



Judicial Council of California
Administrative Office of the Courts

Office of the General Counsel
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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

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General Counsel

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Director

TO: POTENTIAL BIDDERS

FROM: Administrative Office of the Courts
Center for Families, Children and the Courts

DATE: April 19, 2002

SUBJECT/PURPOSE OF MEMO: REQUEST FOR PROPOSALS:
Evaluation Design for Equal Access Fund Report to the Legislature

DEADLINE: **May 10, 2002, 5:00 p.m.**

CONTACT FOR FURTHER INFORMATION: **NAME:** Bonnie Hough **TEL:** 415-865-7668 **EMAIL:** bonnie.hough@jud.ca.gov

You are invited to review and respond to the attached Request for Proposals (RFP):

Project Title: Evaluation Design for Equal Access Fund Report to the Legislature
RFP Number: CFCC EA 4-19-02
Proposal Due Date: Proposals must be **received by 5 p.m. on May 10, 2002**
at:

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue, 6th Floor
San Francisco, California 94102-3660
ATTN: Bonnie Hough

Commencement of Performance: Performance will begin as soon as the contract is signed and approved by the Administrative Office of the Courts. Contract development and approval may take two to six weeks following selection of the consultant.

For further information regarding this RFP, please contact Bonnie Hough at 415-865-7668 or bonnie.hough@jud.ca.gov.

1.0 GENERAL INFORMATION

1.1 Background

The Judicial Council of California, chaired by the Chief Justice, is the policy-making agency of the California judicial system. The California Constitution directs the 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 council also adopts rules for court administration, practice, and procedure and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the council and assists both the council and its chair in performing their duties.

1.2 Background of the Research Project

The Equal Access Fund, initially created by the Budget Act of 1999, has been continued in the Budget Acts of 2000 and 2001. The budget has allocated \$9.5 million to the Judicial Council to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar (the “Commission”).

The budget control language provides for the funds to be distributed “to qualified legal services projects and support centers as defined in sections 6213 through 6215 of the Business and Professions Code.” Those provisions of California’s Interest on Lawyer Trust Accounts (“IOLTA”) statute establish the basic eligibility requirements for two categories of organizations that are entitled to receive funding:

- “Qualified legal services projects” which have as their primary purpose the provision of legal services in civil matters directly to indigent clients without charge. (Bus & Prof. Code §6213(a).)

- “Qualified support centers” which provide statewide back-up assistance training, technical assistance, and advocacy support to the legal services projects. (Bus. & Prof. Code, §6213(b).)

All grantees must be nonprofit corporations, must maintain quality control procedures approved by the Commission, and must meet minimum levels of funding and services that are set out in the statute. (Bus. & Prof. Code, §§6214-6215.)

The budget control language has provided for two kinds of grants and the budget also includes funds for the cost of administration:

- Ninety percent of the grant funds are to be distributed to eligible legal services organizations according to a formula set forth in the IOLTA statute (“IOLTA Formula Grants”).
- Ten percent of the grant funds are set aside for Partnership Grants to eligible legal services organizations for “joint projects of courts and legal services programs to make legal assistance available to pro per litigants.”

The 2001 State Budget Act requires that the Judicial Council report to the Joint Legislative Budget Committee no later than March 1, 2005 on the efficiency and effectiveness of the operations of programs funded from the Equal Access Fund including an assessment of the programs’ success in meeting the unmet needs of unrepresented litigants. The report should also include recommended changes to the program to increase efficiency and effectiveness.

Legal services organizations have used the IOLTA-Formula Grants for a wide range of projects, services, and activities that reflect both the legal needs of poor people and the special strengths of the programs. A share of the money is aimed at legal needs of children (adoptions, guardianships and children’s access to health care, for example) or the elderly (Alzheimer’s patients, nursing home evictions). Many projects address the needs of families, including a range of services to help overcome barriers to self-sufficiency and make welfare-to-work a reality. Others focus on populations that are particularly at risk, such as people with disabilities, the homeless, or victims of fraud.

At the request of the Commission, organizations have budgeted these funds for specific projects, activities, staff and other identified expenses, rather than using the funds for general operating support. Thus, the majority of programs should have either been created or significantly enhanced in 1999 when the Equal Access Funds were first dispersed.

102 legal service organizations are currently funded under the IOLTA Formula grants. Of those organizations, sixteen (16) have also received Partnership grants.

The requirements regarding eligibility and use of funds are reflected in regulating rules and grant conditions approved by the State Bar Board of Governors and Judicial Council and incorporated into a written agreement with each grant recipient. To enforce the requirements, the Commission administers a system of grant reporting and oversight that includes written reports, regular telephone contact, and on-site visits for monitoring and evaluation.

The Commission allocates the Equal Access Fund IOLTA-Formula grant amount among eligible organizations based on a statutory formula. Each applicant submits extensive information about their activities and services accompanied by a financial statement, a proposed budget for use of the funds and a narrative description of the services to be provided. The Commission reviews this material to ensure that it complies with the requirements described above before any funds are actually distributed. Subsequently grant recipients provide written reports of their expenditure of grant funds.

On-site monitoring and evaluation visits are used to monitor compliance with the statutory requirements and grant conditions as well as to evaluate both organizational effectiveness and fiscal soundness. Teams of staff and commission members conduct most visits. Each organization has an on-site visit in the course of three (3) years.

2.0 PURPOSE OF THIS REQUEST FOR PROPOSALS

The Administrative Office of the Courts seeks the services of a consultant to design a process for evaluating and reporting to the Joint Legislative Budget Committee on the efficiency and effectiveness of the Equal Access Fund on the large number of disparate projects and activities funded. The consultant will participate in determining the specific empirical questions that would be most useful in projecting the impact of the fund; assist the organizations in the design of data collection methods and instruments as needed; prepare an outline of the report

and make recommendations regarding data collection. The consultant will be asked to work closely with the grantees in developing the evaluation methodology.

The AOC seeks a consultant with experience and expertise in collection and analysis of both quantitative and qualitative data. Experience is also desired in developing a participatory framework in which the organizations whose projects are to be evaluated are included in the design of the evaluation. The AOC expects that the successful responding firm will have expertise in analyzing data and issues related to civil legal services for low-income persons, including quality of and satisfaction with results obtained, responsiveness to need and appropriateness of services, access to the judicial system, and economic efficiency and timeliness.

A project team of AOC staff members, State Bar employees, and representatives from the Legal Aid Association of California and the California Access to Justice Commission will assist in the selection of the successful responding firm and the report to the legislature.

3.0 PROPOSED CONSULTANT SERVICES

3.1 The consultant will be asked to:

- 3.2.1 Meet and work with the project team at least once in San Francisco to identify the most important issues for the legislative, executive and judicial branches in investigating the efficiency and effectiveness of the projects, activities, and services funded by the Equal Access Fund as well as the programs' success in meeting the unmet needs of unrepresented litigants.
- 3.2.2 Review current reports and evaluation data available from the legal services organizations to identify information that would be useful for the evaluation, prepare recommendations on how to organize and report on the information that is already available. Recommend standard protocols that apply to gathering evaluation data through future telephone contacts, site visits, monitoring and evaluation.
- 3.2.3 Develop a taxonomy for describing the various projects and activities, so that there is a basis for comparison. Prepare a description of the projects using this taxonomy.
- 3.2.4 In coordination with the project team, convene at least two meetings of the legal services organizations and other stakeholders to design a participatory evaluation plan. The plan would include identification

by the legal services grantees of their objectives and potential methods of measuring the efficiency and effectiveness of their work as well as its impact on unrepresented and low-income persons. It would encourage them to identify additional existing data they have available beyond that which has been submitted to the Commission, and identify what other data may be gathered in a way that does not seriously impact their ability to provide services.

- 3.2.5 In coordination with the project team, develop an overall evaluation plan for the activities funded by the Equal Access Fund including materials currently available. Identify information that may be gathered that would be useful for the analysis as well as any additional information that is critical for the evaluation. Make recommendations regarding where and how to gather that additional information. Make recommendations for how this multi-site data will be analyzed and synthesized for the report.
- 3.2.6 In coordination with the project team, provide technical assistance to the legal services grantees on how to gather and report on necessary additional information, considering sampling procedures, data collection, analysis, and reporting procedures. Prepare a plan for the analysis and synthesis of this information.
- 3.2.7 Develop data collection instruments for collecting and analyzing data in a similar way between organizations.
- 3.2.8 Prepare an outline of the report to the Joint Legislative Budget Committee with a synopsis of initial data.

4.0 SPECIFICS OF RESPONSIVE PROPOSAL

4.1 Responder or Responding Firm Information

- 4.1.1 Name, address, telephone and fax numbers, e-mail address, and social security number or tax identification number.
- 4.1.2 Seven (7) copies of the proposal signed by an authorized representative of the company, including the name, title, address, and telephone number of a person who is the responder's representative.

- 4.1.3 A resume for each individual that the responder proposes to commit to the project, describing his or her background, ability, and experience in conducting the kind of research and analysis described in this document, evaluation, multi-site project coordination, collaborative research strategies, qualitative and quantitative methods and his or her knowledge of civil legal services for low income persons.
- 4.1.4 Names, addresses, and telephone numbers of clients for whom the responder or responding firm has provided similar services.
- 4.1.5 Responses should provide straightforward, concise information. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the AOC's instructions, responsiveness to solicitation document requirements, and completeness and clarity of content.
- 4.1.6 An overall plan with time estimates for completion of all work is required.

4.2 Information on Method to Complete the Project

- 4.2.1. Describe the proposed approach to designing an evaluation of disparate projects with common goals and objectives. Discuss how to operationalize the key outcomes of efficiency, effectiveness, and meeting the needs of unrepresented litigants.
- 4.2.2 Describe how you will work with the project team and legal services organizations to develop the plan for reporting to the Joint Legislative Budget Committee.
- 4.2.3 Describe the kinds of data collection instruments that would be developed.
- 4.2.4 Describe how you would develop the taxonomy describing the types of funded projects and services as well as a method for providing comparable information about disparate projects.
- 4.2.5 Describe how you would assist the legal services organizations to develop an evaluation strategy. Include considerations of sample selection, data collection bias and comparability of results.

4.2.6 Describe how you would develop a participatory evaluation plan in which the organizations to be evaluated are included in the design of the evaluation. Cite examples from your work or others', of the model you intend to use.

5.0 COST PROPOSAL

The proposal should include a line item showing the total cost of the services. The total cost for consultant services will not exceed \$80,000 inclusive of personnel, materials, computer support, travel, lodging, per diem, and overhead rates. The method of payment to the contractor will be cost reimbursement. The term of the engagement will be May 24, 2002 – November 30, 2002.

6.0 RIGHTS

The State of California reserves the right to reject any and all proposals, as well as the right to conduct a similar study in the future. Further, the State reserves the right to award one (1) or more contracts for the work of this RFP. This RFP is in no way an agreement, an obligation, or a contract, and in no way is the state responsible for the cost of preparation of any response to this RFP. One (1) copy of a submitted response will be retained for the AOC's official files and become a public record. The selected consultant will be required to sign a completed State of California Standard Agreement Form. Special terms and conditions appropriate for the services to be provided will be included in the agreement.

Oral responses will not be accepted. Facsimile or e-mail responses will be accepted, as long as they are received by **5 p.m. on May 10, 2002**, followed by seven (7) identical copies that are sent by express mail with a postmark of no later than **May 10, 2002** or messenger delivery by the deadline.

7.0 PROJECT MANAGEMENT

The project manager and RFP contact person is:

Bonnie Hough, Supervising Attorney
Equal Access Project
Administrative Office of the Courts
455 Golden Gate Ave., 6th Floor
San Francisco, CA 94102-3660
Phone: 415-865-7668, FAX: 415-865-7217
Email: bonnie.hough@jud.ca.gov

8.0 EVALUATION OF PROPOSAL

The Administrative Office of the Courts will evaluate the proposal using the following criteria:

- A. Responsiveness of the described work plan;
- B. Experience in similar assignments;
- C. Experience and expertise of staff to be assigned to the project;
- D. Ability to meet timing requirements to complete the project; and
- E. Reasonableness of cost projections.

9.0 BIDDERS' CONFERENCE

It may be necessary to have a bidders' conference to clarify aspects of this RFP and provide responders with an opportunity to ask questions about the project. Attendance at the conference is not mandatory. A conference is tentatively set for **2:00 p.m. to 3:30 p.m. on April 26, 2002** at the Judicial Council office in San Francisco. Please RSVP to Bonnie Hough at 415-865-7668 or by e-mail at bonnie.hough@jud.ca.gov, no later than **5:00 p.m. on April 25, 2002**, if you plan to attend the bidders' conference, in person or by conference call.

10.0 INTERVIEW

It may be necessary to interview one (1) or more responders to clarify aspects of their submittal or to select from two (2) or more responders. If interviews are conducted, they will likely take place in person or by conference call.

11.0 REVIEW AND COMMENT ON PROPOSED CONTRACT TERMS AND APPLICABLE RULES

- 11.1. The contract with the successful responder will be signed by the parties on a standard State of California agreement form and will include terms appropriate to a professional services contract. Generally, the terms of the contract will include, but are not limited to: (1) completion of the project within the time frame provided; (2) no additional work without prior approval; (3) no additional payment without prior approval; (4) termination of contract under certain conditions; (5) indemnification of the State; (6) the State's approval of any subcontractors; (7) National Labor Relations

Board, drug-free workplace, nondiscrimination, and ADA requirements; and (8) minimum appropriate insurance requirements.

The State's obligation under any anticipated contract is subject to the availability of authorized funds.

- 11.2. A copy of the Administrative Rules Governing Contracts and Requests for Proposals is attached to and incorporated in this RFP (Attachment A).

Attachments

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A vendor's proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. A nondiscrimination clause will be included in any contract that ensues from this solicitation document.
3. In addition to explaining the State's requirements, the solicitation document includes instructions, which prescribe the format and content of proposals.

B. Errors in the solicitation document

1. If a vendor submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the vendor shall immediately provide the State with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the State may modify the solicitation document prior to the date fixed for submission of proposals by issuing an addendum to all vendors to whom the solicitation document was sent.
2. If prior to the date fixed for submission of proposals a vendor submitting a proposal knows of or should have known of an error in the solicitation document but fails to notify the State of the error, the vendor shall bid at its own risk, and if the vendor is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

C. Questions regarding the solicitation document

1. If a vendor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the vendor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the vendor must submit a statement explaining why the question is sensitive. If the State concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the State does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the vendor will be notified.

2. If a vendor submitting a proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the vendor may submit a written request that the solicitation document be changed. The request must set forth the recommended change and vendor's reasons for proposing the change. Any such request must be submitted to **Bonnie Hough** at the Administrative Office of the Courts by 5 pm on April 26, 2002.

D. Addenda

1. The State may modify the solicitation document prior to the date fixed for submission of proposals by faxing an addendum to the vendors to whom the solicitation document was sent. If any vendor determines that an addendum unnecessarily restricts its ability to bid, it must notify Bonnie Hough at the Administrative Office of the Courts no later than one day following the receipt of the addendum.

E. Withdrawal and resubmission/modification of proposals

1. A vendor may withdraw its proposal at any time prior to the deadline for submitting proposals by notifying the State in writing of its withdrawal. The notice must be signed by the vendor. The vendor may thereafter submit a new or modified proposal, provided that it is received at the Administrative Office of the Courts no later than 5:00 pm on May 10, 2002. Modification offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after 5:00 pm on May 10, 2002.

F. Evaluation process

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
2. If a proposal fails to meet a material solicitation document requirement, the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. Immaterial deviations may cause a bid to be rejected.
3. Proposals that contain false or misleading statements may be rejected if in the State's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.
4. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.

5. During the evaluation process, the State may require a vendor's representative to answer questions with regard to the vendor's proposal. Failure of a vendor to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal nonresponsive.

G. Rejection of bids

1. The State may reject any or all proposals and may or may not waive an immaterial deviation or defect in a bid. The State's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a vendor from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part and/or negotiate any or all items with individual vendors if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if proposals are deemed to be outside the fiscal constraint or against the best interest of the government.

H. Award of contract

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible vendor submitting a proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the State.
2. The State reserves the right to determine the suitability of proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

I. Decision

1. Questions regarding the State's award of any business on the basis of proposals submitted in response to this solicitation document, or on any related matter, should be addressed to Bonnie Hough, Administrative Office of the Courts, 455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102.

J. Execution of contracts

1. The State will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a proposal that best meets its requirements.
2. A vendor submitting a proposal must be prepared to use a standard state contract form rather than its own contract form.

K. Protest procedure

1. The Administrative Office of the Courts intends to be completely open and fair to all vendors in selecting the best possible system within budgetary and other constraints described in the solicitation document. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.
2. A vendor submitting a proposal may protest the award if it meets all the following conditions:
 - a. the vendor has submitted a proposal, which it believes to be responsive to the solicitation document;
 - b. the vendor believes that its proposal meets the state's administrative requirements and technical requirements, proposes items of proven quality and performance, and offers a competitive cost to the State; and
 - c. the vendor believes that the State has incorrectly selected another vendor submitting a proposal for an award.
3. A vendor submitting a proposal who is qualified to protest should contact the Contract Officer at the Administrative Office of the Courts at the address given below or call him at 415-865-7989.

Stephen Saddler
Contracts Officer
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

4. If the Contract Officer is unable to resolve the protest to the vendor's satisfaction, the vendor should file a written protest within five working days of the contract award notification. The written protest must state the facts surrounding the issue and the reasons the vendor believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Grant Walker
Business Services Manager
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

A receipt should be requested for hand-delivered material.

L. News releases

1. News releases pertaining to the award of a contract may not be made without prior written approval of the Director of the Administrative Office of the Courts.

M. Disposition of materials

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the State's option and at the expense of the vendor submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record. However, any confidential material submitted by a vendor that was clearly marked as such will be returned upon request.

N. Payment

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks as provide in the agreement between the State and the selected vendor. The State may withhold ten percent of each invoice until receipt of the final product. The amount of the withhold may depend upon the length of the project and the payment schedule provide in the agreement between the State and the selected vendor.