

RFP Title: Data Collection and Analysis Project for the Federally Funded Dependency Representation Program (FFDRP)

RFP Number: CFCC-2023-08-LP

# REQUEST FOR PROPOSALS

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***JUDICIAL COUNCIL OF CALIFORNIA***

**REGARDING:**

**TITLE:** DATA COLLECTION AND ANALYSIS PROJECT FOR THE FEDERALLY FUNDED DEPENDENCY REPRESENTATION PROGRAM (FFDRP)

**RFP NUMBER:** CFCC-2023-08-LP

**PROPOSALS DUE:**

December 6, 2023 NO LATER THAN 1:00 P.M. PACIFIC TIME

## 1.0 BACKGROUND INFORMATION

- 1.1 Judicial Council of California. The Judicial Council of California (“Judicial Council” or “JCC”), 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’s Court Operations and Services Division, Center for Families, Children & the Courts (“CFCC”) supports programs in court settings that improve practice and services for children, youth, parents, families and other court users.
- 1.2 Federally Funded Dependency Representation Program. In 2019, the federal Administration for Children & Families issued a notice of revision to the Child Welfare Policy Manual. The revision permits an agency to claim federal foster care dollars (title IV-E funds) for attorneys, hereafter referred to as “dependency providers,” to provide enhanced legal representation to a title IV-E eligible child in foster care and the child’s parents to “ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and children are engaged in the development and implementation of case plans.” The funds available through the Federally Funded Dependency Representation Program (FFDRP) are intended to complement a state’s allocation for dependency representation for an overall increase in services. The funds are not intended to reimburse or supplant existing funding.
- 1.3 Project. The change to the Child Welfare Policy Manual is intended to encourage all child welfare agencies and courts to work together to ensure that parents and children, as well as child welfare agencies, receive high quality legal representation at all stages of a child welfare proceeding. To achieve the goal of high-quality legal representation and participate in FFDRP, the dependency providers are required to use the additional federal funding to incorporate recommendations from the Family Justice Initiative (FJI) Making the Legal System Work for Children and Parents - Attributes of High-Quality Legal Representation for Children and Parents in Child Welfare Proceedings into their practice. This project would evaluate whether augmentation of funding through FFDRP and implementation of one or more of the FJI principles leads to higher quality legal representation by reducing attorney caseloads, increasing attorney retention, and improve case timeliness, including reducing case continuances and achieving disposition of the case within the federal timelines.

## 2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

### 2.1 Introduction:

The Administration for Children and Families, Children’s Bureau, requires that a portion of allocated federal Court Improvement Program (CIP) grants be dedicated to data projects. California CIP, in its 2022 strategic plan that was approved by the Children’s Bureau, states:

“A new data collection project will commence this fiscal year. At the third year of implementing the Federal Funded Dependency Representation Program (FFDRP), the project will launch a data collection program to collect and evaluate qualitative and quantitative data on the success and usefulness on the additional Title IV-E funding to improve representation of children and parents in dependency court. California CIP collects administrative data through the JCATS case management system or in an excel spreadsheet.”

To this end, the Judicial Council seeks a Contractor who can help the Judicial Council meet its strategic plan goal. The Contractor must develop and implement an evaluation plan of the FFDRP providers use of funding to implement the FJIs using standard data techniques including surveys and focus groups as well as available administrative data so that the Judicial Council can provide useful information to the courts, the legislature, and the funder regarding the impact of FFDRP on outcomes over time on the following assumptions. A preferential Contractor will have a graduate degree in social science such as a doctorate in social psychology, philosophy, or sociology, or, employ someone with these credentials that will be the lead in the research evaluation and have conducted research in the child welfare, probation, or court system previously.

This project shall evaluate the following hypothesis and research questions:

#### *Hypothesis*

By receiving additional funding to be used by attorneys to implement the FJIs, it is believed that the quality of legal representation will increase as evidenced by less continuances, more evidentiary hearings, families achieving reunification or children permanently placed quicker, cases reaching disposition in a timelier matter, and increased attorney retention. Increased attorney retention will lead to more timely and permanent outcomes.

*Research questions* answered by the Contractor must include:

- Does increased legal advocacy (developing legal strategy, proactive case planning, and explaining client’s rights) lead to achieving permanency timelier? And increase client satisfaction?
- Does out of court advocacy lead to achieving permanency timelier? And increase client satisfaction?

- Does increased compensation and lower caseloads lead to attorney retention?
- Does the funding lead to higher salaries and more competitive wages with other public sector or nonprofit jobs in the region?
- Does the interdisciplinary model lead to achieving permanency timelier? And increase client satisfaction?
- Does legal advocacy, out of court advocacy, and attorney retention differ for attorneys who participate in hybrid proceedings?

This project will also require oversight by an internal Judicial Council committee that includes CFCC, the Office of Court Research, and Information Technology. The Contractor must meet with Judicial Council staff, gain access to data sets, and identify other needs. The Contractor must provide an analysis of current data sets and develop and implement a data evaluation plan.

The funding available for this project is **\$100,000.00 per year for Year 1 through Year 4, which includes all expenses.** The Judicial Council intends to award one (1) Agreement with an initial term of nine (9) months (Year 1) approximately from **January 1, 2024**, through **September 30, 2024**. The Judicial Council reserves the right to extend for one (1) year options terms for up to three (3) years after the initial term to continue to work with Contractor on implementation of the data plan. Execution of option year terms will be dependent on project need and funding. Option terms may run from October 1, 2024 through September 30, 2025 (Year 2), October 1, 2025 through September 30, 2026 (Year 3), and October 1, 2026 through September 30, 2027 (Year 4.)

#### 2.1.1 General Scope of Services Requirements

2.1.1.1 Contractor must create a data and evaluation plan that must include how to track change over time beginning with baseline data from the existing provider data found in the Juvenile Court Activity Tracking System (JCATS) case management system or in excel spreadsheets from fiscal year (FY) 2020-2021.

2.1.1.2 Contractor must meet with Judicial Council staff to identify needs of the project.

2.1.1.3 Contractor must provide an analysis of existing baseline data.

2.1.1.4 Contractor must develop a draft of the data and evaluation plan, incorporate Judicial Council staff feedback and then submit a final data and evaluation plan of the anticipated outcomes of the FFDRP program.

## 2.2.1 Tasks and Deliverables Initial Term (Year 1).

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

### 2.2.1.1 Tasks and Deliverables

2.2.1.1.1 Meet with and obtain input from Judicial Council staff and outcomes for this project.

2.2.1.1.2 Evaluate baseline data existing in JCATS beginning with FY 2020-2021 to measure change over time. Other baseline data that CFCC collected includes: current caseload numbers as reported by the attorney providers, number of full-time attorneys, social workers, and administrative staff, and the plan and budget the attorney providers provided on how they would spend their FFDRP allocations to improve attorney practice and case outcomes.

Each case in JCATS contains the following information that can be used to measure baseline data:

- Case Information: county/case department, case number, case name, case phase, case closure.
- Client Information: client name, client role (e.g., child, parent, legal guardian, caretaker, de facto), client gender, date of birth.
- Hearing Information: hearing dates, hearing types, hearing names, appearing attorney.
- Petition Information: filing date, petition type, case appointment date, continuances.
- Attorney Information: assigned attorney, attorney role.
- Activity Information: work descriptions, time reported.
- FFDRP Monthly Data Report (see 2.2.1.1.3).

2.2.1.1.3 Evaluate FFDRP monthly data reports. FFDRP recipients are required to send monthly data reports,

including number of active clients, number of open and closed clients in the month, staffing information (attorneys, social workers, investigators, paralegals, peer advocates, and administrative assistants), service activity including case number, hearing type, phase, hearing date, petition type, represented party, and number of children if represented party is a sibling set to CFCC with their invoice to receive payment.

- 2.2.1.1.4 Work with JCATS Contractor to provide the Judicial Council with quarterly data reports on research questions and to build data dashboards and other analytics.
- 2.2.1.1.5 Work with JCATS Contractor on data quality, design of data dashboards and visualizations that help the courts and providers see their numbers in real time.
- 2.2.1.1.6 Seek FFDRP participant input through surveys and/or focus groups.
- 2.2.1.1.7 Deliver data evaluation plan.
- 2.2.1.1.8 Deliver baseline data report for FY 2020-2021.
- 2.2.1.1.9 Implement data evaluation plan.
- 2.2.1.1.10 **Deliverable 1:** Meet with Judicial Council staff about the project and provide written summary of the discussion. **Estimated Due Date: January 15, 2024**
- 2.2.1.1.11 **Deliverable 2:** Evaluate baseline data in JCATS beginning with FY 2020-2021 to measure change over time. Other baseline data that CFCC collected includes, current caseload numbers as reported by the attorney providers, number of full-time attorneys, social workers, and administrative staff, and the plan and budget the attorney providers provided on how they would spend their FFDRP allocations to improve attorney practice and case outcomes. Provide the outcomes of the baseline data in a format acceptable to Judicial Council program staff. **Estimated Due Date: April 15, 2024.**
- 2.2.1.1.12 **Deliverable 3:** Collaborate with the JCATS Contractor to identify new data points and data sets in JCATS and obtain secured access to data in JCATS to run administrative data reports. Present the first set of approved reports with the new data set to the Judicial

Council. Some FFDRP recipients track their cases in the JCATS case management system which contains data that can be run in different reports. **Estimated Due Date: May 15, 2024.**

2.2.1.1.13 **Deliverable 4:** Deliver data evaluation plan that will optimize JCATS data collection and measure change over time. **Estimated Due Date: July 15, 2024.**

2.2.1.1.14 **Deliverable 5:** Begin implementation of the data and evaluation plan with the Judicial Council and FFDRP providers. **Estimated Due Date: September 30, 2024.**

2.2.1.1.15 **Deliverable 6:** Contractor to provide a report to the Judicial Council of all work completed in the first year including a preliminary report that summarizes all sources of data including survey results, JCATS and other administrative data sets, and any other data collected or provided during the first year. The report should address any evaluation of FFDRP including findings related to the research questions and project hypothesis. **Estimated Due Date: September 30, 2024.**

## 2.2.2 Tasks and Deliverables - Option Years (Years 2 through 4)

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

### 2.2.2.1 Tasks and Deliverables (Year 2 and Year 3)

2.2.2.1.1 Meet regularly with Judicial Council staff.

2.2.2.1.2 Provide regular updates and reports to Judicial Council staff.

2.2.2.1.3 Present findings to others within Judicial Council when needed.

2.2.2.1.4 **Deliverable 1:** Continue to meet with Judicial Council program staff and submit a written document that summarizes the plans for that year (year plan) to answer the research questions as well as identifying research gaps,

analyzing change over time, and evaluating any other program data.

**Estimated Due Dates: TBD**

2.2.2.1.5 **Deliverable 2:** Provide regular reports on progress outlined in the yearly plan at least every six (6) months. **Estimated Due Dates: TBD**

2.2.2.1.6 **Deliverable 3:** Present findings when requested to Judicial Council program staff, the Judicial Council executive team, the legislature, or the executive branch, and any other stakeholder groups approved by the Judicial Council program staff. **Estimated Due Dates: TBD**

2.2.2.1.7 **Deliverable 4:** Provide an annual data report that summarizes all sources of data including survey results, JCATS and other administrative data sets, and any other data collected or provided during the year. The report should address any evaluation of FFDRP including findings related to the research questions and project hypothesis. **Estimated Due Dates: TBD**

#### 2.2.2.2 Task and Deliverable (Year 4)

2.2.2.2.1 Complete a final evaluation report and suggestions for further evaluation.

2.2.2.2.2 **Deliverable 1:** Provide a final report of all FFDRP findings and data for the project. **Estimated Due Date: TBD**



### 3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued	November 1, 2023
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	November 15, 2023 No later than 1:00 PM Pacific Time
Questions and answers posted ( <i>estimate only</i> ) <a href="https://www.courts.ca.gov/rfps">https://www.courts.ca.gov/rfps</a>	November 17, 2023
Latest date and time proposal may be submitted to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b>December 6, 2023</b> <b>No later than 1:00 PM Pacific Time</b>
Evaluation of proposals ( <i>estimate only</i> )	December 7, 2023 to December 14, 2023
Notice of Intent to Award ( <i>estimate only</i> ) <a href="https://www.courts.ca.gov/rfps">https://www.courts.ca.gov/rfps</a>	December 18, 2023
Negotiations and execution of contract ( <i>estimate only</i> )	December 18, 2023 to December 22, 2023
Contract start date ( <i>estimate only</i> )	January 1, 2024
Contract end date ( <i>estimate only</i> )	September 30, 2024

#### 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: JCC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this JCC Standard Form agreement.
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form (STD 204)	This form contains information the JCC requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Form Supplement (STD 205)	This form is optional. The STD 205 is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Bidder Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9: DVBE Declaration	The Proposer must complete this form and submit it with their proposal only if Proposer wishes to qualify for the DVBE incentive.

## 5.0 PAYMENT INFORMATION

- Subject to the terms in Attachment 2, Appendix B, Payment Provisions, the selected provider will be paid on a firm-fixed price per Deliverable basis.
- The resulting contract will be comprised of firm fixed pricing for satisfactory completion of each deliverable listed below. Due Dates and Firm Fixed Amounts listed in the below table are estimated. The actual due dates and firm fixed amounts will be based on the awarded proposal.
  - Contractor shall submit invoices upon satisfactory completion of services;
  - No other expenses, including travel expenses, will be reimbursed by the Judicial Council.
  - The payment term is Net 60 from date or acceptance of services.

**Table 1: Initial Term (Year 1) Deliverables**

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated Maximum Firm Fixed Amount</i></b>
<p><b><u>Deliverable 1:</u></b> Meet with Judicial Council staff about the project and provide written summary of the discussion.</p>	<b>January 15, 2024</b>	<b>\$5,000</b>
<p><b><u>Deliverable 2:</u></b> Evaluate baseline data in JCATS beginning with FY 2020-2021 to measure change over time. Other baseline data that CFCC collected includes, current caseload numbers as reported by the attorney providers, number of full-time attorneys, social workers, and administrative staff, and the plan and budget the attorney providers provided on how they would spend their FFDRP allocations to improve attorney practice and case outcomes. Provide the outcomes of the baseline data in a format acceptable to Judicial Council program staff.</p>	<b>April 15, 2024</b>	<b>\$10,000</b>
<p><b><u>Deliverable 3:</u></b> Collaborate with the JCATS Contractor to identify new data points and data sets in JCATS and obtain secured access to data in JCATS to run administrative data reports. Present the first set of approved reports with the new data set to the Judicial Council. Some FFDRP recipients track</p>	<b>May 15, 2024</b>	<b>\$5,000</b>

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated Maximum Firm Fixed Amount</i></b>
their cases in the JCATS case management system which contains data that can be run in different reports.		
<b><u>Deliverable 4:</u></b> Deliver data evaluation plan that will optimize JCATS data collection and measure change over time.	<b>July 15, 2024</b>	<b>\$10,000</b>
<b><u>Deliverable 5:</u></b> Begin implementation of the data and evaluation plan with the Judicial Council and FFDRP Providers.	<b>September 30, 2024</b>	<b>\$30,000</b>
<b><u>Deliverable 6:</u></b> Contractor to provide a report to the Judicial Council of all work completed in the first year including a preliminary report that summarizes all sources of data including survey results, JCATS and other administrative data sets, and any other data collected or provided during the first year. The report should address any evaluation of FFDRP including findings related to the research questions and project hypothesis.	<b>September 30, 2024</b>	<b>\$40,000</b>

**Table 2: Option Year (Year 2) Deliverables:**

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated Maximum Firm Fixed Amount</i></b>
<b><u>Deliverable 1:</u></b> Continue to meet with Judicial Council program staff and submit a written document that summarizes the plans for that year (year plan) to answer the research questions as well as identifying research gaps, analyzing change over time, and evaluating any other program data.	<b>TBD</b>	<b>\$5,000</b>

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated <u>Maximum</u> Firm Fixed Amount</i></b>
<p><b><u>Deliverable 2:</u></b> Provide regular reports on progress outlined in the yearly plan at least every six (6) months.</p>	<b>TBD</b>	<b>\$40,000</b>
<p><b><u>Deliverable 3:</u></b> Present findings when requested to Judicial Council program staff, the Judicial Council executive team, the legislature, or the executive branch, and any other stakeholder groups approved by the Judicial Council program staff.</p>	<b>TBD</b>	<b>\$10,000</b>
<p><b><u>Deliverable 4:</u></b> Provide an annual data report that summarizes all sources of data including survey results, JCATS and other administrative data sets, and any other data collected or provided during the year. The report should address any evaluation of FFDRP including findings related to the research questions and project hypothesis.</p>	<b>TBD</b>	<b>\$45,000</b>

**Table 3: Option Year (Year 3) Deliverables:**

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated <u>Maximum</u> Firm Fixed Amount</i></b>
<p><b><u>Deliverable 1:</u></b> Continue to meet with Judicial Council program staff and submit a written document that summarizes the plans for that year (year plan) to answer the research questions as well as identifying research gaps, analyzing change over time, and evaluating any other program data.</p>	<b>TBD</b>	<b>\$5,000</b>
<p><b><u>Deliverable 2:</u></b> Provide regular reports on progress outlined in the yearly plan at least every six (6) months.</p>	<b>TBD</b>	<b>\$40,000</b>

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated Maximum Firm Fixed Amount</i></b>
<p><b><u>Deliverable 3:</u></b> Present findings when requested to Judicial Council program staff, the Judicial Council executive team, the legislature, or the executive branch, and any other stakeholder groups approved by the Judicial Council program staff.</p>	<b>TBD</b>	<b>\$10,000</b>
<p><b><u>Deliverable 4:</u></b> Provide an annual data report that summarizes all sources of data including survey results, JCATS and other administrative data sets, and any other data collected or provided during the year. The report should address any evaluation of FFDRP including findings related to the research questions and project hypothesis.</p>	<b>TBD</b>	<b>\$45,000</b>

**Table 4: Option Year (Year 4) Deliverable:**

<b>Deliverable(s) Description</b>	<b><i>Estimated Due Date</i></b>	<b><i>Estimated Maximum Firm Fixed Amount</i></b>
<p><b><u>Deliverable 1:</u></b> Provide a final report of all FFDRP findings and data for the project.</p>	<b>September 30, 2027</b>	<b>\$100,000</b>

## **6.0 SUBMISSIONS OF PROPOSALS**

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. 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 **an electronic copy** of the technical proposal. The proposal must be signed by an authorized

representative of the Proposer. The technical proposal must be submitted via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov). The Proposer must write the RFP title and number in the subject line of the email.

- b. The Proposer must submit **an electronic copy** of the cost proposal. The cost proposal must be submitted in the same email as the technical proposal above, (via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)) but should be a separate attachment marked “COST PROPOSAL”, from the technical proposal. The Proposer must write the RFP title and number in the subject line of the email.

6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Emails must be received prior to the due date and time or the proposal will not be accepted.

6.4 For the purposes of this RFP, proposals shall be transmitted only by email. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

[Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)

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6.5 The Judicial Council 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 Judicial Council or the State of California responsible for the cost of preparing the proposal. Submitted proposals may be retained for official files and may become a public record.

## 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. 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. Describe the organization of the key staff (including the dedicated program manager) that would service the contract. Provide a listing of the staff, including name, title, and length of service within the organization along with a resume for each staff member. Other staff should be identified by name and title; additional qualifications and experience on similar projects may be included. A separate section covering the Proposer's background, Principal Officers, and Staff Qualifications and Experience is also required.
- d. A resume must be provided for each individual proposed for this Agreement. An acceptable resume shall include the person's education, any applicable credentials and/or certifications, current work history and a summary of experience and any knowledge to support the preferential skills outlined in Section 2.0 Description of Services and Deliverables as well as the individual's ability and experience in conducting the proposed activities. Sufficient detail must be included in each resume to allow the JCC to verify the experience cited.
- e. Proposed Work Plan based on description of Tasks and Deliverables as defined in Section 2.2.1 and 2.2.2, including a timeframe for the completion of all proposed tasks and deliverables, using the estimated due dates provided.
- f. A minimum of two (2) clients may be contacted for whom the Proposer has conducted similar services. References are to include names, addresses, telephone numbers and the email address of a contact person. The JCC staff may contact referenced clients when reviewing an offer to verify the information provided. A reference must be external to a Proposer's organization and corporate structure.
- g. 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 as noted below. 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.

**Note: A material exception (addition, deletion, or other modification) to a Minimum Term will render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.**



- h. 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 6A**) and submit the completed form with its proposal
  - iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed form with its proposal.
  - v. 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.

7.2 Cost Proposal. The following information must be included in the cost proposal.

- i. Proposer to provide a detailed line item budget for each deliverable described. The costs shall not exceed the estimated maximum firm fixed amount of each deliverable and the total costs for the entire project shall not exceed \$100,000.00 per year for Year 1 through Year 4, which includes all expenses, as stated in section 2.1 of this RFP.
- ii. Payment will be made after completion and acceptance of deliverables as follows:

<b>PAYMENT NUMBER</b>	<b>BILLABLE ACTIVITY</b>	<b>INVOICE DUE DATE</b>
#1	Completion of Deliverable 1	February 15, 2024
#2	Completion of Deliverable 2	May 15, 2024
#3	Completion of Deliverable 3	June 15, 2024

#4	Completion of Deliverable 4	August 15, 2024
#5	Completion of Deliverable 5	October 30, 2024
#6	Completion of Deliverable 6	October 30, 2024

## 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 JCC 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 JCC 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 JCC will post an intent to award notice at <https://www.courts.ca.gov/rfps>.

<b>CRITERION</b>	<b>MAXIMUM NUMBER OF POINTS</b>
<b>Quality of work plan submitted</b>	<b>15</b>
<b>Experience on similar assignments</b>	<b>27</b>
<b>Cost</b>	<b>30</b>
<b>Qualifications of staff to be assigned to project based on resumes submitted including experience, background, expertise and credentials if any</b>	<b>10</b>
<b>Acceptance of the Terms and Conditions</b>	<b>10</b>
<b>Ability to meet timing requirements to complete the project</b>	<b>5</b>
<b>Disabled Veterans Business Enterprise (“DVBE”) Incentive</b>	<b>3</b>

## 10.0 INTERVIEWS

The JCC 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, by phone, or remotely via Zoom, Skype, Teams, etc. If conducted in person, interviews will likely be held at the JCC's offices. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JCC will notify eligible Proposers regarding interview arrangements.

## 11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

**PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** Except as required by law, the JCC 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, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," "copyright ©," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JCC's right to disclose information in the proposal, or (b) requiring the JCC 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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, pursuant to this Section 11.0. **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 JCC's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JCC'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 8**). 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 9**) 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 JCC 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 JCC’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 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.

If using DVBE subcontractors, the Proposer must complete and return to the JCC a copy of the post-contract certification form (<https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer’s final invoice to the JCC. If the Proposer fails to do so, the JCC will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JCC shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of

the written notice the Proposer refuses to comply with the certification requirements, the JCC shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

**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 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 JCC to receive a solicitation specifications protest is the proposal due date. In order to be considered valid, all such protests must be submitted by email to: [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov).

*Please indicate Solicitation Number and Name of Your Firm in the Subject line of your email.*