

# REQUEST FOR PROPOSALS

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***JUDICIAL COUNCIL OF CALIFORNIA***

**REGARDING: TRIAL SKILLS TRAINING FOR COURT  
APPOINTED COUNSEL**

**RFP Number: CFCC 2018-11-CD**

**PROPOSALS DUE:**  
***JANUARY 23, 2019*** NO LATER THAN 3:00 P.M. PACIFIC TIME

## **1.0 BACKGROUND INFORMATION**

- 1.1 Judicial Council of California. The Judicial Council of California (Council), chaired by the Chief Justice of California, is the chief 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 Judicial Council's Center for Families, Children and the Courts (CFCC) supports programs in court settings that improve practice and services for children, youth, parents, families and other court users.
- 1.2 Court-appointed dependency counsel in California. Children in California who are parties to dependency proceedings are appointed legal counsel by the court. Court-appointed dependency counsel is a state funded cost and administered through the Judicial Council of California. Counsel is provided by numerous firms and local practitioners in the state. There are approximately 1,000 dependency attorneys practicing in California. The Center for Families, Children & the Courts provides training and technical assistance for court appointed dependency counsel, the courts and other justice system partners to improve skills that will lead to better outcomes for children and families.
- 1.3 Objective. This request seeks proposals to develop a trial skills curriculum and pilot in Los Angeles for 50 dependency attorneys who represent children and parents (**Year 1**) and provide advanced trial skills training for up to 50 dependency attorneys who represent children and parents in the Inland Empire (**Year 2**) and Northern California area (**Year 3**). This request also seeks, at the proposer's and requester's option, the development and delivery of a one-day six-hour trial skills to be delivered at the bi-annual statewide Beyond the Bench Conference in 2019. The outcome sought is improved representation of children and parents in California. In order to meet this goal, the trial skills training will fulfill the following objectives: better adherence to hearing and reunification timelines; successful command of the appeals process to include establishing adequate records and identifying issues and knowing appropriate timelines for writs and appeals.

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

### **2.1 Introduction**

The Judicial Council of California seeks the services of an entity with expertise in trial skills training to provide training for court appointed dependency attorneys to improve their confidence, effectiveness and advocacy when representing children.

The training must be conducted in a format that is highly interactive and participatory with opportunities for attendees to practice and receive individual feedback from the instructor(s). The funding available for this project is **\$50,000** per year which **includes all expenses associated with deliverables, AND travel.** The requester seeks proposer to estimate a cost for the optional one-day six-hour curriculum program at the Beyond the Bench Conference. The initial term will be from February 2019 through September 30, 2020 with a one-renewal option term to extend through September 30, 2021.

## **2.2 General Scope of Services Requirements**

- 2.2.1 The training curriculum must contain two parts: 1) be focused and suitable for attorneys recently admitted to the state bar; and 2) be focused and suitable for attorneys who have already had some training or on the job experience in trial skills.
- 2.2.2 The training content must cover advanced trial skills, such as evidentiary objections, introduction of evidence, questioning of experts, etc. necessary to achieve expert, zealous representation of children and lead to improved outcomes for dependent children in California.
- 2.2.3 The Proposer's training method and content should be designed to improve the following skills: case analysis, direct examination, cross examination, examination of experts and other witnesses, arguments, use of exhibits and advanced knowledge of and securing strong records for appeals process.
- 2.2.4 The Proposer's training method and content must include a mentoring/training component for the attorneys to serve as mentors to other attorneys throughout the state.
- 2.2.5 The training program must include a significant amount of participatory activity and include a method for practice and individual feedback from the instructor (s).
- 2.2.6 The training program must include different methods for discussion that would include audio/visual vignettes, as well as case studies, other written materials, handouts and job aids.
- 2.2.7 The program must be presented in three locations in California. The locations will depend upon need, but estimated areas include Los Angeles, Inland Empire and Northern California. The training will include up to 2 to 3 consecutive days of instruction with up to 25 to 50 participants per location.
- 2.2.8 The training program must have an evaluative component.

- 2.2.9 Contractor will provide faculty including subcontracting with faculty when necessary. Faculty will be experienced professionals in their area of training.
- 2.2.10 Contractor will secure and pay for all training venues, logistical costs such as audiovisual equipment and wireless services, and catering costs for participants. Contractor will also secure and pay for the distance learning platform and content development for the distance learning components.
- 2.2.11 Contractor will secure and pay for catering. Catering must include lunch for participants.
- 2.2.12 Contractor will provide adequate marketing to ensure registration between a minimum of 20 and up to 50 participants at each training and a mix of disciplines represented by the participants.
- 2.2.13 Judicial Council will assist in marketing by disseminating training information to attorneys statewide.
- 2.2.14 Contractor will provide registration software, registration services and other logistical support to participants.
- 2.2.15 Contractor will provide all written and printed materials required at training.
- 2.2.16 Contractor will provide on-site coordination services including coordination with the venue staff, the faculty, caterers and participants.
- 2.2.17 Contractor will provide and or assist the Judicial Council in providing continuing education units for attorneys and other professional credits.
- 2.2.18 Contractor will administer course evaluations and give the evaluations to the Judicial Council.

### **2.3 Tasks and Deliverables.**

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

- 2.3.1 Task 1 on Curriculum Development and Program Presentation (**Year 1**)
  - 2.3.1.1 Review information about California court appointed attorneys for children and parents
  - 2.3.1.2 Meet with and obtain input from CFCC dependency attorneys on needs, gaps, objectives and outcomes for this project.

2.3.1.3 Incorporate content to build skills in the following areas: case analysis, direct examination, cross examination, examination of experts and other witnesses, arguments, use of exhibits and advanced knowledge of and securing strong records for appeals process.

2.3.1.4 Design and develop the curriculum that shall include competencies, objectives, outline and agenda with content to be covered, instructor training or lesson plan that includes key points for each learning objective, and participant materials, power point presentations and other multi-media presentations or training methods, exercises, hypotheticals, case studies, practice opportunities with direct and immediate individual feedback/critique, participant evaluation forms and other handouts.

2.3.1.5 Consult with CFCC attorneys and those designated by CFCC to give input. Make modifications to curriculum based on feedback from CFCC dependency attorneys.

2.3.2 Task 2 on Program Presentations (**Year 2**)

2.3.2.1 Schedule and coordinate logistics, including registration, for training programs in one location in the Inland Empire of California with Judicial Council staff (JCC staff to identify attendees, provide names and contact information of attendees to contractor and secure space for the trainings).

2.3.2.2 Reproduce and assemble program materials for instructors and participants.

2.3.2.3 Provide faculty and conduct trainings in one location in the Inland Empire for 25 to 50 participants that are up to three (3) days in length at each location

2.3.2.4 Review feedback from evaluations and debrief with Judicial Council staff.

2.3.2.5 Revise curriculum package as required by Judicial Council.

2.3.3 Task 3 on Program Presentations (**Year 3**)

2.3.3.1 Schedule and coordinate logistics, including registration, for training programs in a location in Northern California with Judicial Council staff (JCC staff to identify attendees, provide names and contact information of attendees to contractor and secure space for the trainings)

2.3.3.2 Reproduce and assemble program materials for instructors and participants

2.3.3.3 Provide faculty and conduct trainings in a location in Northern California that are up to three days in length at each location

2.3.3.4 Review feedback from evaluations and debrief with Judicial Council staff

2.3.3.5 Revise curriculum package as required by Judicial Council.

Table 1

<b>Deliverables</b>	<b>Description of Deliverables</b>	<b>Due Date</b>
1	<b>Year 1</b> – Provide complete curriculum package. (See Task 1 under sections 2.3.1.1 through 2.3.1.5 of the RFP)	<b>May 30, 2019</b>
2	<b>Year 1</b> - Deliver two 2-day curriculum to 25 child and parent attorneys each time in Los Angeles County at the convenience of the court. Both two 2-day trainings are due by September 30, 2019. (See Task 1 under sections 2.3.1.1 through 2.3.1.5 of the RFP)	<b>September 30, 2019</b>
3	<b>Year 2</b> - Deliver one curriculum up to three days in length in the Inland Empire. The training shall occur by the due date. (See Task 2 under sections 2.3.2.1 – 2.3.2.5 of the RFP)	<b>September 30, 2020</b>
4	<b>Year 3</b> – Deliver one curriculum up to 3 days in length in the Northern California. The training shall occur by the due date. (See Task 3 under sections 2.3.3.1 – 2.3.3.5 of the RFP)	<b>September 30, 2021</b>
5	Develop a one day six (6) hr. advanced trial skills curriculum to present as a pre- or post-conference seminar at the 2019 Beyond the Bench conference in December 2019. Proposer to provide estimated funding for this program. Funding would be discussed in Year 2 ( <b>Optional Service</b> )	<b>TBD</b>

### 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 discretion of the Judicial Council.

<b>EVENT</b>	<b>DATE</b>
RFP issued	<i>December 21, 2018</i>
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<i>January 4, 2019; 3:00 PM</i>
Questions and answers posted (estimate only)	<i>January 11, 2019</i>
Latest date and time proposal may be submitted	<i>January 23, 2019; 3:00 PM</i>
Evaluation of proposals ( <i>estimate only</i> )	<i>January 25, 2019 through January 31, 2019</i>
Notice of Intent to Award ( <i>estimate only</i> )	<i>February 4, 2019</i>
Negotiations and execution of contract ( <i>estimate only</i> )	<i>February 5, 2019 through February 19, 2019</i>
Contract start date ( <i>estimate only</i> )	<i>February 26, 2019</i>
Contract end date ( <i>estimate only</i> )	<i>September 30, 2021</i>

#### **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: Judicial Council Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this Judicial Council Standard Form agreement (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: Bidder Declaration	The Proposer must complete this form if it wishes to claim the DVBE incentive associated with this solicitation.
Attachment 8: DVBE Declaration	The Proposer must complete and return this form with the proposal only if Proposer wishes to declare DVBE status.
Attachment 9: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.

## 5.0 PAYMENT INFORMATION

The resulting contract will be comprised of four (4) deliverables with a firm fixed price per deliverable. The compensation outlined for this project may not exceed **\$50,000** for Year 1, Year 2 and Year 3 totaling **\$150,000** over 3 years (excluding the optional presentation at the bi-annual statewide Beyond the Bench conference). The Contractor shall submit invoices upon satisfactory completion of services for each deliverable outlined in Section 2.

## 6.0 SUBMISSIONS OF PROPOSALS

6.1 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.



- 6.2 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 three (3) 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 three (3) 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.
- 6.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:
- Judicial Council of California  
Branch Accounting & Procurement / Administrative Division  
Attn: Sherri Jones  
RFP – CFCC-2018-11-CD  
455 Golden Gate Avenue 6th Floor  
San Francisco, CA 94102
- 6.4 Late proposals will not be accepted.
- 6.5 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.

## 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 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: 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 Judicial Council may check references listed by the Proposer.
- e. Proposed method to complete the work. Please include:
  - i. Time estimate for curriculum development;
  - ii. Time estimate for project delivery;
  - iii. Cost per location; and
  - iv. Number of faculty per location
- 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 the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
  - ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
  - iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
  - iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 9) and submit the completed certification with its bid.

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 “not to exceed” total for all work and expenses payable under the contract, if awarded.

**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 on the Judicial Council's Courts Bidders/Solicitations website:

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

<b>CRITERION</b>	<b>MAXIMUM NUMBER OF POINTS</b>
<i>Quality of work plan submitted</i>	<i>20</i>
<i>Experience on similar assignments</i>	<i>15</i>
<i>Cost</i>	<i>20</i>
<i>Credentials of staff to be assigned to the project</i>	<i>20</i>
<i>Acceptance of the Terms and Conditions</i>	<i>7</i>
<i>Ability to meet timing requirements to complete the project</i>	<i>15</i>
<i>Disabled Veteran Business Enterprise (DVBE) Incentive</i>	<i>3</i>

## 10.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The 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 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.

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

- a. Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- b. 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 9 above.
- c. 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”).
- d. If Proposer wishes to seek the DVBE incentive:
- e. 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.
- f. Proposer must complete and submit with its proposal the Bidder’s Declaration (Attachment 7). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- g. 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.

- h. 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.

### **13.0 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, **January 23, 2019, 3:00 PM, Pacific Time**. Protests must be sent to:

Judicial Council of California  
Attn: Protest Officer,  
RFP No. CFCC-2018-11-CD – Trial Skills Training for Appointed Counsel  
455 Golden Gate Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94102-3688