

# REQUEST FOR PROPOSALS

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***JUDICIAL COUNCIL OF CALIFORNIA***

**REGARDING:**

*RFP TITLE: Claims Auditing Services*

RFP NO. JBWCP-2019-08-DM

**PROPOSALS DUE:**

***January 29, 2020*** NO LATER THAN ***4:00 P.M.*** PACIFIC TIME

## **1.0 BACKGROUND INFORMATION**

- 1.1 Judicial Council of California. The Judicial Council of California (JCC) is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Judicial Council staff help implement the council's policies.

The Judicial Branch Entities (JBE) consists of:

- The Supreme Court of California (SC)
- The District Courts of Appeal (DCA)
- The 58 Superior Courts of California (also referred to as trial courts – TC) located in each of the 58 counties
- The Habeas Corpus Resource Center (HCRC)
- The Commission on Judicial Performance (CJP)
- The JCC, there are two locations for the JCC - San Francisco and Sacramento.

### 1.2 Judicial Branch Workers' Compensation Program

- 1.2.1 The JCC serves as the program administrator for the Judicial Branch Workers' Compensation Program (JBWCP). The program consists of three components:

1. The Trial Courts (TC)
2. The Judiciary which includes the SC, DCA, HCRC, CJP and the JCC
3. The Judicial Officers which consists of all trial court judges of the Superior Courts.

- 1.2.2 Existing law requires every employer in the State of California to provide workers' compensation coverage for its employees, and the provision of benefits to employees is the sole financial obligation of the employer. The State of California, legally granted uninsured status by Section 3700 of the Labor Code, may carry their financial liability with no requirements. The JCC, identified as the State for purposes of workers' compensation coverage, is considered lawfully uninsured.

- 1.2.3 The Trial Court Employment Protection Act (SB2140), Government Code Section 71600 et al, established the trial courts as independent employers of trial court employees. SB2140, however, did not address the issue of defining the trial court as an employer, and with this definition the means

by which a trial court could finance its workers' compensation program.

- 1.2.4 The JBWCP was created on July 1, 2001. Since the inception of the program on July 1, 2001, employees of the Judiciary and Judicial Officers jointly participate in the JBWCP provided by the JCC and administered by a third party.
- 1.2.5 On January 1, 2001, each of the 58 trial courts became separate employers. Prior to this date, the trial courts were part of their respective counties. In response to the courts' transition to becoming independent employers, the JBWCP was expanded to include the trial courts on January 1, 2003.
- 1.2.6 By July 1, 2003, a total of 47 trial courts participated in the JBWCP. By July 1, 2004, six more courts participated. By July 1, 2008, two additional courts joined the program. To date, 57 trial courts participate in the program (excluding Los Angeles).
- 1.2.7 The JBWCP is a highly decentralized program. The Judiciary, Judicial Officers, and each of the 57 participating trial courts are independent employers which require the need to allow for some decentralized administration of this program.
- 1.2.8 The JBWCP is loss sensitive and there is a charge back system in place. The system is driven by payroll and each trial court, judiciary, and judicial officers' loss activity. This charge back system is called the WC Allocation Program (Allocation). The loss data is used to calculate the loss modifier. Each individual organization is limited to a rolling three years of loss data excluding the most recent 12 months. The total allocation is based on the annual actuarial report.
- 1.2.9 The [JBWCP Advisory Committee](#) (Committee) oversees the program and makes recommendations to the Judicial Council for improving the statewide administration of the JBWCP. More information on the Committee can be found on the following California Court's website:

<https://www.courts.ca.gov/jbwcp.htm>

## 2.0 OBJECTIVE AND TIMEFRAM FOR SERVICES

- 2.1 Objective. The JCC seeks the services of a qualified Auditor with expertise in performing independent Workers' Compensation claims auditing services for compliance of the California Workers' Compensation claims administration industry standards and the [JBWCP's third party administrator service guidelines](#). These services include: audit the Third Party Claims Administration ("TPA")

claims’ handling process and perform case management audits for the Judicial Branch Workers’ Compensation Program (“JBWCP”).

2.2 The ideal auditor will possess extensive experience with auditing complex workers’ compensation claims for California public entities and/or lawfully insured California risk pools; providing accurate, candid, and well-documented audit findings; and offering sound recommendations for audit areas in need of improvement.

2.3 Timeframe for Services / Term of Awarded Agreement:

2.3.1 The JCC anticipates the initial term of the subsequently awarded agreement will be for one (1) year beginning May 1, 2020 and ending June 30, 2021 (“**Initial Term**”), with the JCC holding options to extend the agreement for up to three (3) consecutive one-year terms (“**Option Terms**”) defined as follows:

- 2.3.1.1 May 1, 2020 to June 30, 2021– “**Initial Term**”
- 2.3.1.2 July 1, 2021 to June 30, 2022 – “**First Option Term**”
- 2.3.1.3 July 1, 2022 to June 30, 2023 – “**Second Option Term**”
- 2.3.1.4 July 1, 2023 to June 30, 2024 – “**Third Option Term**”

2.3.2 The option to extend the agreement for any of the Option Terms will be at the sole discretion of the JCC. The exercise of any such option will be pursuant to the terms and conditions of the executed agreement.

2.3.3 Implementation services and transition from the current provider is expected to occur the first month of the initial term. The current service provider will assist in the implementation period, as appropriate.

### 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	December 24, 2019
Deadline for questions Solicitations@jud.ca.gov	<b>January 13, 2020 by 4:00 PM (Pacific Time)</b>
Questions and answers posted (estimates only) www.courts.ca.gov/rfps.htm	January 16, 2020

EVENT	DATE
Latest date and time proposal may be submitted	<b>January 29, 2020 by 4:00 PM (Pacific Time)</b>
Evaluation of proposals ( <i>estimates only</i> )	January 30, 2020 – February 14, 2020
Anticipated Interview Dates ( <i>estimates only</i> )	January 30, 2020 – February 14, 2020
Notice of Intent to Award ( <i>estimates only</i> ) <a href="http://www.courts.ca.gov/rfps.htm">www.courts.ca.gov/rfps.htm</a>	February 18, 2020
Negotiations and execution of contract ( <i>estimate only</i> )	April 1, 2020
Contract start date ( <i>estimates only</i> )	May 1, 2020
Contract end date ( <i>estimates only</i> )	June 30, 2021

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Appendix I: Judicial Branch Workers' Compensation Program TPA Service Guidelines	<a href="https://www.courts.ca.gov/documents/jbwcp-AIMS-Service-Guidelines.pdf">https://www.courts.ca.gov/documents/jbwcp-AIMS-Service-Guidelines.pdf</a>
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	This form contains information the JBE requires in order to process payments and must be submitted with the proposal.
<i>[Only for solicitations of \$1,000,000 or more]</i> Attachment 7: Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
<i>[Only for solicitations of \$100,000 or more]</i> Attachment 8: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 9: 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 10: DVBE Declaration	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.

## **5.0 SCOPE OF SERVICES**

### **5.1 Annual Audit**

5.1.1 Annually audit the TPA's claims' handling process based on established California Workers' Compensation claims administration industry standards and the JBWCP's third party administrator service guidelines. The audit shall contain a random sampling of all claims handled by all TPA claims technicians staffed to the program. The audit will include a review of the timely and proper administration of claims, utilizing best practices in relation to industry standards and the JBWCP's expectations. The audit criteria would include at a minimum the evaluation of:

- i. Consistent application of the Three Point Contact which is an industry best practice term: It is the initial timely contact with the injured worker, that supervisor or managers, and the treating physician or clinic. Contact must be within 24 hours
- ii. Timely denial or acceptance of claims
- iii. Use of investigation services
- iv. Subrogation/Recoveries/Appportionment
- v. Disability Management
- vi. Penalties
- vii. Reserving Strategies
- viii. Effective Action Plans
- ix. Effective Return to Work Strategies
- x. Communication
- xi. Litigation Management
- xii. Adherence to Special Account Instructions

5.1.2 Annually audit the Case Management program, provided by the TPA, based on established industry metrics, best practices, and special account instructions. The audit shall contain a random sampling of all claims assigned to case management. The audit criteria would include at a minimum the evaluation of:

- i. How are the cases triaged and assigned?
- ii. How is the appropriate level of clinical intervention evaluated?
- iii. What tools and resources do the nurses use to guide their assessments and action plans?
- iv. When are physician advisors utilized?
- v. What data is used by the case management program to measure effectiveness? Is there integrated communication between the managed care program and the claims adjusters assigned to the claim?

- vi. What is the impact of the claim?
- vii. Use of nationally recognized treatment and disability duration guidelines.
- viii. Coordination with Members' return-to-work programs.

5.1.3 Depending on the outcome of the initial audits, the JBWCP may determine that additional audits may be necessary up to every three months until such time at which the audits of the TPA meet the desired outcome of the JBWCP.

## 5.2 Spot Checks

5.2.1 The JBWCP may determine that the Contractor conduct random, informal spot checks of the TPA claims handling to ensure proper application of best practices, special handling instructions, and criteria identified above.

5.2.2 Provide intermittent "one off" claim reviews for high exposure/high sensitivity cases. If there is a need for a written report, the report will be provided by Contractor in draft form to the JBWCP, before a final version is issued and agreed upon by the JBWCP and the Contractor.

## 5.3 Reporting Requirements and Presentations

5.3.1 Provide draft detailed reports of audit findings to the JBWCP, with an executive summary, due no later than 45 days post the audit's conclusion. The Contractor will provide a final draft report to the JBWCP no later than 70 days post the audit's conclusion. Draft and final audit findings will be provided to the TPA, in coordination with the JBWCP. Representatives from the TPA will have an opportunity to address any discrepancies in the audit findings prior to sharing the final draft report with the Committee. The JBWCP will review the draft format before the final report is issued to the Committee.

5.3.2 The Contractor is required to present its findings in-person to the Committee. This includes attending the annual advisory committee meeting in Sacramento and other recurring audit-focused meetings throughout the year upon request of the JBWCP.

## 5.4 Transition Planning:

Ensure that services provided to the JBWCP are fully transitioned in a smooth and efficient manner to a new service provider. The selected vendor will exercise its best efforts and cooperation to secure an orderly and efficient transition to a successor.



## 6.0 PAYMENT INFORMATION

- 6.1 See Attachment 2, Standard Terms & Conditions, Appendix B, Payment Provisions.
- 6.2 Not to Exceed Amount and hourly 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 hourly 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

- 6.3 The hourly 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.
- 6.4 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.
- 6.5 The payment term is Net 60 from date or receipt of invoice.

## 7.0 SUBMISSIONS OF PROPOSALS

- 7.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section, 8.0 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.
- 7.2 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 JCC 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 JCC 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 CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.

7.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

**Bid Desk – Claims Auditing Services  
Judicial Council of California  
Branch Accounting and Procurement | Administrative Division  
Attn: Sheryl Berry, RFP No: JBWCP-2019-08-DM  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688**

7.4 Late proposals will not be accepted.

7.5 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.

## **8.0 PROPOSAL CONTENTS**

8.1 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 7.0, 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.

8.2 The following information shall be included in the proposal:

- 8.2.1 Cover Letter: the original must be signed by an authorized representative of the Proposer. The letter must include:
  - 8.2.1.1 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.
  - 8.2.1.2 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.
  - 8.2.1.3 The state in which the prime contractor was incorporated, if applicable. Number of years in business, and if applicable, for the previous three (3) years identify all mergers, acquisitions, and initial public offerings.
  - 8.2.1.4 Number of years in providing similar services.
- 8.2.2 If applicable, provide a statement of any bankruptcies filed by the Proposer and any law suits 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).
- 8.2.3 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.
- 8.3 Technical Proposal Contents:
  - 8.3.1 The JCC is seeking a service provider who has a background in highly decentralized environment. All members of the Proposer's team must have prior experience in this type of environment. Please outline your prior experiences in these areas. Your response should include resumes of the proposed service team and details of any models you intend to utilize.
  - 8.3.2 Describe the competency, qualification levels, and professional certifications of the Proposer's project manager and staff.
  - 8.3.3 Describe the Proposer's work history with decentralized and/or lawfully uninsured public entity workers' compensation programs.

- 8.3.4 Describe the comprehensiveness of the TPA audit process. Detail whether it contains a managed care component, and/or a legal component. Describe how the audit is quantified.
  - 8.3.5 The JBWCP sets immediate & long-term goals; we also seek assistance in targeting new areas for improved service delivery to our client base. This Describe your experiences with providing this level of service and the types of recommendations you may make to improve service delivery. Additionally, describe what programs you have in place as an employer to retain your employees.
  - 8.3.6 The JBWCP works with an advisory committee; this committee could be characterized as a Board of Directors. Please describe your experience working in this type of high-level environment and your familiarity with procedural committee rules.
  - 8.3.7 Describe how you would absorb the increase in workload if you were to be awarded the contract for these services, including detailing how you would acquire the resources to handle the program staff and Committee members' growing needs.
  - 8.3.8 Provide a sample audit report for review.
  - 8.3.9 Identify any additional services that your firm provides free-of-charge that set you apart from your competitors (e.g., training, publications, software, etc.).
  - 8.3.10 Provide security measures that your firm currently has in place to protect confidential information, including personnel and medical information, from unauthorized use, access or disclosure.
- 8.4 References:
- 8.4.1 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 (3) years, including at least 2 public entities. The Judicial Council will be contacting references listed by the Proposer as part of this selection. Please note that JCC will work through a Proposer's Reference Manager to complete a reference check. Please inform Proposer's references that they may be contacted by the JCC during the RFP process.
- 8.5 Acceptance of the Terms and Conditions.

- 8.5.1 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.
- 8.5.2 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.
- 8.6 Certifications, Attachments, and other requirements.
  - 8.6.1 The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
  - 8.6.2 The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
  - 8.6.3 The Proposer must complete the Payee Data Record Form (Attachment 6).
  - 8.6.4 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.
  - 8.6.5 Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
  - 8.6.6 Proof of financial solvency or stability (e.g., balance sheets and income statements).
  - 8.6.7 The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.
  - 8.6.8 The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its proposal.

8.6.9 The Proposer must complete the Bidder Declaration form (Attachment 9) only if wishes to claim the Disabled Veteran Business enterprise (DVBE) incentive associated with this solicitation.

8.6.10 Each DVBE that will provide goods and/or services in connection with the contract must complete the DVBE Declaration form (Attachment 10). If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.

8.7 Cost Proposal.

8.7.1 Proposers shall use and submit **Table 1, 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**.

8.7.2 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.

8.7.3 **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** The JCC’s method of payment to the selected service provider for the services specified in this RFP will be by cost reimbursement. Payment for services will be made based on the accepted services rendered by invoice that meets the criteria set forth in the contract, no deviation will be accepted.

**Table 1: Cost Worksheet**

<b>Task No.</b>	<b>Task/Function</b>	<b>Contractor’s Key Personnel</b>	<b>Rate Per Hour or Per Unit</b>	<b>Estimated Hours or Reports</b>	<b>Not to Exceed Amount</b>
1	Annual Audit <ul style="list-style-type: none"> <li>• TPA’s Workers’ Compensation Claims’ handling process</li> <li>• Case Management Program</li> <li>• Presentation of Audit Findings</li> </ul> Shall be invoiced after the presentation of Audit Findings has				<b>Fixed Flat Fee</b>

	been reviewed and accepted by JBWCP Staff.				
2	<p>Spot Checks</p> <ul style="list-style-type: none"> <li>• Randomized, informal spot checks</li> <li>• One off claims reviews</li> <li>• Presentation of Audit Findings</li> </ul> <p>Shall be invoiced after the presentation of Audit Findings has been reviewed and accepted by JBWCP Staff.</p>			<b>Up to 12 Reports</b>	<b>Fixed Flat Fee</b>
3	<p>Audit Findings Report Drafts and Final</p> <p>Shall be invoiced after the final Audit Findings report has been reviewed and accepted by JBWCP Staff.</p>				<b>Fixed Flat Fee</b>
4	<p>Program Consultation and Presentation as needed</p> <p>Detailed invoices shall be submitted monthly identifying key staff and hours.</p>			<b>150 Hours</b>	<b>Variable</b>
5	<p>Transition Planning</p> <p>Ensure that services provided to the JBWCP are fully transitioned in a smooth and efficient manner to a new service provider. The selected vendor will exercise its best efforts and cooperation to secure an orderly and efficient transition to a successor.</p> <p>Detailed invoices shall be submitted identifying key staff and hours.</p>			<b>80 Hours</b>	<b>Variable</b>
<b>Not To Exceed Total</b>					<b>XXX</b>

**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.

**9.0 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.

**10.0 EVALUATION OF PROPOSALS**

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents in Section 8.0.

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

If a contract will be awarded, the JCC will post an intent to award notice announcement on the Courts Website at: <http://www.courts.ca.gov/rfps.htm>

CRITERION	MAXIMUM NUMBER OF POINTS
Interview and presentation <ul style="list-style-type: none"> <li>• 11</li> </ul>	7 points
Specialized Experience and Technical Competence: <ul style="list-style-type: none"> <li>• 8.3.1, 8.3.2, 8.3.3, 8.3.10</li> </ul>	25 Points
Approach/philosophy to auditing and staffing, and ability to attend meetings in-person upon request <ul style="list-style-type: none"> <li>• 8.3.4, 8.3.5, 8.3.6, 8.3.7</li> </ul>	15 Points
References & Financial Stability <ul style="list-style-type: none"> <li>• 8.2.1.3, 8.2.2, 8.4</li> </ul>	5 Points
Competitiveness of cost <ul style="list-style-type: none"> <li>• 8.7</li> </ul>	30 Points
Value Added Services and Quality of Sample Audit Report <ul style="list-style-type: none"> <li>• 8.3.8, 8.3.9</li> </ul>	10 Points
Acceptance of the Terms and Conditions <ul style="list-style-type: none"> <li>• 8.5</li> </ul>	5 Points



CRITERION	MAXIMUM NUMBER OF POINTS
DVBE Incentive <ul style="list-style-type: none"> <li>• 13</li> </ul>	3 Points

**11.0 INTERVIEWS**

The JCC will 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 JCC’s offices. The JCC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Proposers regarding interview arrangements.

**12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals 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 JBE’s right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**13.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

13.2 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.

13.3 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”).

13.4 If Proposer wishes to seek the DVBE incentive:

- The Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 9**). The Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- The Proposer must submit with its proposal a DVBE Declaration (**Attachment 9**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If the Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration (**Attachment 10**). 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.

13.5 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.

13.6 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 **January 22, 2020**. Protests must be sent to:

**Judicial Council of California  
Branch Accounting and Procurement | Administrative Division  
ATTN: Protest Hearing Officer, RFP Number: JBWCP-2019-08-DM  
455 Golden Gate Avenue, 6th Floor**

RFP Title: Claims Auditing Services  
RFP Number: *JBWCP-2019-08-DM*

**San Francisco, CA 94102 -3688**