

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

**Attorney Translation Consultant - Review of Judicial
Council Forms and Webcontent in Spanish**

RFP Number: CFCC-2021-02-LV

PROPOSALS DUE:

APRIL 1, 2021 NO LATER THAN 3:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (JCC), chaired by the Chief Justice of California, is the policy-making body for 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 adopting rules for court administration.

The Judicial Council is also responsible for preparation and modification of Judicial Council forms for use by the courts, attorneys, and the public. It provides foreign language versions of forms and information sheets for educational purposes and ensures that foreign language versions of forms are modified in tandem with their English counterparts. Since most court users including those with Limited English proficiency (LEP) often rely on these forms throughout their court case, it is important that JCC forms are legally accurate, easy to understand, and easy to use.

- 1.2 The Center for Families, Children & the Courts (CFCC) is an office within the Judicial Council. The CFCC is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, and families, including self-represented litigants, litigants with disabilities, and litigants with Limited English Proficiency (LEP). The Language Access Services (LAS) program, part of CFCC, works to ensure language access for all LEP court users in all 58 superior courts in California.

The Judicial Council has entered into a Master Agreement with Avantpage, Inc. and Prisma International, Inc. for statewide translation services on behalf of superior and appellate courts and other Judicial Branch Entities (JBEs). These services include the translation of Judicial Council documents, including forms, information sheets, and website content. The Language Access Implementation unit within the LAS program manages this translation effort. The successful proposer will be working closely with the unit in the legal review and editing of Spanish documents translated by the vendors to ensure that all legal concepts have been accurately and correctly communicated and no meaning has been lost in the translation.

- 1.3 The Judicial Council intends to award one (1) agreement (Agreement) for an initial term of one (1) year with one-year option to renew. The option to exercise the one-year option to renew will be at the sole discretion of the JCC. The one-year option to renew will be pursuant to the terms and conditions of the executed Agreement.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Judicial Council seeks the services of an attorney consultant, with exemplary Spanish speaking and writing skills, to review the accuracy and completeness of legal forms, documents, correspondence, posters, brochures and other informative materials, web content, and software application text (including, but not limited to, Drupal) that have been translated from English to Spanish. As applicable, the attorney consultant will also make recommendations regarding revisions to the aforementioned material.
 - 2.1.1 Please note, the attorney consultant will be an independent contractor to the Judicial Council. No employer-employee, partnership, joint venture, or agency relationship will exist between the attorney consultant and the Judicial Council or any other JBE. The attorney consultant will have no authority to bind or incur any obligation on behalf of the Judicial Council or any other JBE.
- 2.2 The legal review will consist of the following:
 - 2.2.1 Ensuring that all legal concepts have been accurately communicated and no meaning has been lost or altered in the translation. This may involve consultation with the original author of the document, which may be made through the Judicial Council program staff (“Program Staff”).
 - 2.2.2 Ensuring that the translation of legal and court terminology is consistent with the Judicial Council Spanish glossary of terms and with existing terms in Spanish on the Judicial Council’s Self-Help Website.
 - 2.2.3 Communicating with the Program Staff regarding any proposed changes to existing terminology in the Judicial Council’s glossary or existing web content.
- 2.3 The linguistic review will consist of the following:
 - 2.3.1 Ensuring that form numbers, titles, captions, headers and footers display appropriately in the Spanish versions of documents.
 - 2.3.2 Ensuring that all translated form titles in the translated document match existing form titles in Spanish.
 - 2.3.3 Ensuring that the register, tone and level of formality of the original English is preserved in the translation.
 - 2.3.4 Ensuring that the formatting of the Spanish language document matches the formatting of the English language document.
 - 2.3.5 Proofreading for any grammatical, syntax, typographical, spelling, or other errors.
- 2.4 The attorney consultant will submit corrections and revisions to Word and PDF documents to the Program Staff within specific turnaround times and deadlines, which will be agreed upon between the JCC Project Manager and the attorney

consultant upon assignment of the project. Turnaround times and deadlines will be varied and are subject to the complexity, volume, prioritization, and possible other criteria of the work to be provided. Upon receipt and acceptance of the reviewed documents to Program Staff by the attorney consultant, the Program Staff will send the edited documents back to the translation vendor for correction and finalization.

- 2.5 If through the legal review process of web pages, errors are found that are part of the Judicial Council's Online Self-Represented Litigants (SRL) Portal, the attorney consultant may be provided with access to Drupal in the Content Management System (CMS) to enter edits directly into the software, at the discretion of Program Staff.
- 2.6 Translated documents will be provided to the attorney consultant for legal review on an ongoing basis throughout the year. Consultant work product will be periodically reviewed by a Judicial Council attorney for quality control, to ensure that the edits and suggestions made by the attorney consultant are appropriate for the substance of the document and adhere to the Judicial Council glossary and guidance provided for translation.
- 2.7 Proposers must possess the following qualifications and experience:
 - 2.7.1 A current license to practice law in the state of California.
 - 2.7.2 At least three years of experience in the practice of law in the state of California.
 - 2.7.3 Accreditation for translation into Spanish from the American Translators Association (ATA) **or** a degree or certificate from an accredited university in translation and/or linguistic studies in Spanish.
 - 2.7.4 At least three years of experience with the translation of legal documents.
 - 2.7.5 Expertise in the following: linguistic analysis, editing, proofreading, monitoring, quality control, and terminology management.
- 2.8 The estimated funds available for this project will not exceed **\$50,000**. The estimated maximum hourly rate (firm fixed pricing) will not exceed **\$200.00**.

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 JBE.

EVENT	DATE
RFP issued	March 4, 2021
Deadline for questions to solicitations@jud.ca.gov	March 11, 2021 by 3:00 p.m. (PST)
Pre-proposal Conference Reference Section 6.0 of this RFP	March 17, 2021
Questions and answers posted (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	March 23, 2021
Latest date and time proposal may be submitted to solicitations@jud.ca.gov	April 1, 2021 by 3:00 p.m. (PST)
Anticipated interview dates (<i>estimate only</i>)	April 7, 2021
Evaluation of proposals (<i>estimate only</i>)	April 13, 2021
Notice of Intent to Award (<i>estimate only</i>)	April 15, 2021
Negotiations and execution of contract (<i>estimate only</i>)	April 19 – 22, 2021
Contract start date (<i>estimate only</i>)	April 23, 2021
Contract end date of initial term (<i>estimate only</i>)	April 22, 2022

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the JBE Standard Form agreement.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	<p>On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, or other modification. If exceptions are identified, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly identifies the benefit to the Judicial Council from the proposed exception and provides a written explanation or rationale for each proposed exception.</p> <p>Note: A material exception, as determined by the Judicial Council in its absolute and sole discretion, to any of the Terms and Conditions will render a proposal non-responsive.</p>
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 JBE requires in order to process payments and must be submitted with the proposal.
Attachment 7: Bidder Declaration	The Proposer must complete this form only if wishes to claim the Disabled Veteran Business Enterprise (DVBE) incentive associated with this solicitation.
Attachment 8: DVBE Declaration	Each DVBE that will provide goods and/or services in 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

- **The following payment related issues are applicable:**

- 5.1 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.
- 5.2 The hourly rate shall be fully burdened and inclusive of all costs including, but not limited to personnel, materials, computer support, travel, lodging, per diem and overhead rates payable to the contractor for services rendered to the state.
- 5.3 The Contractor shall not request nor shall the State consider any reimbursement for non-production work including but not limited to time spent traveling to and from a job site or any living expenses.
- 5.5 The selected Proposer shall submit quotes for assigned projects for approval and then submit invoices upon satisfactory completion of the review of the translated documents.
- 5.6 The payment term is Net 60 from the receipt of correct invoice.
- 5.7 Payment will be made after completion of final deliverables.

6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below.
- 6.2 The Proposer must submit its proposal in two parts with associated attachments, the technical proposal and the cost proposal.
 - a. **Technical Proposal** - The Proposer must submit via e-mail their Technical Proposal as a separate Attachment from the Cost Proposal to the Solicitations mailbox at solicitations@jud.ca.gov. The Technical Proposal must include all component required in Section 7.1, 7.2 and 7.3 of the RFP. The Technical Proposal must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission e-mail the RFP title and number and indicate the RFP number and title on the Proposal attachments.
 - b. **Cost Proposal** - The Proposer must submit via e-mail their Cost Proposal as a separate Attachment from the Technical Proposal to the Solicitations Mailbox at solicitations@jud.ca.gov. The Cost Proposal must include all components required in Section 7.4. of the RFP. The Cost Proposal must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission e-mail

the RFP title and number and indicate the RFP number and title on the Proposal attachments.

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

7.0 PROPOSAL CONTENTS

A proposer's proposal in response to this RFP **must** contain all the elements set forth in this Section, and **must** conform to the requirements of Section 6.0, Submission of Proposals, to be considered complete. A table of contents shall be included in the proposal, please title each section of the response with the corresponding section number below and assemble materials and draft all responses in this same order. A proposer's failure to include any required information or element of a proposer's proposal, as set forth in this RFP, may result in the proposal being deemed non-responsive, and may result in the proposal being rejected without further evaluation.

- 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. **Knowledge and Experience with Legal Review Translation.** Proposer should include in its Technical Proposal the following:
 - i. The Proposer's name, address, telephone and fax numbers, and federal tax identification number.
 - ii. A description of the Proposer's knowledge and experience with legal Spanish translation review, and the total number of years providing services similar in size and scope to those requested in this RFP. If applicable, describe your experience working within various software platforms to review and edit translated web content.
 - iii. A brief description of the Proposer's knowledge and experience with plain language review and editing.
 - iv. For each attorney or other 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.
 - v. It is the intent of the RFP and resulting Agreement to promote consistency between translations of similar documents (e.g. consistency in terminology

used on legal forms; consistency among brochures and web content, etc.). The Judicial Council's Language Access Toolkit contains a Spanish-English glossary of approved terms and the branch makes all previously translated resources publicly available. Proposer should describe its methodology for leveraging existing resources and other strategies to promote consistency among translated documents.

- vi. The Proposer will be in regular contact with the Judicial Council for review of the necessary material (forms, brochures, web content, etc.), provide any edits, participate in meetings as needed, and submit invoices timely. Please describe the Proposer's work methods to ensure communication, responsiveness, and timely return of work requests.
- vii. Proposer must provide at least three previous work samples of forms, brochures or web content containing legal review translation. Each sample should include the original English document that was translated into Spanish. Proposer should include any explanatory comments and edits about the sample.

7.2 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 clearly identifies the benefit to the Judicial Council from the proposed exception and provides (ii) a written explanation or rationale for each exception. **Note: A material exception, as determined by the Judicial Council in its absolute and sole discretion, to any of the Terms and Conditions will render a proposal non-responsive.**

7.3 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. The Proposer must complete the Payee Data Record Form (Attachment 6).
- iv. 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.

- v. *Copies* of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- vi. *Proof* of financial solvency or stability (e.g., balance sheets and income statements).
- vii. The Proposer must complete the Bidder Declaration form (Attachment 7) only if wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.
- viii. Each DVBE that will provide goods and/or services in connection with the contract must complete the DVBE Declaration form (Attachment 8). If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.

7.4 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.”

JC Court forms: hourly rate not to exceed \$200.

Total price for review based on number of pages:

- 1 page form: max. 1 hour
- 2-5 page form: max. 2 hours
- 6+ pages: max. 3 hours

Web content and other documents: hourly rate not to exceed \$200.

Total price for review based on number of words:

- Up to 500 words: max. 1 hour
- 500-1000 words: max. 2 hours
- 1001-3000 words: max. 3 hours
- 3001-5000 words: max. 4 hours
- 5001-10000 words: max. 5 hours
- 10001+ words: max. 6 hours

*These suggested estimates of time per word/page indicate the level of detail we are seeking in Proposer’s Cost Proposal.

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 Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Maximum possible points are included for each criterion listed, the points indicate relative weight or importance given to each criterion. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted <i>Reference Sections 2.0, 6.0, 7.0</i>	25
Experience on similar assignments and credentials of staff to be assigned to the project <i>Reference Section 2.0,6.0, 7.0</i>	20
Cost <i>Reference Section 2.0, 5.0, 6.0, 7.0</i>	30
Acceptance of the Terms and Conditions <i>Reference 7.0</i>	5
Ability to meet timing requirements to complete the project <i>Reference. 2.0</i>	17
DVBE Incentive Responses <i>Reference Section 4.0, 7.3, 12.0</i>	3

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 by phone or video conferencing. (Due to the COVID-19 pandemic, in-person interviews will not take place.) The JBE will notify eligible Proposers regarding interview arrangements.

11.0 OPTIONAL PRE-PROPOSAL TELECONFERENCE

The Judicial Council will hold a pre-proposal teleconference on the date identified in the timeline above. The purpose of the teleconference is to provide an opportunity for Proposers to ask specific questions regarding the application process, program requirements, and terms and conditions for this RFP. Participation in the pre-proposal teleconference is optional.

The pre-proposal teleconference is scheduled for March 16, 2021. Proposers should RSVP by e-mail to Solicitations@jud.ca.gov no later than March 15, 2021 for information on the teleconference.

To ensure a fair process, Proposers should submit their questions in advance by e-mail to Solicitations@jud.ca.gov. Questions for Pre-Proposal Teleconference must be received by March 10, 2021.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

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

12.2 The Proposer will receive a DVBE incentive if, in the sole determination of the Council's staff, 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 as specified in section 9 above.

12.3 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").

12.4 If Proposer wishes to seek the DVBE incentive:

- The Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). The Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- The Proposer must submit with its proposal a DVBE Declaration (**Attachment 9**) completed and signed by each DVBE that will provide goods and/or services in

connection with the contract. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration (**Attachment 9**). If the 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.

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

12.6 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 JCC 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 MISREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

13.0 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 may 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 information that they consider to be confidential, proprietary, or privileged, or otherwise would not like to potentially become public, in their proposals.

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

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

Judicial Council of California
ATTN: Protest Hearing Officer
Branch Accounting and Procurement | Administrative Division
ATTN: Protest Hearing Officer, RFP Number CFCC-2021-02-LV
455 Golden Gate Avenue, 6th floor
San Francisco, CA 94102-3688