available funding for each yearly period of June 1 through May 31 AND acceptable performance of selected vendor in the preceding year.
  2. The annual dollar range for the Term of the services in this RFP is estimated to be in the range of $150,000 to $250,000 for deliverables (including value of incidental services and associated costs) in addition to candidate applicant fees paid directly to the awarded Proposer. The selected Proposer will charge candidates the contracted market rate for the administration of exams. Market rate adjustments for all exams will be based on adjustments in labor costs as published by the Bureau of Labor Statistics (BLS) as set forth in Attachment 2, Exhibit B. Proposers rates for applicant fees should be within the range of $128 -$131 per exam candidate for the Written Exam, $332 - $340 for the Oral Bilingual Interpreting Exam and $164-$168 for the Oral Proficiency Exam. The rates for administration of the exams should be based on the market rate of commercially available exam instruments.
  3. The administration of Bilingual Interpreting Exams shall be performed twice a year, but not less than once a year, as scheduled by the JUDICIAL COUNCIL.
  4. As set forth and more fully described in detail in Attachment 2, JUDICIAL COUNCIL Standard Terms and Conditions, Exhibit D, Work To Be Performed, the selected vendor will provide the following services:
     1. Design and maintenance of a website for the exam program.
     2. Data Collection, Analysis, and Reporting.
     3. Administration of Written, Bilingual Interpreting, and Oral Proficiency Exams.
     4. Exam Development Services.
     5. All other services defined in Attachment 2.
  5. **Proposer Qualifications**

2.5.1 The Proposer must have, at a minimum, extensive test administration experience, a cadre or access to a cadre of testing experts including but not limited to exam proctors and raters, excellent customer service skills, and written and oral communication skills. The Proposer must be able to manage the registration, administration, rating, and reporting of 1,350 -1,800 written, Bilingual Interpreting Exams, and Oral Proficiency Exams per year throughout California.

* + 1. The Proposer must have expertise in spoken language credentialing and/or certification programs.
    2. The Proposer must have experience with ensuring that testing instruments are valid and have defensible cut-scores. The Proposer must have psychometricians on staff.
    3. The Proposer should have experience working with multiple organizations or subcontractors to coordinate the administration of tests, which may include the management of test registration systems or databases.
    4. The Proposer must be able to respond within the same business day to telephone inquiries. Historically, there were an average of 650 telephone inquiries per month. The use of a subcontractor is permitted.

**3.0 TIMELINE FOR THIS RFP**

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

* 1. All key events and dates are subject to change at the JUDICIAL COUNCIL’s sole discretion.
  2. The JUDICIAL COUNCIL will not issue a formal addendum for changes to any of these estimated dates unless the JUDICIAL COUNCIL anticipates any such change or changes may impact the irrevocable offer period set forth in this RFP.

| **EVENT** | **Estimated Dates** |
| --- | --- |
| **RFP issued:** | *May 12, 2017* |
| Deadline for questions | *May 19, 2017*  *No later than 1:00PM (PT)* |
| Pre-proposal Conference | *May 26, 2017* |
| Questions and answers posted – (estimate only) | *June 9, 2017* |
| **Latest date and time proposal may be submitted** | *July 7, 2017*  *No later than 2:00 PM (PT)* |
| Anticipated interview dates (*estimate only*) | *July 11 through July 12, 2017* |
| Evaluation of proposals (*estimate only*) | *July 11 through July 21, 2017* |
| Notice of Intent to Award (*estimate only*) | *July 24, 2017* |
| Negotiations and execution of contract (*estimate only*) | *July 25, 2017* |
| Contract start date (*estimate only*) | *September 1, 2017* |
| Contract end date (*estimate only*) | *Renewable each year via amendment up to five years*  *(i.e. to 2022)* |

**4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

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| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFP (Non-IT Services): | These rules govern this solicitation. |
| Attachment 2: JUDICIAL COUNCIL Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JUDICIAL COUNCIL 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: Payee Data Record Form | This form contains information the JUDICIAL COUNCIL requires in order to process payments and must be submitted with the proposal. |
| Attachment 7; Iran Contracting Act Certification | The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 8: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the complete certification with its proposal. |
| Attachment 9: Bidder Declaration | Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP. |
| Attachment 10: DVBE Declaration | Complete and return this form with the proposal only if Proposer wishes to declare DVBE status. |
| Attachment 11: Conflict of Interest Certification Form | The Proposer must complete this form and submit with its proposal. |
| Attachment 12: Reference Form | Proposer must complete the Reference Form to list its references and submit it with its proposal. |
| Attachment 13: Knowledge, Skills, and Abilities Essential for Court Interpretation. | This Attachment is provided for information purposes and details the knowledge, skills and abilities that are deemed essential for language interpretation in a court environment. |
| Attachment 14, Cost Proposal Form | Proposer must use this form to propose all pricing necessary to accomplish the work requirements of the eventual contract for the Court Interpreter Examination and Administration Project and submit it with its proposal. |

**5.0 PAYMENT INFORMATION**

Basis of Payment.

5.1 All fees and charges in Attachment 14, Unified Deliverable and Cost Form, are inclusive of any and all travel, lodging, transportations, clerical support, materials, overhead, profits and other costs and/or expenses associated with the Work.

5.2 Payments are firm fixed price and shall be made upon acceptance of the Deliverables as defined in Attachment 14. No progress payments will be made on a Deliverable.

**6.0 Pre-proposal CONFERENCE**

The JUDICIAL COUNCIL will hold a pre-proposal conference on the date identified in the timeline above. The pre-proposal conference will be held via conference call.

Attendance for the pre-proposal conference call is optional. Proposers are strongly encouraged to participate.

**7.0 SUBMISSIONS OF PROPOSALS**

7.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

7.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.

a. The Proposer must submit **one (1) original and four (4) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the JUDICIAL COUNCIL in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

b. The Proposer must submit **one (1) original and four (4) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the JUDICIAL COUNCIL in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

c. The Proposer must submit an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

7.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Judicial Council of California

Attn: Lenore Fraga-Roberts, RFP No. COS-2017-03-LB

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688

7.4 Late proposals will not be accepted.

7.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

The Proposer is solely responsible for ensuring that the full and complete proposal is received by the JUDICIAL COUNCIL in accordance with the solicitation requirements prior to the Proposal Due Date & Time and at the place specified. The JUDICIAL COUNCIL shall not be responsible for any delays in mail or by common carriers or by delivery errors or delays or missed delivery.

**8.0 PROPOSAL CONTENTS**

8.1 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 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. For each key staff member: provide a resume describing the individual’s background and experience, as well as the individual’s ability and experience in conducting the proposed activities.

1. If any of the Proposer's key staff member(s) become unavailable during the term of this Agreement, the Proposer shall immediately assign replacement personnel, possessing equivalent or greater experience and skills as the departing key staff member.
2. The Proposer shall endeavor to retain the same key staff member(s) during the performance of the Work of this Agreement. However, the Proposer may, with approval of the Judicial Council’s Project Manager, introduce new key staff member(s) with specific skill sets or release personnel whose skill set is not needed at the time.

d. Names, addresses, and telephone numbers of a minimum of six (6) clients for whom the Proposer has conducted similar services. The JUDICIAL COUNCIL may check references listed by the Proposer, on Attachment 12 Reference Form.

e. Proposed method to complete the work.

i. List of specific aspects of the work that the evaluation team will consider when evaluating the Proposer’s method.

8.1.1 Description of all languages for which valid instruments to conduct the Oral Proficiency Exam exist;

* + 1. Proposed process for statewide administration of Written Exams, Bilingual Interpreting Exams, and Oral Proficiency Exams in English and foreign languages;
    2. Proposed process for identification, training, and monitoring of proctors for the administration of Written Exams, Bilingual Interpreting Exams, and Oral Proficiency Exams in English and foreign languages;
    3. Proposed process for identification, training, and monitoring of raters and the rating process for Bilingual Interpreting Exams and Oral Proficiency Exams in English and foreign languages;
    4. Proposed method for ensuring that Raters of Bilingual Interpreting Exams, and Oral Proficiency Exams in English and foreign languages are 1) administratively independent in their evaluation of individual applicants, and 2) are free of any conflicts of interest or influence from any external source on decisions affecting Examination results, and 3) that no members of rater panels shall have a vested financial interest in the outcome of the applicant’s performance;
    5. Proposed data collection methods and reporting mechanisms for exam results and candidate tracking;
    6. Proposed process for handling customer inquiries, complaints, and appeals.

8.1.8 Proposed outline of web page and methods for ensuring public access to information;

* + 1. Proposed methods for providing exam maintenance on Bilingual Interpreting Exams, including the modification of written text and possible recording of audio files;

8.1.10 Proposed project and team organization, identifying key personnel and their credentials; and

8.1.11 Proposed selection and use of subcontractors, if any, and a description of work and to what extent Proposer intends to use a subcontractor;

* + 1. List of existing professional time commitments on other subject-related contracts occurring within the expected period of performance of the services; and,
    2. Proposed methods for providing exam maintenance on Written Exams.

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.

g. Certifications, Attachments, and other requirements.

i. The Proposer must complete Attachment #4, the General Certifications Form and submit the completed form with its proposal.

ii. The Proposer must complete Attachment #5, the Darfur Contracting Act Certification and submit the completed certification with its proposal.

iii. If Contractor 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. 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.

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

v. Proof of financial solvency or stability (e.g., balance sheets and income statements).

vi. [For solicitations of $1,000,000 or more] The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.

vii. The Proposer must complete Attachments 6, 8, 11, 12, 13 & 14 and submit the completed certification with its proposal.

viii. Attachments 9 & 10 shall be submitted with Proposer’s proposal as applicable.

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

8.2.1 Reasonableness of Cost Projections.

8.2.2 As a separate document, submit a firm fixed price per unit for each detailed line item for each of the Deliverables specified in Attachment 14.

8.2.3 A separate document, submit pricing for each of the Exam Types listed in the table below.

|  |  |
| --- | --- |
| *Exam Type* | *Not To Exceed Application Fee Per Exam* |
| Written Exam | $ |
| Bilingual Interpreting Exam | $ |
| Oral Proficiency Exam | $ |
| Rescheduled Exam | $ |

8.2.4 The annual cost for Proposer’s services will not exceed $250,000.00, and must be inclusive of personnel, materials, overhead rates, travel and profit. The method of payment to the Proposer for each Deliverable is specified in Attachment 2, Standard Terms and Conditions, Exhibit C, Payment Provisions.

**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.

**9.0 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.

**10.0 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 Courts Website http://www.courts.ca.gov/.

**TABLE 3: WEIGHTED EVALUATION CRITERIA – COURT INTERPRETER EXAMINATION ADMINISTRATION AND DEVELOPMENT PROJECT**

| **CRITERIA** | **maximum number of points** |
| --- | --- |
| **Quality of Work Plan Submitted (10.1-10.7)**   * General quality of work plan * Administration of the NCSC Written Exam * Administration of the Bilingual Interpreting Exams * Administration of the Oral Proficiency Exams * Test information, data collection, analysis, and reporting * Security * Exam Development Services | 1. **Possible Points** |
| **Credentials and Experience (10.8-10.10)**   * Credentials of staff * Professional experience with similar assignments * References | **10 Possible Points** |
| **Ability to Meet Timing Requirements (10.11)**   * Provides a reasonable timeline * Provides exam schedule that meets operational needs * Accommodation of geographic locations | **13 Possible Points** |
| **Reasonableness of Cost/Fee Proposal (10.12)**   * Costs are reasonable * Demonstrates fiscal controls * Budget and justifications are clear | **30 Possible Points** |
| **Acceptance of the RFP’s Contract Terms**  Proposed modifications to the contract terms may result in a lower score in this category. | **10 Possible Points** |
| **Company Stability and Capabilities.** | **4 Possible Points** |
| **Disabled Veteran Business Enterprise (DVBE) Incentive** | **3 Possible Points** |

* 1. Quality of work plan submitted
     1. General quality of work plan
     2. Work plan is complete, well organized, and easy to follow;
     3. Work plan clearly describes valid and detailed methods for accomplishing the work set forth in Attachment 2, Exam Administration Services through Exam Development Services; and
     4. Work plan clearly identifies the key staff on the project, organization of team, and the roles of each member, and protocol in place for staff changes including timing of notification of JC.
  2. Administration of the NCSC Written Exam
     1. Proposal describes how, where, when, and for what cost the computer-based written exams will be administered;
     2. Proposal demonstrates expertise in delivery of computer-based written exams, expertise in exam contingency planning, and contains a clearly defined appeals process; and
     3. Proposal contains incentivized payment structure to encourage candidates to take the Written and Oral Proficiency Exams in one sitting.
  3. Administration of the Bilingual Interpreting Exams
     1. Proposal clearly describes how, where, when, and for what cost the Bilingual Interpreting Exams will be administered;
     2. Proposal clearly outlines operational steps to be conducted to administer the Bilingual Interpreting Exams and contains plans for ongoing monitoring and maintenance of Raters and Proctors;
     3. Proposal clearly describes a process and schedule for recruitment and training of Raters and Proctors;
     4. Proposal clearly describes the Proposer’s internal organizational structure and what parts of the organization will handle the various parts of the Bilingual Interpreting Exam administration; and
     5. Proposal clearly describes expertise coordinating with several organizations to administer exam content.
  4. Administration of the Oral Proficiency Exams
     1. Proposal clearly describes how, where, when, and for what cost the Oral Proficiency Exams will be administered;
     2. Proposal clearly outlines operational steps to be conducted to administer the Oral Proficiency Exams;
     3. Proposal clearly describes provisions for performing ongoing quality control of the rating process and verification of the raters’ continued accuracy (or ongoing monitoring of the subcontractor’s performance of these duties); and
     4. Proposal provides a plan for dispute resolution of examinee complaints, including an applicant appeals process.
  5. Test information, data collection, analysis, and reporting
     1. Proposal describes methods to provide access to test information through internet, a centralized call center, and an e-mail response center. Information should include, but not be limited to: test dates, registration processes, rater selection, and appeals process;
     2. Proposal describes methods to efficiently escalate candidate issues within the call center to project management; and
     3. Proposal describes procedures for statistical data collection, analysis, and timely reporting, including but not limited to exam scores, test dates and sites, candidate tracking information, problems and challenges.
  6. Security
     1. Proposal provides a comprehensive plan for security procedures to ensure integrity and confidentiality of the testing program and its security from unauthorized access; and
     2. Proposal provides a contingency plan for documenting steps to be taken in the event that test security is compromised.
  7. Exam Development Services
     1. Proposal provides a comprehensive plan and describes methods for performing maintenance on existing Bilingual Interpreting Exam content, which may include modification of content and/or recording of exam material in accordance with NCSC guidelines;
     2. Proposal provides a comprehensive plan and describes methods for performing development of new versions of Bilingual Interpreting Exam content, which may include creation of new content, modification of existing content, and/or recording of exam material in accordance with NCSC guidelines;
     3. Proposal provides a comprehensive plan and describes methods for performing development of new exam questions, and/or modification of existing exam questions, in the Written Exam material in accordance with NCSC guidelines; and
     4. Proposal clearly describes methods for selecting, contracting, and managing Subject Matter Experts in multiple languages and other subcontractors as needed.
  8. Credentials and Experience
     1. Credentials of staff. Resumes of project staff indicate education, training, and other professional credentials that demonstrate ability and qualifications to undertake the project in the following areas:
        1. Expertise in test administration of computer-based written exams;
        2. Expertise in test administration of oral performance exams;
        3. Expertise in test administration of bilingual oral proficiency screening exams;
        4. Expertise in rater training and evaluation;
        5. Expertise in data collection, analysis, and reporting;
        6. Expertise in web development and maintenance; and
        7. Expertise in fiscal control and management.
  9. Professional experience with similar assignments
     1. Proposal articulates professional experience in the administration of oral proficiency screening exams, credentialing exams, or transferable experience; and
     2. Proposal articulates professional experience with test administration of a comparable scope.
  10. References

References support Proposer’s ability to provide required project Deliverables as specified in Attachment 2 – Exhibit D – Work to be Performed based on past experience or similar contracts.

* 1. Ability to meet timing requirements to complete the project

10.11.1Provides a reasonable timeline to permit completion of contract project Deliverables specified in Attachment 2 – Exhibit D – Work to be Performed and allow for contingencies;

10.11.2 Provides exam schedule that meets operational needs of the JUDICIAL COUNCIL’s certification program as outlined in Attachment 2 – Exhibit D – Work to be Performed; and

* + 1. Describes a clear plan for administering all exams in a manner that best accommodates the geographic locations of the test candidates.

* 1. Reasonableness of cost/fee proposal
     1. Costs for this RFP are reasonable;
     2. Demonstrates fiscal controls necessary for collection and management of exam fees; and
     3. Budget and justifications are clear, well defined, and include line itemization for each project Deliverable specified in Attachment 14 .

1. **EVALUATION PROCESS**
   1. The JUDICIAL COUNCIL will conduct a comprehensive, fair, and impartial evaluation of proposals received in response to this RFP. All proposals received from vendors will be reviewed and evaluated by a committee of qualified personnel (“Evaluation Committee”). The name, units, or experience of any individual members of the Evaluation Committee will not be made available to any vendor. The evaluation of proposals and selection of preferred providers will occur as set forth in this Section.
   2. Written Proposal Review. Preliminary evaluations will be based on written proposals as outlined in the Specifics of a Responsive Proposal for the Court Interpreter Examination and Administration Project. The Evaluation Committee will assign preliminary weighted scores as listed within Table 3 of this RFP. A proposal may be eliminated if it does not contain all proposal elements outlined in these sections.
   3. Finalist Selection.
      1. The Evaluation Committee will compile the preliminary scores for each vendor’s written proposal based on the weighted evaluation criteria. The vendors with the highest ranking scores for each of the individual projects will be identified and may be invited to participate in interviews, if interviews are deemed necessary by the Evaluation Committee.
      2. Vendors not selected or invited to interview will not be eligible for further consideration.
      3. In the event the Evaluation Committee determines that interviews are not necessary, the JUDICIAL COUNCIL will proceed with selection of the preferred provider(s) as specified in Section 11.5, below.
   4. Finalist Interviews
      1. After completion of the evaluation of written proposals, and if deemed necessary by the Evaluation Committee, selected proposers may be given the opportunity to participate in the interactive interviews regarding their proposal. Proposers selected to participate in an interview will be notified in writing of the date, place, time and format of the interview. Proposers will be responsible for all costs related to the interview, which, at the JUDICIAL COUNCIL’s sole discretion, may be in-person at the JUDICIAL COUNCIL’s offices in San Francisco and/or by teleconference. If a proposer is selected to participate in an interview and fails to participate in such interview, the proposer may be disqualified from further consideration.
      2. Interviews, if held, are designed to provide the JUDICIAL COUNCIL with clarification of submitted proposals only, and shall not be construed as a solicitation, invitation, or opportunity for vendors to alter, modify, or amend their previously submitted proposals. Any alterations, modifications, or amendments so offered to a proposal during this clarification process shall not be considered by the JUDICIAL COUNCIL; but will, however, be viewed as negatively impacting the proposal evaluation.
      3. Key staff for the individual projects should be present for the interview. Sales representatives not working as key staff on the projects should not participate in the interviews.
      4. Upon completion of interviews, if conducted, the Evaluation Committee will finalize the scoring of proposals.
   5. Selection of Preferred Provider(s)
      1. Upon completion of proposal evaluation, and the interview process, if held, the Evaluation Committee will finalize evaluation scoring using the same criteria/weights in Table 3, above. The Evaluation Committee will then make their selection recommendation to the JUDICIAL COUNCIL’s Contracting Officer responsible for this solicitation.
      2. After review and confirmation of the Evaluation Committee’s recommendation(s), the JUDICIAL COUNCIL’s Contracting Officer will provide written notification to all vendors who submitted proposals advising whether they were selected or not selected to be the preferred provider. The Contracting Officer will subsequently post a Notice of Intent to Award on the JUDICIAL COUNCIL’s website advising the public the name of the vendor selected as the preferred provider.

**12.0 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 JUDICIAL COUNCIL will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals 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 JUDICIAL COUNCIL’s right to disclose information in the proposal, or (b) requiring the JUDICIAL COUNCIL to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

13.2 Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 10 above.

13.3 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”).

13.4 If Proposer wishes to seek the DVBE incentive:

i. Proposer must submit with its proposal a DVBE Declaration (Attachment 10) 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 Bidder Declaration (Attachment 9). 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 Business Utilization Plan on file with Department of General Services.

ii. 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.

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

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

FRAUDULENT MISREPREPRETATION 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*). 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 seven (7) days from the posting of the proposal. Protests must be sent to:

Judicial Council of California

Attn: Protest Officer, RFP No. COS-2017-03-LB

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688

1. <http://www.courts.ca.gov/documents/altafinalreport.pdf> [↑](#footnote-ref-1)
2. <http://www.courts.ca.gov/documents/ALTAReport.pdf> [↑](#footnote-ref-2)