RFP Title: Language Access in the California Courts RFP Number: CFCC 2019-19-CD

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING: Language Access in the California Courts

RFP Number: CFCC-2019-19-CD

PROPOSALS DUE: May 4, 2020 NO LATER THAN 3 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 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 of California is the staff agency for the council and assists both the council and its chair in performing their duties.
- 1.2 The Judicial Council's main office is in San Francisco, California. Within the Operations & Programs Division, the Center for Families, Children and the Courts houses the Language Access Services Program. The Language Access Services Program is comprised of two units: Language Access Implementation (LAI) and Court Interpreters Program (CIP). The LAI works to ensure language access for all Limited English Proficient (LEP) court users in California in all 58 superior courts. The CIP oversees the interpreting testing program and credentialing process for statewide qualification of court interpreters, as well as other administrative functions such as statewide recruitment to expand the pool of interpreters available in the courts.
- 1.3 On January 22, 2015, the Judicial Council adopted the Strategic Plan for Language Access in the California Courts and formed the Language Access Plan (LAP) Implementation Task Force (Task Force or ITF). Among other responsibilities, the Task Force was charged with assisting California's Superior Courts with the implementation of the LAP's 75 recommendations. Effective March 2019, after the sunset of the Task Force, the Language Access Subcommittee was formed, under the Advisory Committee on Providing Access and Fairness (PAF), to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. The Court Interpreters Advisory Panel (CIAP) assists the council in performing its duties through promoting access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Judicial Council seeks the services of a Contractor with experience to assist the Language Access Services Program with several projects that support the implementation of the *Strategic Plan for Language Access in the California Courts* (Language Access Plan or LAP), including new products for the council's online Language Access Toolkit. This includes the following anticipated projects over a two-year period from June 2020 through June 2022:

1) disseminate existing multilingual public outreach materials to LEP stakeholders that are housed on the Language Access Toolkit, including media buys with ethnic media to run different public service announcements and organize community engagements to reach LEP individuals across the state in different languages;

2) develop Rule 1.300 implementation strategies, including recommendations for courts to share provider information and technological solutions that will help provide LEPs with access to court-ordered services and programs in different languages;

3) develop and conduct six to eight Video Remote Interpreting (VRI) trainings for judicial officers, court staff and court interpreters on best practices for remote interpreting;

4) develop and conduct up to six in-person trainings for examination candidates who are near-passers of the Bilingual Interpreting Exam in targeted languages; and

5) conduct a study to assist the Court Interpreters Advisory Panel with assessing the performance of the interpreter credentialing exams, including potential benefits of tiered-testing and identification of best practices. Through the study, Contractor will make recommendations to improve the council court interpreting testing program, including development of recommendations for future consideration by the council.

The proposed contract is estimated to be effective June 15, 2020 through June 30, 2022.

The estimated funds available for this project will not exceed **\$920,000.00**.

2.1 The Proposed Bidder must have expertise in the following areas:

- 2.1.1 Principles and practices of language access, including but not limited to interpretation, translation and other language access services;
- 2.1.2 Laws (including statutory and case law) related to language access in the California Superior Courts, as well as California Rules of Court, Standards of Judicial Administration, and Judicial Council Forms related to language access;
- 2.1.3 Education resources and training for court staff (including bilingual staff), court interpreters, judicial officers, justice partners, and community organizations, including familiarity with educational videos,

print or recorded materials, online videos and web modules, and other educational tools designed to assist court personnel and LEP court users.

- 2.1.4 Research and writing for court-related audiences;
- 2.1.5 Interpreting in the California Superior Courts, including the following: knowledge, skills, and abilities essential for court interpreting; and ethical requirements of court interpreters;
- 2.1.6 Preparation of written, web, graphics or recorded communication materials and other language access tools to assist the courts;
- 2.1.7 Development of public outreach materials and tools to ethnic/cultural communities, including engagement with ethnic and racial minorities about language access resources, including strategy and messaging to target audiences, multilingual print materials (notices and signs) and non-print materials (audio recordings);
- 2.1.8 Systems to help statewide monitoring of the implementation of the LAP;
- 2.1.9 Methods to evaluate program effectiveness and the quality of language access services;
- 2.1.10 Video Remote Interpreting (VRI) best practices and resources;
- 2.1.11 Administration of interpreting testing programs, including national trends and models, and best practices, including tiered-testing models;
- 2.1.12 Credentialing of interpreters, including national trends and models, and best practices.

2.2 **Project Deliverables**

Deliverables/Description	<i>Estimated</i> Completion Date	<i>Estimated</i> <u>Maximum</u> Firm Fixed Amount
Deliverable No. 1: After consulting with the Judicial Council LAS staff by conference call to determine initial Project needs, Contractor should submit a draft Strategy Document and Timeline regarding completion of all Project deliverables covered under the proposed contract.	June 30, 2020	TBD

Deliverable No. 2:	August 28, 2020	TBD
Contractor to meet by conference call with the LAS staff to discuss the draft Strategy Document and Timeline, including the proposed plan for dissemination of Public Outreach Campaign materials for wider outreach, including ethnic media outlets and organizing community engagements in Fall/Winter 2020. Based on the PAF Language Access Subcommittee and staff input, Contractor to prepare a revised Strategy Document and Timeline regarding the dissemination of the Public Outreach Campaign materials and conduct of one community engagement meeting to promote language access.		
Deliverable No. 3 Contractor to meet by conference call with LAS staff	September 30, 2020	TBD
and PAF Language Access Subcommittee to discuss courts' implementation of Rule 1.300 (effective		
September 1, 2019). Contractor to review Rule 1.300, related forms and informational materials		
developed by Judicial Council staff in Fall 2019 and conduct interviews with court Language Access		
Representatives (LARs) to develop a draft report on strategies and technological solutions to help courts with implementation of the rule.		
Deliverable No. 4	October 30, 2020	TBD
Contractor to meet by conference call with LAS staff to discuss a draft proposal for development of Video Remote Interpreting (VRI) training modules for judicial officers, court staff and court interpreters, based on best practices for remote interpreting and already established VRI resources for courts. Based on staff input, Contractor to prepare a revised Strategy Document and Timeline for development, facilitation and completion of the VRI trainings.		
Deliverable No. 5	November 30, 2020	TBD
Contractor to meet with CIP staff, the Court Interpreters Advisory Panel, and selected LARs to discuss plans for a study assist the Court Interpreters		

Advisory Panel with assessing the performance of the interpreter credentialing exams and making recommendations to improve its interpreting testing program including development of recommendations for future consideration by the council. The study should include recommendations related to the Key Objectives of this project as outlined in the Court Interpreters Advisory Panel's 2020 Annual Agenda. The Key Objectives include, but are not limited to, increasing the number of qualified candidates to take the exams, exploring options for tiered-testing, exploring options for tiered-passage, evaluating the current practice of California requiring that all four sections of the Bilingual Interpreting Exam be passed in one sitting, increasing the passage rates, and assisting near passers to pass. Contractor to develop a draft Strategy Document and Timeline for the development of the study.		
Deliverable No. 6	November 30, 2020	TBD
Contractor to meet with CIP staff to discuss development of up to six in-person trainings for examination candidates who are near-passers of the Bilingual Interpreting Exam in targeted languages and submit a draft Strategy Document and Timeline for the near-passer trainings, including development of curriculum and scripts in targeted languages. Based on feedback from CIP staff, contractor to submit a revised Strategy Document and Timeline for completion of the trainings.		
Deliverable No. 7 Contractor to disseminate public outreach materials to stakeholders, including ethnic media outlets, justice partners and community organizations.	December 31, 2020	TBD
Deliverable No. 8	January 29, 2021	TBD
Contractor to provide LAS staff with a draft report on survey findings and implementation strategies and related materials for support of Rule 1.300.		
Deliverable No. 9	February 26, 2021	TBD
Contractor to provide CIP staff with a revised outline for the study to assess the performance of the interpreter credentialing exams.		

Deliverable No. 10February 26, 2021TBDContractor to provide LAS staff with draft modules of the VRI trainings for judges, court staff and court interpreters on best practices for remote interpreting.March 31, 2021TBDDeliverable No. 11March 31, 2021TBDContractor to provide staff with a draft curriculum and script of training for examination candidates who are near-passers in targeted languages.March 31, 2021TBDDeliverable No. 12March 31, 2021TBDContractor to organize and facilitate one community engagement meeting to promote language access. Prior to meeting, Contractor to consult with PAF Language Access Subcommittee Chair and LAS staff regarding topics, scope and goals. Contractor will submit the agenda and meeting materials for Project Manager review. After the meeting, Contractor will submit meeting initutes or notes and an assessment of meeting outcomes for Project Manager's review.April 30, 2021TBDBased on feedback received from LAS staff, Contractor to provide final modules of the VRI trainings for judicial officers, court staff and court interpreters on best practices for remote interpreting.April 30, 2021TBDBased on feedback received from the PAF Language Access Subcommittee and LAS staff, Contractor to submit final Rule 1.300 implementation strategies and supporting materials to the Judicial Council.May 28, 2021TBDDeliverable No. 15May 28, 2021TBDContractor to meet in-person/conference call to present to the Court Interpreters Advisory Panel and CP staff with draft study to assess the performance of the interpreter credentialing exams, including recommendations.July 31, 202			
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Deliverable No. 16 July 31, 2021 TBD	present to the Court Interpreters Advisory Panel and CIP staff with draft study to assess the performance of the interpreter credentialing exams, including		
	Deliverable No. 16	July 31, 2021	TBD

Contractor to organize, facilitate and conduct up to six in-person near passer trainings in targeted languages.		
Deliverable No. 17	September 30, 2021	TBD
Contractor to complete conduct of six to eight VRI trainings to judicial officers, court staff and interpreters on best practices for remote interpreting and develop a document/report with recommended next steps.		
Deliverable No. 18	September 30, 2021	TBD
Based on feedback from the Court Interpreters Advisory Panel, select LARs, and CIP staff, Contractor to submit final study report to assess the performance of the interpreter credentialing exams, including recommendations.		
Deliverable No. 19	March 31, 2022	TBD
Contractor to provide the Judicial Council with a final report, and if needed a meeting (via conference call) on completed and outstanding deliverables identified above.		

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	April 9, 2020
Deadline for questions to <u>solicitations@jud.ca.gov</u>	April 16, 2020 by 3P.M. (PST)
Questions and answers posted (estimate only)	April 21, 2020
Latest date and time proposal may be submitted to <u>solicitations@jud.ca.gov</u>	May 4, 2020 NO LATER THAN 3 P.M. (PST)

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EVENT	DATE
Anticipated interview dates (estimate only)	May 11 – May 15, 2020
Evaluation of proposals (estimate only)	May 18 – May 22, 2020
Notice of Intent to Award (estimate only)	May 26, 2020
Negotiations and execution of contract (<i>estimate</i> only)	May 26 – June 12, 2020
Contract start date (<i>estimate only</i>)	June 15, 2020
Contract end date (estimate only)	June 30, 2022

4.0 **RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1:	These rules govern this solicitation.
Administrative Rules	
Governing RFPs	
(Non-IT Services)	
Attachment 2: JBE	If selected, the person or entity submitting a proposal (the
Standard Terms and	"Proposer") must sign JBE Standard Form agreement
Conditions	
Attachment 3:	On this form, the Proposer must indicate acceptance of the
Proposer's	Terms and Conditions or identify exceptions to the Terms and
Acceptance of	Conditions.
Terms and	
Conditions	
Attachment 4:	The Proposer must complete the General Certifications Form
General	and submit the completed form with its proposal.
Certifications Form	
Attachment 5: Darfur	The Proposer must complete the Darfur Contracting Act
Contracting Act	Certification and submit the completed certification with its
Certification	proposal.
Attachment 6: Payee	This form contains information the JBE requires in order to
Data Record Form	process payments and must be submitted with the proposal.
Attachment 7: Iran	The Proposer must complete this form and include it in the cost
Contracting Act	portion of their proposal ONLY if the proposal cost is over
Certification	\$1,000,000.00
Attachment 8: Unruh	The Proposer must complete the Unruh Civil Rights Act and
and FEHA	California Fair Employment and Housing Act Certification.
Certification	
Attachment 9:	This form needs to be signed by the Proposer if the Contractor is
Bidder Declaration	participating in the DVBE incentive and submitted with the proposal.
Attachment 10:	Each DVBE that will provide goods and/or services in
DVBE Declaration	connection with the contract must complete this form. If the
	Proposer is itself a DVBE, it must also complete and sign the
	DVBE Declaration.

5.0 **PAYMENT INFORMATION**

5.1 The following payment related issues are applicable:

- Basis for Payments: The resulting contract will be comprised of firm fixed pricing for the Description of Services and Deliverables described in Section 2.0 of this RFP.
- No other expenses (including travel expenses) will be reimbursed by the Judicial council;
- The payment term is Net 60 from date of acceptance of the deliverable and receipt of invoice; and
- See Attachment 2, Standard Terms & Conditions, Appendix B, Pricing and Payment.
- A payment retention holdback of 10% may be applied to all Deliverables.

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 with associated attachments, the Technical Proposal and the Cost Proposal.
 - 6.2.1 Technical Proposal The Proposer must submit via mail their Technical Proposal as a separate Attachment from the Cost Proposal to the Solicitations mailbox at <u>solicitations@jud.ca.gov</u>. The Technical Proposal must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.
 - 6.2.2 **Cost Proposal** The Proposer must submit via email their Cost Proposal as a separate Attachment from the Technical Proposal to the Solicitations Mailbox at <u>solicitations@jud.ca.gov</u>. The Cost Proposal must include all components required in Section 2. The Proposer must indicate

on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

- 6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received no later than the due date and time or the proposal will not be accepted.
- 6.4 Only written proposals via email will be accepted. Proposals may not be transmitted by fax.

7.0 PROPOSAL CONTENTS

7.1 <u>Technical Proposal</u>. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. A cover letter containing Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
- c. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
- e. Proposed method to complete the work.
 - i. Describe the proposed method to complete the work, including a detailed work plan with milestones and deliverables.
 - ii. Describe the plan to ensure continued customer satisfaction throughout the engagement, including items such as guarantees, client surveys, escalation procedures, and periodic meetings to update the Project Manager on the progress of projects.
- 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 <u>must</u> 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. 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. The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.
 - vii. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its bid.
 - viii. The Proposer must complete the Bidder Declaration form (Attachment 9) only if wishes to claim the Disabled Veteran Business Enterprise (DVBE) incentive associated with this solicitation.

- ix. Each DVBE that will provide goods and/or services in connection with the contract must complete the DVBE Declaration form (Attachment 10). If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.
- 7.2 <u>Cost Proposal</u>. 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.

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 JBE 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 JBE 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 JBE will post an intent to award notice at <u>http://www.courts.ca.gov/rfps.htm</u>.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted	25
Experience on similar assignments and credentials of staff to be assigned to the project	20

CRITERION	MAXIMUM NUMBER OF POINTS
Cost	30
Acceptance of the Terms and Conditions	5
<i>Ability to meet timing requirements to complete the project</i>	17
DVBE Incentive	3

10.0 INTERVIEWS

The JBE 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 JBE's offices. The JBE will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE 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 JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. 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 JBE's right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

Eligibility for and application of the DVBE incentive is governed by the 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 9.0 above.

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

If Proposer wishes to seek the DVBE incentive:

- 1. Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 9). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- 2. Proposer must submit with its proposal a DVBE Declaration (Attachment 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 DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE**: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the 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.

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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*). 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 JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

> Judicial Council of California Branch Accounting and Procurement ATTN: Protest Hearing Officer 455 Golden Gate Avenue San Francisco, CA 94102-3688

(Indicate Solicitation Number and Name of Your Firm on lower left corner of envelope.)