



REQUEST FOR PROPOSALS

ADMINISTRATIVE OFFICE OF THE COURTS

**REGARDING:
UPDATES TO CIVIL PROCEEDINGS BENCHBOOKS**

RFP #CJER 06-13-LM

**PROPOSALS DUE:
JULY 22, 2013 NO LATER THAN 1:00 P.M. PACIFIC TIME**

GENERAL INFORMATION

INTRODUCTION

The purpose of this Request for Proposals (**RFP**) is to solicit and award a contract to a qualified selected service provider(s) to write updates for each of following publications within the *California Judges Civil Benchbook series: Before Trial, 2nd ed.* (2 volumes); *Discovery, 2nd ed.* (1 volume); and *Trial, 2nd ed.* (2 volumes of approximately 2,600 pages of text with citations), and to complete the writing of *After Trial, 2nd ed.* in that same series.

Additional information about and documents pertaining to this solicitation, including electronic copies of the solicitation documents can be found on the California Courts Website, at www.courts.ca.gov/rfps.htm (**Court's Website**).

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 Administrative Office of the Courts (**AOC**) is the staff agency for the Judicial Council and assists both the council and its chair in performing their duties.
- 1.2 The California Center for Judiciary Education and Research (**CJER**) of the AOC is responsible for developing and maintaining a comprehensive and quality educational program for the California judicial branch. Formed in 1973 as a joint enterprise of the Judicial Council and the California Judges Association, CJER supports the Chief Justice, the Judicial Council, and the courts by providing an extensive statewide educational program for judicial officers and court staff at both the trial and appellate levels. It includes orientation programs for new judicial officers, court clerks, and administrative officers; continuing education programs for judicial officers, court administrators, and managers; an annual statewide conference for judicial officers and court administrators; video and audiotapes; and judicial benchbooks, benchguides and practice aids.
- 1.3 This project, funded through a grant from the Foundation for Judicial Education, established by B.E. Witkin, Esq., provides a series of benchbooks on Civil Proceedings. The benchbooks are written from a unique perspective in legal treatises, that is, from a judge's point of view. Over the life of the project, more than fifty judges and justices have provided review and practice pointers for the content. The project began over twenty years ago and is now near the completion of its second edition. With the completion of *After Trial, 2nd ed.*, the series' second editions will be finished at the end of the 2014 fiscal year but the updates will continue. The objective of this project is to provide updates and revisions of *Before Trial, 2nd ed.*; *Discovery, 2nd ed.*; *Trial, 2nd ed.*, to finish the writing

of *After Trial, 2nd ed.*, and finally, to update and revise that publication as well. The period for this project includes an **Initial Term** and two (2) option terms.

- 1.4 The selected service provider(s) for this project must have expertise in legal writing, research, and the subject matter, civil proceedings. The selected service provider(s) must be able to meet deadlines and interact, both lead and follow, with the reviewing judges who provide their perspective to the written content.

2.0 DESCRIPTION OF TASKS AND DELIVERABLES

- 2.1 The services are expected to be performed by the selected service provider(s) between **August 15, 2013** and **August 14, 2014** (“**Initial Term**”) with two (2) possible consecutive one-year option terms, to extend the agreement under the same terms and conditions in effect for the Initial Term, not to exceed a total contract period of three (3) years. The consecutive one-year option shall be exercised at the discretion of the AOC. These option terms are defined as follows:

First Option Term: August 15, 2014 through August 14, 2015

Second Option Term: August 15, 2015 through August 14, 2016

- 2.1.1 Legal authoring, editing, and research services and other consulting services in connection with the publication of all updates and completion of text to the *California Judges Civil Benchbook series: including Before Trial, 2nd ed.; Discovery, 2nd ed.; Trial, 2nd ed.; and After Trial, 1st and 2nd eds.*

- 2.2 The projected publication dates are as follows:

Initial Term (August 15, 2013 – August 14, 2014)

- Update to *Trial*, 2nd ed. – August 31, 2013
- Update to *Discovery*, 2nd ed. – October 31, 2013
- Update to *Before Trial*, 2nd ed. – April 30, 2014
- *After Trial*, 2nd ed. revision text complete – August 14, 2014

First Option Term (August 15, 2014 – August 14, 2015)

- Update and revision to *Trial*, 2nd ed. – August 31, 2014
- Update and revision to *Discovery*, 2nd ed. – September 30, 2014
- Add comments from reviewers for *After Trial*, 2nd ed. – October 31, 2014
- Update and revision to *Before Trial*, 2nd ed. – August 14, 2015

Second Option Term (August 15, 2015 – August 14, 2016)

- Update and Revision to *Trial*, 2nd ed. – August 31, 2015
- Update and revision to *Discovery*, 2nd ed. – October 31, 2015
- Update and Revision to *After Trial*, 2nd ed. – October 31, 2016
- Update and revision to *Before Trial*, 2nd ed. – August 14, 2016

- 2.1.2. Selected service provider(s) selected, together with the AOC Project Manager, will agree upon schedule for research, drafting and editing, but all work must be complete by June 30 of the fiscal year for each term. Submission dates will be prior to and coordinated with dates the legal publisher requires for submission of final manuscripts.
- 2.1.3 Selected service provider(s) final manuscript must be submitted to CJER for copyediting and coding three to four weeks before submission date to publisher.
- 2.1.4 The person or persons selected must submit progress reports as requested, describing work performed, work status, any work progress difficulties encountered, remedial actions, and statement of activity anticipated.
- 2.1.5 The range of the proposed contract to be awarded from this RFP is **\$80,000.00 to the not-to-exceed amount of \$110,000.00 per Term**, which includes all expenses associated with Deliverables. All work delivered under a contract awarded under this RFP will be completed by **August 14, 2016**.

3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	June 14, 2013
Deadline for questions to Solicitations@jud.ca.gov	July 8, 2013, no later than 1:00 P.M.
Questions and answers posted (<i>estimate only</i>)	July 10, 2013
Latest date and time proposal may be submitted. <i>End of solicitation specifications protest period</i>	July 22, 2013, no later than 1:00 P.M.
Evaluation of proposals. This period shall include any interviews. (<i>estimate only</i>)	July 22 through July 29, 2013
Notice of Intent to Award (<i>estimate only</i>)	July 31, 2013
<i>End of award protest period (5 days after Notice)</i>	August 5, 2013
Negotiations of contract (<i>estimate only</i>)	July 31 through August 7, 2013
Execution of contract (<i>estimate only</i>)	August 12, 2013
Notice of Award (<i>estimate only</i>)	August 13, 2013
Contract start date (<i>estimate only</i>)	August 15, 2013
Contract end date (<i>estimate only</i>)	August 14, 2014

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: AOC Standard Terms and Conditions	If selected, the person(s) or entity submitting a proposal (the “Proposer”) must sign an AOC Standard Form agreement containing these terms and conditions (the “Terms and Conditions”). The provisions marked with an (*) within the Terms and Conditions are minimum contract terms and conditions (“Minimum Terms”).
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: Payee Data Record Form	This form contains information the AOC requires in order to process payments.
Attachment 5: Darfur Contracting Act Certification Form	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Conflict of Interest Certification Form	Proposer must complete Conflict of Interest Certification and submit the completed certification with its proposal.

5.0 SUBMISSIONS OF PROPOSALS

- 5.1 Proposals should provide straightforward, concise information that satisfies the requirements of Section 6 (“Proposal Contents”). 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.
- 5.2 The Proposer must submit the proposal in two parts, the technical proposal and the cost proposal.
 - 5.2.1 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.
 - 5.2.2 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 AOC in a single sealed envelope, separate from the Technical Proposal.

- 5.2.3 The Proposer must submit a complete electronic version of each proposal on CD-ROM. *The files contained on the CD-ROM should be in editable/unprotected Word or Excel formats, as well as PDF.*
- 5.2.4 In addition to the Technical Proposal and Cost Proposal, *submit one (1) original and one (1) copy of the original signed documents for the following:*
- Attachment 2 – AOC Standard Terms and Conditions (submit only if there are exceptions/modifications as indicated on Attachment 3)
 - Attachment 3 – Proposer’s Acceptance of Terms and Conditions
 - Attachment 4 – Payee Data Record Form
 - Attachment 5 – Darfur Contracting Act Certification Form
 - Attachment 6 – Conflict of Interest Certification Form
- 5.3 Only written proposals will be accepted. *The Proposer must write the RFP title and number on the outside of the sealed envelope.* Proposals must be submitted by registered or certified mail, courier service (e.g. FedEx), or delivered by hand to the following address. Proposals may not be submitted by facsimile or email.

Judicial Council of California
Administrative Office of the Courts
Fiscal Services Office, Business Services Unit
Attn: Nadine McFadden, RFP: CJER-06-13-LM
455 Golden Gate Avenue 6th Floor
San Francisco, CA 94102-3688

- 5.4 Proposals must be received by the date and time listed on the coversheet of this RFP. Late proposals will not be accepted.

6.0 PROPOSALS CONTENTS

- 6.1 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.

6.1.1 General information about Proposer.

6.1.1.1 Proposer’s name, address, telephone and fax numbers, and federal tax identification number. Note that if Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

6.1.1.2 Name, title, address, telephone number, and email address of the individual who will act as Proposer’s designated representative authorized to bind the entity in contract for purposes of this RFP.

6.1.2 Proposer's experience and ability to meet the RFP deliverable requirements.

6.1.2.1 An overview of the Proposer's business activities, including a description, and the duration and extent, of the Proposer's activities, which are relevant to this proposal including a description, and the duration and extent, of the Proposer's experience developing, presenting, and producing distance learning and live training programs for mediators or similar professionals.

6.1.2.2 For each key staff member who would work on this project, a verifiable resume describing the individual's background, training, and experience, including the individual's ability and experience in conducting similar projects.

6.1.2.3 A description of three (3) similar projects that the Proposer has completed and, if feasible, short examples of the project deliverables.

6.1.2.4 Names, addresses, and telephone numbers of three (3) clients for whom the Proposer has conducted similar projects. The AOC may check references listed by Proposer.

6.1.2.5 Background and prior experience in legal writing and legal updating of publications.

6.1.3 Proposed method to conduct project and project result.

6.1.3.1 Describe the process or method that would be used to carry out this project.

6.1.3.2 Identify the equipment, platforms, and software that would be used to carry out this project.

6.1.3.3 List the major tasks that would be performed to complete the project and identify the person(s) who would perform each.

6.1.3.4 Describe, in detail, the final product that you propose to deliver.

6.1.4 Acceptance of the Terms and Conditions.

6.1.4.1 On *Attachment 3, Proposer's Acceptance of Terms and Conditions*, the Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation or other change.

6.1.4.2 If exceptions are identified, the Proposer must also submit a redlined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

6.1.4.3 NOTE: A proposal that takes a material exception (addition, deletion, or other modification) to a Minimum Term will be deemed nonresponsive. The AOC, in its sole discretion, will determine what constitutes a material exception.

6.1.5 Certifications, Attachments, and other requirements.

6.1.5.1 Proposer must include in its proposal a completed and signed *Attachment 4, Payee Data Record Form*, or provide a copy of a form previously submitted to the AOC.

6.1.5.2 Proposer must complete *Attachment 5, Darfur Contracting Act Certification Form* and submit the completed certification with its proposal.

6.1.5.3 Using *Attachment 6, Conflict of Interest Certification Form*, Proposer must certify that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

6.1.5.4 If Proposer is a corporation and the contract will be performed within California, Proposer must provide proof that it is in good standing and qualified to conduct business in California. AOC may verify by checking with California's Office of the Secretary of State.

6.1.5.5 Proposer must provide copies of current business licenses, professional certifications, or other credentials.

6.2 Cost Proposal. The following information must be included in the Cost Proposal. A proposal lacking any of the following information may be deemed non-responsive.

6.2.1 As a separate document, submit a detailed line item budget showing total cost of the services for each of the twelve (12) Deliverables specified in *Attachment 2 Contract Terms, Exhibit D - Work to be Performed*. The Budget Justification shall provide the hourly rate per Key Personnel, their title, and responsibilities. *The hourly rates are inclusive of all costs, benefits, expenses, fees, overhead, and profits payable to the Contractor for services rendered to the State*. The total cost per Deliverable is determined by calculating the hourly rate times the number of hours for a Key Personnel working on a Deliverable. The Contractor shall not charge nor shall the State pay any overtime rate.

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.

7.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this one hundred twenty (120) days, the AOC reserves the right to negotiate extensions to this period. The AOC may release all offers upon issuance of a Notice to Award. (See RFP, section 3.0 for *Timeline For This RFP.*)

The awarding of a final contract for this solicitation is contingent on passage of the State of California Budget Act of Fiscal Year 2013-2014.

8.0 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 AOC 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.

CRITERION	MAXIMUM NUMBER OF POINTS
Experience and ability to conduct project (Section 6.1.2)	25
Proposed method to conduct project and project result (Section 6.1.3)	35
Acceptance of the Terms and Conditions (Section 6.1.4)	10
Cost Proposal (Section 6.2)	30
Maximum Score	100

9.0 INTERVIEWS

The AOC 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 be held at the AOC office in San Francisco. The AOC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Proposers regarding interview arrangements.

10.0 RIGHTS

The AOC reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing a proposal. One copy of each proposal will be retained by the AOC for official files and will become a public record.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

California judicial branch entities are subject to rule 10.500 of the California Rule of Court (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500), which governs public access to judicial administrative records.

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public inspection of certain proposals. If required to do so by the Public Contract Code, the AOC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The AOC has waived the inclusion of DVBE participation in this solicitation.

13.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract 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 AOC to receive a solicitation specifications protest is the due date and time for submittal of proposals. Protests must be sent to:

Administrative Office of the Courts
Fiscal Services Office, Business Services Unit
Attn: Protest Hearing Officer, RFP: CJER 06-13-LM
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688

END OF RFP