

RFP Title: HCRC Class & Compensation Study  
RFP Number: HCRC-CCS-17-22RB

# REQUEST FOR PROPOSALS

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**HABEAS CORPUS RESOURCE CENTER**

**REGARDING:**

RFP TITLE: HCRC CLASS & COMPENSATION STUDY

RFP NUMBER: HCRC-CCS-17-22-RBB

**PROPOSALS DUE:**

*March 31, 2017, NO LATER THAN 3PM P.M. PACIFIC TIME*

## **1.0 BACKGROUND INFORMATION**

### **1.1 Background**

The Habeas Corpus Resource Center (HCRC), located in San Francisco, represents indigent men and women under sentence of death in California. The HCRC's mission is to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings before the Supreme Court of California and the federal courts.

### **1.2 HCRC Classification and Compensation Study**

The HCRC is interested in conducting an entity-wide review of the employee classification and compensation structure. This project is a comprehensive study of HCRC positions, classifications, and compensation. The Chief Justice sets compensation rates for all HCRC employees per Cal. Const., Art VI, §6; Gov. Code, §19825(b). Employees of the HCRC are not represented by unions.

The HCRC law office is located in San Francisco. There are 74 incumbents in 38 job classifications across various functional areas such as legal, law office support, administration and, information systems. The HCRC seeks to properly allocate positions/classification that have evolved and changed to meet the business needs of the organization. The HCRC's salary listing, including links to classification specifications, is available through the following link: <http://www.courts.ca.gov/hcrc-salaries.htm>.

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

- 2.1 The HCRC seeks the services of a Contractor with expertise and experience in the public sector to conduct a comprehensive, entity-wide classification, Fair Labor Standards Act (FLSA), and compensation study.
- 2.2 Proposers must bid on the components of the study outlined below and also must indicate the cost for each component individually. The HCRC may award only certain components of this Request for Proposals (RFP) as a contract to a single vendor. The Contractor will also review the compensation structure and make compensation recommendations for all classifications (requested by the HCRC).
- 2.3 The study consists of three major components. The Contractor must provide a timeline for each component listed below:

- **Component 1:** Classification and compensation study of all classifications (approximately 74 incumbents in 38 classifications).
- **Component 2:** FLSA review and determination of existing and proposed exempt classifications (approximately 14 incumbents/positions in 8 classifications).
- **Component 3:** Report of compensation recommendations for HCRC classifications impacted by FLSA determinations.

2.4 **Component 1:** Classification and compensation study of all classifications (approximately 74 incumbents in 38 classifications).

2.4.1 Communication

- a) The Contractor will facilitate a strategic planning meeting with the Executive Director and Assistant Director to recommend a job evaluation methodology appropriate for the needs of HCRC, and to discuss data collection methods, project plan, timeline, and deadlines.
- b) The Contractor will provide bi-weekly status updates to the Assistant Director via email, conference call, or in-person as necessary.

2.4.2 Job Analysis

- a) The Contractor will review existing classification specifications and collect a written position description questionnaire from each incumbent, which outlines the essential duties performed and the percent of time allocated to each of those duties. The questionnaires will encompass information required to:
  - i. Comply with the Americans with Disabilities Act (ADA); and
  - ii. Make appropriate classification and compensation recommendations.
- b) The Contractor will collect written feedback on each position description questionnaire from the incumbent's supervisor or the Assistant Director.
- c) The Contractor will conduct follow-up interviews and/or desk audits as necessary to clarify the information collected.
- d) The Contractor will analyze the information collected in the questionnaires, supervisor's feedback and interviews to determine whether or not each incumbent is appropriately classified. The analysis will identify the specific duties found to be within or outside the scope of the assigned classification.
- e) The Contractor will determine whether the duties performed by each incumbent are within the scope of the assigned classification.

- f) The Contractor will review all existing HCRC classifications and recommend a classification structure that aligns with current business needs. This will include the amendment of existing classifications, and/or proposing new classifications as necessary.

#### 2.4.3 Report of Findings - Classification

- a) The Contractor will prepare a draft report of all classification findings and recommendations.
- b) The Contractor will facilitate a meeting with the Executive Director and Assistant Director to discuss the classification findings.

#### 2.4.4 Job Documentation

- a) The Contractor will develop a position-specific job description for every position reviewed (approximately 38).
- b) The Contractor will amend and/or draft up to 38 new classification specifications as necessary (see 2.4.2 (g) above).

#### 2.4.5 Job Evaluation

- a) The Contractor will facilitate a meeting with the Executive Director and Assistant Director to recommend a job evaluation methodology appropriate for the HCRC's business needs.
- b) The Contractor will utilize the agreed upon methodology to determine the relative internal value of each classification, so that the fairness and equity of the compensation structure can be established.
- c) The Contractor will provide written materials which explain the application of the Contractor's job evaluation methodology.

#### 2.4.6 Internal Hierarchy

- a) The Contractor will analyze the existing internal hierarchy and identify problem areas.
- b) If necessary, the Contractor will propose a revised internal hierarchy and recommend methods for implementation.

#### 2.4.7 Compensation Review

- a) The Contractor will review and analyze the current compensation structure and identify problem areas.
- b) The Contractor will recommend appropriate classifications for the HCRC to utilize as external benchmarks.
- c) The Contractor will recommend appropriate comparator organizations for the HCRC.
- d) The Contractor will conduct a customized compensation survey of the selected comparator organizations.
- e) The Contractor will recommend a salary range for requested classifications and any newly created classifications, including recommendations on appropriate range spread and overlap.

#### 2.4.8 Report of Findings – Component 1

- a) The Contractor will prepare a draft report of all compensation findings and recommendations.
- b) The Contractor will facilitate a meeting with the Executive Director and Assistant Director to discuss the compensation findings.

- c) The Contractor will prepare a final report to include all findings and recommendations for component 1.

2.5 **Component 2:** FLSA review and determination of existing and proposed exempt classifications (approximately 14 incumbents/positions in 8 classifications).

2.5.1 Communication

- a) The Contractor will facilitate a strategic planning meeting with the Executive Director and Assistant Director to discuss project plan, timeline, and deadlines.
- b) The Contractor will provide bi-weekly status updates to the Assistant Director via email, conference call, or in-person as necessary.

2.5.2 Job Analysis

- a) The Contractor will review/create existing and proposed classification specifications and position descriptions, which outline the essential duties performed and the percent of time allocated to each of those duties. The review/creation will encompass all information required to:
  - i. Make a legally defensible FLSA determination for each position;
  - ii. Comply with the Americans with Disabilities Act (ADA); and
  - iii. Make appropriate classification and compensation recommendations.
- b) The Contractor will collect written feedback on each class specification and position description from the Assistant Director.

2.5.3 FLSA Review

- a) The Contractor will evaluate the collected information and make a recommendation for the appropriate FLSA designation for each position.
- b) The Contractor will provide written documentation in support of each of the recommendations to Executive Director and Assistant Director, for final approval.

#### 2.5.4 Report of Findings – Component 2

- a) The Contractor will prepare a draft report of all FLSA findings and recommendations.
- b) The Contractor will facilitate a meeting with the Executive Director and Assistant Director to discuss the FLSA findings.
- c) The Contractor will prepare a final report to include all FLSA findings and recommendations for component 2.

#### 2.6 **Component 3:** The Contractor will make compensation recommendations for HCRC classifications involving FLSA determinations.

##### 2.6.1 Job Evaluation

- a) The Contractor will utilize the agreed upon methodology (see 2.4.1 (a) above) to determine the relative internal value of each classification, so that a fair and equitable compensation structure can be established.
- b) The Contractor will provide Assistant Director written materials which explain the application of the Contractor's job evaluation methodology.

##### 2.6.2 Communication

- a) The Contractor will facilitate a strategic planning meeting with the Executive Office to discuss project plan, timeline and deadlines.

##### 2.6.3 Report of Findings – Compensation

- a) The Contractor will prepare a draft report with recommendations on salary ranges for all HCRC classifications receiving FLSA determinations.
- b) The Contractor will facilitate a meeting with the Executive Director and Assistant Director to discuss the findings.
- c) The Contractor will prepare a final report to include all findings and recommendations for component 3.

### 3.0 **TIMELINE FOR THIS RFP**

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

| EVENT   | DATE              |
|---|-------------------|
| RFP issued  | March 8, 2017     |
| Deadline for questions  | March 15, 2017    |
| Questions and answers posted ( <i>estimate only</i> )           | March 17, 2017    |
| Latest date and time proposal may be submitted                  | March 31, 2017    |
| Anticipated interview dates ( <i>estimate only</i> )            | April 2-3, 2017   |
| Evaluation of proposals ( <i>estimate only</i> )                | April 4-7, 2017   |
| Notice of Intent to Award ( <i>estimate only</i> )              | April 10, 2017    |
| Negotiations and execution of contract ( <i>estimate only</i> ) | April 11-21, 2017 |
| Contract start date ( <i>estimate only</i> )                    | May 1, 2017       |
| Contract end date ( <i>estimate only</i> )                      | April 30, 2018    |

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

| <b>ATTACHMENT</b>  | <b>DESCRIPTION</b>   |
|--|--|
| Attachment 1:<br>Administrative Rules<br>Governing RFPs<br>(Non-IT Services) | These rules govern this solicitation.  |
| Attachment 2:<br>Standard Terms and<br>Conditions                            | If selected, the person or entity submitting a proposal (the “Proposer”) must sign a Standard Form agreement containing these terms and conditions (the “Terms and Conditions”). |
| Attachment 3:<br>Proposer’s<br>Acceptance of<br>Terms and<br>Conditions      | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.  |
| Attachment 4:<br>General<br>Certifications Form                              | The Proposer must complete the General Certifications Form and submit the completed form with its proposal.  |
| Attachment 5:<br>Darfur Contracting<br>Act Certification                     | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.  |
| Attachment 6:<br>Payee Data Record<br>Form                                   | This form contains information the HCRC requires in order to process payments and must be submitted with the proposal.   |
| Attachment 7:<br>DVBE Bidder<br>Declaration                                  | DVBE Bidder Declaration document for completion by Proposer.   |
| Attachment 8:<br>DVBE Declaration  | DVBE Participation document for completion by Proposer   |
| Attachment 9:<br>Pricing Form  | Proposer must fill up the Pricing Form to form part of its Cost Proposal.  |

**5.0 PAYMENT INFORMATION**

- 5.1 Payments shall be made on acceptance of work on three components and their corresponding deliverables enumerated in Section 2 above.
- 5.2 Expenses shall not be reimbursed by the HCRC.
- 5.3 Progress Payments shall not be allowed.
- 5.4 Payments shall not be subject to payment withholding.

## 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 HCRC 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 HCRC 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 a 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:

**TBD** | Program Manager  
Habeas Corpus Resource Center |  
303 Second Street, Suite 400 South |  
San Francisco, CA 94107
- 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 HCRC may check references listed by the Proposer.
- e. Specific aspects of the work that the evaluation team will consider when evaluating the Proposer's method.
  - o Quality of work plan submitted
  - o Quality of work plan submitted as it relates to meeting the objectives outlined in the Description of Services and Deliverables.
  - o Ability to organize and present concepts well in the work plan that represents an in-depth understanding of public sector classification and compensation structural issues, as well as FLSA challenges in a non-unionized environment.
  - o Proposed method of job analysis and job evaluation as it relates to meeting the objectives outlined in the Description of Services and Deliverables.
  - o Proposed overall timeline and organization of assigned responsibilities.
  - o Flexibility of work plan to allow for adjustments to scope and timing as issues arise during the study.
- 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 Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer 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).

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. See Attachment 9.
- 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 HCRC 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 HCRC 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 HCRC will post an intent to award notice at <http://www.courts.ca.gov/>.

| <b>CRITERIA</b>  | <b>MAXIMUM NUMBER OF POINTS</b> |
|--|---------------------------------|
| Quality of Work Plan Submitted   | 15                              |
| Experience on Similar Assignments; Ability to Handle Smaller Scale Study in a Fast Paced Turnaround and Ability to Scale Services to Meet HCRC Requirements          | 10                              |
| Familiarity with Bay Area Demographics as it relates to Compensation and related factors   | 10                              |
| Qualifications of Management Overseeing Study, Credentials of Staff to be Assigned to Projects and Adequacy and Availability of Support from Proposer’s Organization | 15                              |
| Strength and Effectiveness of Quality Control Procedures   | 7                               |
| Cost   | 30                              |
| DVBE   | 3                               |

| <b>CRITERIA</b>                        | <b>MAXIMUM NUMBER OF POINTS</b> |
|--|---------------------------------|
| Acceptance of the Terms and Conditions | 10                              |

## **10.0 INTERVIEWS**

The HCRC 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 HCRC’s offices. The HCRC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The HCRC 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 HCRC 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 HCRC’s right to disclose information in the proposal, or (b) requiring the HCRC 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 (“DVBE”) 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 JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’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 10.0 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 7). 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 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.

Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the JBE 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 JBE’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 JBE 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 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

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

HCRC  
Attn: Protest Hearing Officer  
Habeas Corpus Resource Center |  
303 Second Street, Suite 400 South |  
San Francisco, CA 94107