



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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TO: **POTENTIAL PROPOSERS**

FROM: ADMINISTRATIVE OFFICE OF THE COURTS

DATE: **March 23, 2010**

SUBJECT/PURPOSE OF MEMO: REQUEST FOR PROPOSALS
Tribal Projects Unit seeks contractors to develop curriculum

ACTION REQUIRED: You are invited to review and respond to the attached Request for Proposals (“RFP”):

Project Title: Indian Child Welfare Act Curriculum
RFP Number: CFCC-200904-RB

QUESTIONS TO THE SOLICITATIONS MAILBOX: Questions regarding this RFP should be directed to Solicitations@jud.ca.gov by April 6, 2010.

DATE AND TIME PROPOSAL DUE: **Proposals must be received by:**
1:00 p.m. Pacific Time, April 23, 2010.

SUBMISSION OF PROPOSAL: Proposals must be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden, RFP No. CFCC-200904-RB
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102-3688

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1.0 BACKGROUND

- 1.1 The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the 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 Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.
- 1.2 The Administrative Office of the Courts is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts. One of the projects created to help improve the quality of justice provided those involved with the juvenile courts of California is the development of comprehensive curriculum on the Indian Child Welfare Act through the Tribal Projects Unit of the Administrative Office of the Courts.
- 1.3 The current topic area selected for curriculum development during this phase of the project is for the advanced curriculum for the Indian Child Welfare Act. This curriculum is being developed in modules. The modules are:
 - Module 1: Inquiry and Notice
 - Module 2: Active Efforts, Case Planning, Concurrent Planning
 - Module 3: Jurisdictional and Procedural Issues: Jurisdiction; Tribal transfer or intervention; waivers from Indian parents/ custodians & appointment of counsel
 - Module 4 :Evidentiary Issues including standards of proof, required findings, and Qualified Expert Witness testimony
 - Module 5: Remedies and Post Trial issues
- 1.4 Modules 1 and 2 are nearing completion and are NOT part of this RFP. This RFP is seeking proposals to complete Modules 3, 4, and 5 as described below:
 - 1.4.1 Module 3: Jurisdictional and Procedural Issues: Jurisdiction; Tribal transfer or intervention; waivers from Indian parents/ custodians & appointment of counsel to cover such issues as:
 - When does a tribe have exclusive jurisdiction?

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- How does this potentially apply in California?
- What does an agency or petitioner need to do to determine whether a tribe might have exclusive jurisdiction? What does the court need to do?
- When do a tribe and state court have concurrent jurisdiction?
- Mandatory transfer and what constitutes “good cause” not to transfer?
- Intervention by tribe
- Full Faith and Credit requirements
- What rights does a tribe have if it does not intervene; and
- When must counsel be appointed for Indian parents and Indian custodians
- Other issues as identified

1.4.2 Module 4 : Evidentiary Issues including:

- Qualified Expert Witness Testimony
 - When is it required?
 - What needs to be addressed/ what issue does the testimony go to?
 - Who qualifies?
 - How should expert be chosen?
 - Can there be more than one expert?
 - What should expert do to prepare?
- Burden of proof
- How does the “clear and convincing” evidence standard differ from the normal standard? What evidence would be required?
- How does the “beyond a reasonable doubt” standard differ? What evidence is required?
- Findings in Dependency and Delinquency Proceedings
- Findings in Family Code Proceedings
- Findings in Probate Code Proceedings
- Other issues as identified

1.4.3 Module 5 – Preserving issues for appeal; Remedies and Post Trial issues including:

- How to preserve issues for appeal;

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- Notification to Secretary of Interior;
- Special Record Keeping;
- Petition to Invalidate State Court Action – federal or state court?
- Request for Return of Custody of Indian Child; and
- Indian Child’s Right to Information upon Age 18
- Other issues as identified

1.4.4 A sample of the type of full curricula envisioned by this project is located at:
<http://calswec.berkeley.edu/CalSWEC/CommonCoreCurricCA.html>

2.0 TIMELINE FOR THIS RFP

The AOC has developed the following list of key events from RFP issuance through intent to award contract. All key dates are subject to change at the AOC’s discretion.

EVENT	KEY DATES
RFP issued	March 23, 2010
Deadline for Questions	April 6, 2010
Posting of Answers To Questions (<i>estimate only</i>)	April 12, 2010
Latest date and time proposal may be submitted	1:00 p.m. Pacific Time April 23, 2010
Evaluation of proposals Completed by (<i>estimate only</i>)	April 30, 2010
Notice of Intent to Award (<i>estimate only</i>)	May 15, 2010

3.0 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)

- 3.1 The AOC seeks the services of a consultant with expertise in development of comprehensive curriculum for Judicial Officers, attorneys and others in the area of child welfare, experience with and understanding of the Indian Child Welfare Act and experience working with tribal communities.
- 3.2 The curriculum developed will be part of comprehensive curricula developed under the Juvenile Court Education Project which is designed to improve the quality of justice provided to those involved in the juvenile courts of California.
- 3.3 A detailed description of the work of this RFP is provided in Attachment 2 - Contract

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Terms, Exhibit D - Work to be Performed.

4.0 RFP ATTACHMENTS

Included as part of this RFP are the following attachments:

- 4.1 Attachment 1, Administrative Rules Governing Request for Proposals. Proposers shall follow the rules, set forth in Attachment 1, in the preparation and submittal of their proposals.
- 4.2 Attachment 2, Contract Terms. Contracts with successful firms will be signed by the parties on a State of California Standard Agreement form and will include terms appropriate for this project. Terms and conditions typical for the requested services are attached as Attachment 2, which consists of Exhibits A through E.
- 4.3 Attachment 3, Proposer's Acceptance of the RFP's Contract Terms. Proposers must either indicate acceptance of Contract Terms, as set forth in Attachment 2, or clearly identify exceptions to the Contract Terms, as set forth in Attachment 2. If exceptions are identified, then proposers must also submit (i) a red-lined version of Attachment 2, that clearly tracks proposed changes to this attachment, and (ii) written documentation to substantiate each such proposed change.
- 4.4 Attachment 4, Payee Data Record Form. The AOC is required to obtain and keep on file, a completed Payee Data Record for each proposer prior to entering into a contract with that proposer. Therefore, proposer's proposal must include a completed and signed Payee Data Record Form, set forth as Attachment 4.

5.0 SCOPE OF SERVICES

The expected contractual responsibilities and work requirements are set forth in Exhibit D, Work to be Performed, in Attachment 2, Contract Terms.

6.0 EVALUATION OF PROPOSALS

- 6.1 Proposals must demonstrate the proposing firm's overall capabilities and will be evaluated in the categories set forth in paragraphs 6.2.1 through 6.2.6, below.
- 6.2 The maximum total available score for all categories combined will be 100 points. Although some categories are weighted more than others, all are considered necessary, and a proposal must be technically acceptable in each area to be eligible for award. The evaluation categories, maximum possible points for each category, and evaluation criteria for each category are as follows:

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- 6.2.1 Quality of work plan submitted (*possible 25 points*)
- 6.2.2 Experience working with tribal communities (*possible 20 points*)
- 6.2.3 Ability to meet timing requirements to complete the project (*possible 20 points*)
- 6.2.4 Experience of Key Personnel (possible 15 points)
- 6.2.5 Ability to work with agencies, organizations, and individuals who are potential sources of data. (*possible 10 points*)
- 6.2.6 Reasonableness of Cost Projections (*possible 10 points*)

7.0 SPECIFICS OF A RESPONSIVE PROPOSAL

Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above.

The following information shall be included in the proposal:

- 7.1 Quality of Work Plan Submitted
 - 7.1.1 Proposed process necessary to address the Work objectives.
 - 7.1.2 Proposed Work and team organization.
 - 7.1.3 Contact information. Provide proposer's point of contact, including name, physical and electronic addresses, and telephone and facsimile numbers.
 - 7.1.4 Tax recording information. Complete and submit Attachment 4 - Payee Data Record Form. Note that if an individual or sole proprietorship, using a social security number for tax recording purposes, is awarded a contract, the social security number will be required prior to finalizing a contract.

- 7.2 Experience working with tribal communities.
 - 7.2.1 Describe the experience of Key Personnel working with Native American tribes and communities in California on similar assignments in the areas of juvenile law, family law, criminal law, and related matters. Describe Key Personnel's knowledge of the requirements necessary to complete this Work. Provide professional qualifications and experience of Key Personnel, as well as each individual's ability and experience in conducting the proposed activities.
 - 7.2.2 Description of prior curriculum developed by proposer that was be similar to the curriculum in this RFP
 - 7.2.3 Names, addresses, and telephone numbers of a minimum of 3-5 clients for

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whom the Key Personnel has conducted similar services. The AOC may check references listed by the proposer.

- 7.3 Ability to meet timing requirements to complete the Work.
 - 7.3.1 Plan must include time estimates for completion of all work required.
 - 7.3.2 Plan must include suggested dates for any in-person or teleconference meetings.
 - 7.3.3 Compliance with Contract Terms. Complete and submit Attachment 3 - Proposer's Acceptance of the RFP's Contract Terms. If changes to Attachment 2 are proposed, submit a redlined version of Attachment 2 – Contract Terms as well as written justification supporting any such proposed changes.

- 7.4 Experience of Key Personnel
 - 7.4.1 Proposers must include a copy of the Key Personnel's resume.

- 7.5 Ability to work with agencies, organizations, and individuals who are potential sources of data.
 - 7.5.1 Describe Key Personnel's ability to work with agencies, organizations, and individuals necessary to complete this Work.

- 7.6 Reasonableness of Cost Projections
 - 7.6.1 As a separate document, submit a detailed line item budget showing total cost of the services for each Deliverables specified in Attachment 2 Contract Terms, Exhibit D - Work to be Performed. This budget should identify unique hourly rates, titles, and responsibilities for each "Key Personnel," but can group this information for other personnel in a more general manner. Staff rates should be fully burdened, including indirect costs, overhead and profit. The cost proposal should also include separate line items for postage/ mailing costs, travel and lodging, and stipends. Fully explain and justify all budget line items in a narrative entitled "Budget Justification."
 - 7.6.2 The maximum amount for Deliverables 1 and 2, shall not exceed **\$13,000**. The maximum amount for Deliverables 3, 4, 5, 6, and 7, shall not exceed **\$17,000**. The total contract amount will not exceed **\$30,000.00**, inclusive of personnel, materials, overhead rates, travel and profits. The method of payment to the consultant will be by firm fixed cost per deliverable for each of the Deliverables specified in Attachment 2 Contract Terms, Exhibit D - Work to be Performed.

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8.0 SUBMISSIONS OF PROPOSALS

- 8.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted in item 7.0 Specifics of a Responsive Proposal, above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the state's instructions, requirements of this RFP, and completeness and clarity of content.
- 8.2 Proposers must submit the following:
- 8.2.1 A transmittal cover letter signed by an authorized representative of the company, including name, title, address, telephone number, and e-mail address of one individual who is the responder's designated representative
 - 8.2.2 One (1) original and three (3) copies of the proposal
 - 8.2.3 A completed and signed Attachment 3
 - 8.2.4 A completed and signed Attachment 4
 - 8.2.5 An electronic version of the entire proposal on CD-ROM.
- 8.3 Proposals must be delivered to the individual listed under Submission of Proposals, as set forth on the cover memo of this RFP.
- 8.4 Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery.

9.0 RIGHTS

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

10.0 ADDITIONAL REQUIREMENTS

It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews will likely be conducted by telephone conference call. The AOC will notify prospective service providers regarding the interview arrangements.

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11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

- 11.1 The Administrative Office of the Courts is bound by California Rule of Court 10.500 (see: <http://www.courtinfo.ca.gov/rules/amendments/jan2010-2.pdf>) as to disclosure of its administrative records. If the information submitted contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for public documents.
- 11.2 If the AOC does not consider such material to be exempt from disclosure under Rule 10.500, the material may be made available to the public, regardless of the notation or markings. If a proposer is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of Rule 10.500, then it should not include such information in its proposal.

END OF FORM