

RFP Title: Employee Assistance Program  
RFP Number: HR-2022-08-LV-EAP

# REQUEST FOR PROPOSALS

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*JUDICIAL COUNCIL OF CALIFORNIA*

**REGARDING:**

**Title: Employee Assistance Program for the  
State of California's Judicial Branch  
RFP Number: HR-2022-08-LV-EAP**

**PROPOSALS DUE:**

**SEPTEMBER 30, 2022 NO LATER THAN 2:00 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 chief policy making agency of the California judicial system. The California Constitution directs the JCC 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 JCC also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law.

The JCC serves as the liaison to the employee assistance provider for several judicial branch member entities including Trial Court judges, Supreme Court justices and employees, Courts of Appeal justices and employees, Habeas Corpus Resource Center employees, California Judicial Center Library, Commission on Judicial Performance employees, JCC employees, and retired judges in the Assigned Judges program and all eligible dependents or spouses/domestic partners.

- 1.2 The purpose of this Request for Proposals (RFP) is to identify and retain a qualified service provider to perform the following services (“Services”):
- a. Linking members with relevant mental health professionals to guide them through emotional, health, and employee/employer workplace issues such as anger management, interpersonal communications, and effective working relationships, through the provider’s network of mental health professionals throughout the state of California.
  - b. Delivering confidential, timely, and relevant mental health referral services to the California judicial branch’s members.
  - c. Personalizing referral services based on users’ demographic information in an effort to link users with mental health professionals from similar backgrounds and communities.
  - d. Delivering up to six face-to-face or remote mental health counseling sessions per incident to up to members and eligible members of their household.
  - e. Providing referral services and sessions as needed by the Judicial Council’s Human Resources office (“HR”) for workplace and productivity issues, life events, personal challenges, or other issues that an employee may not feel comfortable discussing with a supervisor or human resources representative.
  - f. As a result of a mandatory referral, and to the extent allowable under HIPAA, providing reports on an employee’s progress and cooperation in accordance with the counselor’s recommendations, and further

determining and reporting the employee's readiness or need to: continue sessions; be referred for extended treatment; the employee's fitness for duty; and the length of time the employee must be in a counseling program as a mandatory referral.

- g. Delivering monthly, anonymized utilization reports to HR, and allow for customization as needed.
- 1.3 Members have no financial responsibility in connection with these services. However, fees for professional services provided by resources other than the contractor or counselors will be the responsibility of the member and/or his or her group health plan or other benefit programs, as applicable.
- 1.4 The JCC intends to award one (1) Agreement with an initial term of twenty (20) months estimated to be performed by the successful Proposer from December 1, 2022 through June 30, 2024 with the possibility of four one-year options to extend the term. The Judicial Council in its sole discretion may exercise option terms prior to the expiration of the initial term or any option term.

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

The JBE seeks the services of a person or entity with expertise in performing the following activities listed below:

### **2.1 Mental Health Professionals Network**

- a. Maintain a toll-free telephone access line 24 hours per day, 365 days per year, for members to access mental health professional services. Intake specialists must be available through the telephone access line to assess a member's problem and arrange for appropriate counselor services. In addition, the intake specialist must provide crisis counseling.
- b. Members are to be referred to relevant and geographically desirable mental health professionals.
- c. Members are provided the option to select service providers (counselors) who may possess similar demographic characteristics or backgrounds as the member, or is familiar with the member's local community.
- d. In-person or remote sessions are to be made available by appointment on weekdays, evenings, and Saturdays statewide. A counselor must be available to provide an in-person or remote session within seven (7) days of the request for service in connection with routine matters and within forth-eight (48) hours for urgent matters. The intake specialist must assess the member's problems and, in accordance with the intake specialist's best judgment, provide brief counseling and/or refer the member to an

appropriate treatment provider and/or community resource.

Each member is eligible for up to six (6) in-person sessions per problem per year, as clinically appropriate. For substance abuse issues, (alcohol, drugs), up to ten (10) sessions per problem per year. If the intake specialist determines that a member requires services beyond the scope of the program including medical care or other specialized services, the intake specialist will refer the member to an appropriate treatment provider and/or community resources.

- e. Provide intake specialists familiar with identifying geographically feasible and befitting mental health professionals for member needs.
- f. Provide a qualified and diverse mental health professional pool in each of California's 58 counties.
- g. Provide services such as problem-focused form of individual or family outpatient counseling that (a) seeks resolution of problems in living (e.g., parenting concerns, emotional stress, marital and family distress, alcohol- and drug-related problems) rather than basic character change; (b) emphasizes counselee skills, strengths and resources; (c) involves setting and maintaining realistic goals that are achievable in a one to five month period; (d) encourages counselees to practice behavior outside the counseling session to promote therapeutic goals; and (e) in which the counselor provides structure, interprets behavior, offers suggestions, and assigns "homework" activities.
- h. Provide work-life solutions to everyday problems that include legal and financial consultations, child and elder care, identity theft recovery, and education and career development.
- i. Provide mental health professionals with the following licenses: marriage and family therapist (MFT), licensed professional counselors (LPC), licensed clinical social workers (LCSW), and psychologists (PhD). Although desired, but not required, if any of the above health professionals are also an attorney with a JD, please include a statement of those individual's degrees.
- j. Provide in-person, web-based, or telephonic mental health professional sessions for employees.
- k. Provide an interpreter or written information in a specific language, if requested.
- l. Throughout the State of California, at least one counselor must be available to provide in-person sessions as follows: urban and suburban areas: within a 5-mile radius, at least 95% of the time, of a member's

home or work location; and rural areas: within a 25-mile radius, at least 95% of the time, of a member's home or work location.

- m. All counselors must have (1) training and experience in assessing substance abuse problems and in conducting focused, problem-resolution counseling and (2) at least a master's level degree in the appropriate field or such other training and practical experience in behavioral health treatment settings that qualify them to provide the applicable Services.
- n. Review mental health professionals' qualifications and allow the JCC to retain the right of selecting the assigned mental health professionals. The provider will conduct mental health professional audits a minimum of twice yearly to determine current licensure, active network membership, client satisfaction, and to ensure that appointments are being made within one week of the employee or employer's call.
- o. Access to clinical EAP services through self-referral, supervisor referral, and human resources referral.
- p. Access to network EAP service providers with mandatory referral processes including fitness for duty evaluations and determinations and threat of violence potential.
- q. Upon request by HR, the contractor will provide consultation to any manager or supervisor considering the referral of an Employee to the program and will assist the manager or supervisor in the "supportive confrontation" process as needed. In the case of a supervisor-referred employee, the contractor will remain in regular contact with the referring supervisor regarding work performance issues. The contractor will also provide consultation regarding management of high-risk situations in which an employee's personal problems may create a threat of violence in the workplace. As appropriate and to the extent authorized by an employee or as otherwise permitted by law, the contractor will provide consultation on the process required to facilitate an employee's return to work.

## 2.2 Training

- a. Upon request by HR, provide trainings, workshops, classes, specialized orientations and materials for a supplemental fee on a fee-for-service basis. The content can include topics such as reducing employee absenteeism, stress management, wellness, etc. The contractor shall submit their fee-for-service to HR and not provide the following services without prior approval by HR. The training seminars and related services shall also include the development of customized training materials.

### 2.3 Critical Incident Consultation

- a. Respond to and consult in connection with a sudden, unanticipated, traumatic incident or circumstance occurring at the workplace (e.g., accident, death, threat of violence, natural disaster) that produces a high degree of distress in the affected workplace or an immediate or delayed emotional reaction in employees that surpasses normal coping mechanisms.

### 2.4 Program Management

- a. Provide a dedicated program manager with experience regarding the administration, marketing, monitoring, and maintenance of an employer-provided mental health professional network.
- b. On a semiannual basis or as requested by HR, monitor and maintain the list of service providers within the mental health professional network to ensure service providers are active and their information is current. A current list of service providers shall be provided to HR every six months.
- c. Provide ongoing oversight and resolve members' issues with the network and intake specialists to ensure that services are provided in a timely and relevant matter. Member calls should be answered at all times and members should receive an initial counseling session within one week of placing a call to the provider.
- d. Provide informational/promotional materials so that HR can continually inform members of services and contact information via electronic means, e.g. flyers, brochures, intranet postings, etc.

### 2.5 Record Keeping and Utilization

- a. The contractor will maintain records for each member who contacts the contractor for Services.
- b. Monitor the utilization of the mental health professional network and make recommendations to improve utilization or service.
- c. Provide monthly utilization reports using aggregate data and including entity type:
  - Trial Court Judges
  - Justices
  - Retired Judges in Assigned Judge program
  - Habeas Corpus Resource Center employees

- Supreme Court employees
  - Courts of Appeal employees
  - California Judicial Center Library employees
  - Commission on Judicial Performance employees
  - Judicial Council employees
  - Eligible spouses and dependents
  - Call type: marriage/family, substance abuse, job related, stress, illness, etc.
- d. The utilization reports shall not include member identifiable information. Demographic data must be included if available.

2.6 Transition Services

- a. Provide a transition plan for services that are in progress from the existing employee assistance provider to the new service provider.

**3.0 TIMELINE FOR THIS RFP**

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

EVENT	DATE
RFP issued	August 10, 2022
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	September 7, 2022 3:00 p.m. Pacific Time
Questions and answers posted ( <i>estimate only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	September 15, 2022
Latest date and time proposal may be submitted	September 30, 2022 2:00 p.m. Pacific Time
Evaluation of proposals ( <i>estimate only</i> )	October 3 – 17, 2022
Notice of Intent to Award ( <i>estimate only</i> )	October 18, 2022
Negotiations and execution of contract ( <i>estimate only</i> )	October 19 – October 31, 2022
Contract start date ( <i>estimate only</i> )	November 1, 2022
Contract end date ( <i>estimate only</i> )	June 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: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign this JBE 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 6: Payee Data Record Form (STD 204)	This form contains information the JBE requires in order to process payments and must be submitted with the proposal.
Attachment 7: Payee Data Record Supplement (STD 205)	This form is optional. This form 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 8: 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 9: DVBE Declaration	Complete and return this form <b>and a copy of its DVBE certification approval letter or DVBE certification issued by DGS</b> with the proposal only if Proposer wishes to declare DVBE status.

## 5.0 PAYMENT INFORMATION

- 5.1 See Attachment 2, Standard Terms & Conditions, Appendix B, Payment Provisions
- 5.2 Firm fixed prices and rates will remain intact throughout the entire term and option periods of this Contract. If the State elects to extend the Term of the Contract, any agreed upon price adjustment (whether an increase or decrease) of rates may not exceed during any option period the percentage change in the 12-month average of the Consumer Price Index (CPI), below:

[https://data.bls.gov/timeseries/CUUR0000SA0?output\\_view=pct\\_12mths](https://data.bls.gov/timeseries/CUUR0000SA0?output_view=pct_12mths)

Consumer Price Index – All Urban Consumers  
12-Month Percent Change  
Series ID: CUUR0000SA0  
Not Seasonally Adjusted  
Area: U.S. city average  
Item: All items  
Base Period: 1982-84=100

- 5.3 The rates and firm fixed prices set forth shall be fully burdened and inclusive of all costs including, but not limited to personnel, materials, computer support, commissions, travel, lodging, per diem, and overhead rates payable to the Contractor for services rendered to the State. The Contractor shall not charge nor shall the State pay any overtime rate.
- 5.4 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 payment term is Net 60 from date or receipt of invoice.

## 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 Technical Proposal must include all components required in Section 7.1. 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 can be submitted in the same email as the Technical Proposal above, (via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)) **but must be a separate attachment marked “COST PROPOSAL,”** from the technical proposal. The Cost Proposal must include all components required in Section 7.7. 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 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)  
Subject: Employee Assistance Program
- 6.5 For the purposes of this RFP, proposals shall be transmitted only by email.
- 6.6 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

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 Table of Contents.

- a. A table of contents including an index of the proposal contents and attachments.

7.2 Cover Letter. The original cover letter must be signed by an authorized representative of the Proposer. The letter must include:

- a. The Proposer's legal business 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. Provide a complete list of all proposed subcontractors, if any, with their legal business name, address, contact person and their email address, telephone and fax numbers. If no subcontractors proposed, then so state.

7.3 Evidence of Financial Solvency or Stability.

- a. The state in which the prime contractor was incorporated, if applicable.
- b. Number of years in business, and if applicable, for the previous three (3) years identify all mergers, acquisitions, and initial public offerings. If applicable, describe any pending agreements to merge or sell the firm.
- c. Indicate if the firm is a subsidiary or affiliate of another firm.
- d. If applicable, a statement of any bankruptcies filed by the proposer and any lawsuits filed against the proposer for malfeasance and a detailed listing of the adverse action, cause, number, jurisdiction in which filed and current status (provide a description of the outcome of any such legal action where there was a finding against the respondent or a settlement).
- e. Proof of financial solvency or stability (e.g. balance sheets and income statements).

7.4 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 separate section covering the Proposer's background, Key Staff, and Staff Qualifications and Experience.
  - i. Describe the organization of the key staff (including the dedicated program manager) that would service the contract, including the following information:
    - Provide a list of the key staff with name, title, and length of service within the organization.
    - Provide a resume for each key staff member.
    - Describe the competency, qualification levels, and professional certifications of the proposer's project manager and staff.
  - b. A separate section describing in detail the Proposer's ability to deliver the full scope of required services, including the Proposer's ability to administer a full employee assistance program across the state.
    - i. Member Reach
      - List office location and hours.
      - Describe your experience handling multiple locations in California, including availability of staff and referral network across the state.
      - Given the diverse entities eligible to receive services from this program, describe your proposed methodology for determining member eligibility.
      - State the California counties in which you will have a limited capacity to provide in-person mental health professional sessions. If so, describe the extent of the limitation.
      - State the California counties in which you will have no ability to provide in-person mental health professional sessions.
      - Describe your firm's ability to provide mental health sessions via video web-based tools.
    - ii. Services
      - Describe your firm's philosophy towards mental health services and counseling.

- Describe your experience in providing the services outlined in RFP Section 2.
- Describe your methodology in providing telephonic/web-based consultation and support to supervisors/managers regarding workplace issues as requested by HR.
- Describe your methodology in responding to requests in connection with a sudden, unanticipated, traumatic incident or circumstance occurring at the workplace (e.g., accident, death, threat of violence, natural disaster) that produces a high degree of distress in the affected workplace or an immediate or delayed emotional reaction in employees that surpasses normal coping mechanisms.
- Describe your proposed process for the referral process of linking members with a mental health professional.
- Describe your ability to maintain confidential records of member calls.
- Describe how you will handle, process, and reply to employee inquiries. Include whether or not you provide a toll-free customer number. Indicate if there will be 24-hour emergency coverage.
- Describe your methodology for assigning mental health professionals to members with different cultural backgrounds, ethnicities and other pertinent demographic distinctions.
- Specify the timeframe for scheduling appointments from initial request by participant and explain the process of answering the phone calls in the clinic.

iii. Counselor Qualifications

- Provide the number of counselors who are professionally licensed as marriage and family therapist (MFT), licensed professional counselors (LPC), licensed clinical social workers (LCSW), attorneys (JD), psychologists (PhD), and any other licenses in your proposed network for the program.
- Describe your methodology for the credentialing process used to evaluate potential counselors for the program.
- Describe the minimum credentials and qualifications you require of your mental health professionals and phone intake specialists.
- Describe your methodology for auditing the mental health professional qualifications as described in RFP Section 2.1.

- Provide the retention rate of the mental health professionals that have been with your company for three years or more.
- iv. Out-of-network
- Describe your out-of-network referral process, if any. Explain whether such services are included in the basic fee, or, if additional, how fees are calculated.
- v. Marketing & Training
- Describe the initiative and tactics your firm has used to encourage and/or increase employee participation in the EAP through a variety of media, including but not limited to printed materials, mobile and web marketing, email campaigns, etc.
  - Provide samples of the promotional materials that would be used to communicate the availability of the mental health professional network to members.
  - Describe the communication strategy that would be used to market your services to your clients' employees.
  - Provide a list of off-the-shelf courses, noting descriptions and length, and method of teaching (in-person versus remote).
  - Describe your ability to develop and tailor courses based on clients' preferences and objectives.
- vi. Utilization Reports
- Specify all reports that will be issued to the JCC. Furnish examples of all reports and indicate frequency of each.
  - Describe your methodology for conducting utilization analysis and providing monthly reports as described in RFP Section 2.
  - Describe your ability to customize reports based on client preferences.
- vii. Transition Planning
- Describe your proposed transition plan for services that are in progress from the existing employee assistance provider to the new service provider.
- viii. Other

- Identify any additional services that your firm provides free-of-charge that set you apart from your competitors (e.g., training, publications, software, etc.).
- c. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services in size and scope during the last three years, including at least two public entities. The JCC will be contacting references listed by the Proposer as part of this selection. Please note that the JCC will work through a Proposer's Reference Manager to complete a reference check. The Proposer must inform references that they may be contacted by the JCC during the RFP process.

#### 7.5 Acceptance of the Terms and Conditions

- a. 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.
- b. 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.

#### 7.6 Certifications, Attachments, and other requirements

- a. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
- b. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
- c. The Proposer must complete the Payee Data Record Form (Attachment 6).
- d. 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.

- e. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- f. Proof of financial solvency or stability (e.g., balance sheets and income statements).
- g. 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.
- h. 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.

7.7 Cost Proposal.

- a. Proposers shall use and submit **Table 1, Rate per Covered Employee Per Month for Services during the Initial and Subsequent Option Terms** and **Table 2, Cost Worksheet** to propose rates and fees with a detailed line item budget showing total cost of providing the services set forth in this RFP. Fully explain and justify all budget line items in a narrative entitled “Budget Justification”. Complete cost proposals will include proposed rates and fees for the **initial contract term and all option terms**.
- b. The proposer’s cost/fee proposal showing total cost/fees for providing these services, shall be inclusive of all costs including, but not limited to personnel, materials, computer support, commissions, travel, lodging, per diem, and overhead rates. It is expected that all proposers responding to this RFP will offer the proposer’s government or comparable favorable rates.

**Table 1: Rate per Covered Employee Per Month for Services during Initial and Subsequent Option Terms**

Number of Covered Employees	Rate per Covered Employee Per Month for <b><u>Initial Term</u></b>	Rate per Covered Employee Per Month for <b><u>First Option Term</u></b>	Rate per Covered Employee Per Month for <b><u>Second Option Term</u></b>	Rate per Covered Employee Per Month for <b><u>Third Option Term</u></b>	Rate per Covered Employee Per Month for <b><u>Fourth Option Term</u></b>
500 – 2,500					
2,501 – 5,000					

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5,001 – 10,000					
10,001 +					

**Table 2: Cost Worksheet**

<p><b>Seminar and Related Services:</b> The State shall compensate the Contractor at the firm fixed price below per Seminar and Related Service, plus allowable expenses as set forth in the proposal for each Contractor trainer providing such services.</p> <p>The State shall also compensate Contractor, at Contractor’s actual cost without markup for all special instructional materials, if any, provided by Contractor in performing these services, provided the State’s Project Manager has approved the use of such special instructional materials in writing in advance.</p>	<p>Proposed Seminar and Related Services Fee (include fees for initial and each option term):</p> <p>\$ _____</p>
<p><b>Development of Customized Training Materials:</b> The State shall compensate the Contractor at the firm fixed price set forth below per Training Course developed and customized, inclusive of all costs, travel, materials, expenses, fees, overhead associated with the design, researching and development of handouts, trainer’s guides and PowerPoint presentation for such services rendered to the State.</p>	<p>Proposed Development of Customized Training Materials Fee: (include fees for initial and each option term)</p> <p>\$ _____</p>
<p><b>Run-Off Fees:</b> The State shall compensate the Contractor at the firm fixed price set forth below per In-person Session for each Run-Off Session provided, inclusive of all costs, benefits, expenses, fees, overhead, and profits payable to the Contractor for such services rendered to the State.</p>	<p>Proposed Run-Off Fee: (include fees for initial and each option term)</p> <p>\$ _____</p>

## 8.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the JBE reserves the right to negotiate extensions to this period.

## 9.0 EVALUATION OF PROPOSALS

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The JBE will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the JBE will post an intent to award notice at [www.courts.ca.gov/rfps](http://www.courts.ca.gov/rfps).

CRITERION	MAXIMUM NUMBER OF POINTS
Specialized experience and technical competence <i>Responses to Section 8.4 and Section 8.6</i>	15 points
Strength of member reach, breadth of network and ability to provide services that meet the needs of the JCC's diverse employee population <i>Responses to Section 8.4</i>	15 points
Competitiveness of Cost <i>Responses to Section 8.7</i>	30 points
Value-added services (remote options, scheduling flexibility, other services distinguishing the Proposer from its competitors) <i>Responses to Section 8.4</i>	12 points
Quality of sample marketing materials and utilization reports <i>Responses to Section 8.4</i>	15 points
Acceptance of the Terms and Conditions <i>Responses to Section 8.5</i>	10 points
DVBE Incentive <i>Responses to Section 13.0</i>	3 points

## 10.0 INTERVIEWS

The JCC will not conduct interviews for this RFP.

## 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 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, 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 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. 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 12.0. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

## 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 10 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:
- a. 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.
  - b. 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. 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.**

#### **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](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 JBE to receive a solicitation specifications protest is: the proposal due date. Please indicate the Solicitation Number and the Name of Your Firm on lower left corner of envelope.

Protests must be sent to:

**Judicial Council of California  
Branch Accounting and Procurement | Administrative Division  
ATTN: Protest Hearing Officer, RFP Number: HR-2022-08-LV-EAP  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102 -3688**