



**Judicial Council of California**  
**Administrative Office of the Courts**

Office of the General Counsel  
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*General Counsel*

**TO:** LAW FIRMS AND LABOR RELATIONS CONSULTANTS

**FROM:** Administrative Office of the Courts  
Office of the General Counsel

**DATE:** April 12, 2001

**SUBJECT/PURPOSE OF MEMO:** REQUEST FOR PROPOSALS  
Legal Advice and Other Services to Trial Courts on Labor Relations Matters

**ACTION REQUIRED:** You are invited to review and respond to the attached Request for Proposal (RFP):

Project Title: Labor Relations Services to Trial Courts  
RFP Number: OGC 042001

**DEADLINE:** There is no single deadline to respond to this RFP. The need for services is present and ongoing, and the Administrative Office of the Courts (“AOC”) will review proposals as submitted. However, as described below, trial courts may only receive funds from the AOC to pay for services after the AOC approves a proposal, an agreement is reached, and the provider has satisfied the training requirement discussed *infra*.

**SUBMISSION OF  
PROPOSAL:**

Proposals should be sent to:

**Judicial Council of California  
Administrative Office of the Courts  
ATTN: Alice Vilardi, Managing Attorney  
455 Golden Gate Avenue  
San Francisco, California 94102**

**CONTACT FOR  
FURTHER  
INFORMATION:**

<b>NAME:</b>	<b>TEL:</b>	<b>FAX:</b>	<b>EMAIL:</b>
Alice Vilardi	415-865-7661	415-865-7656	alice.vilardi@ jud.ca.gov

**Commencement of Performance:** Law firms and labor relations consultants (“labor relations service providers” or “service providers”) may perform services after the AOC approves the service provider’s proposal, the parties enter into an agreement, and after the service provider satisfies the labor relations training requirement, provided that the service provider is retained by a trial court.

## **1.0 GENERAL INFORMATION**

### **1.1 Background**

The Judicial Council of California, chaired by the Chief Justice of the California Supreme Court, 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 AOC is the staff agency for the council and assists both the council and its chair in performing their duties.

## 1.2 The Judicial Council Labor Relations Fund Program

The establishment of the Labor Relations Fund (“LR Fund”) and related program addresses a critical need of the trial courts for assistance in implementing Senate Bill 2140 (“SB 2140”), the Trial Court Employment Protection and Governance Act, found at Government Code § 71600 et seq. SB 2140 was enacted on September 30, 2000, to take effect January 1, 2001, per the recommendation of the Task Force on Trial Court Employees created by the Lockyer-Isenberg Trial Court Funding Act of 1997. This LR Fund provides additional funding for the courts to retain labor relations service providers and ensures that the service providers that are retained in whole or in part with monies from the LR Fund are familiar with SB 2140’s labor relations requirements, and the issues that arise in trial court labor relations.

The LR Fund program is governed by the following general principles:

- The LR Fund will provide limited funding to courts that retain outside service providers to assist trial courts to negotiate and implement agreements with employee organizations.
- Each court will be eligible to apply for funding from the LR Fund.
- Courts will be eligible to receive monies from the LR Fund only if they use AOC-approved service providers.
- The AOC will approve the service providers with participation from the trial courts. The AOC will negotiate a fee rate with the service providers. Once the rate is agreed upon, each trial court will execute a separate retention agreement with the service provider reflecting that rate.
- Each approved service provider must complete a training program provided by the AOC addressing SB 2140’s labor relations requirements; training will be made periodically available in both San Francisco and Los Angeles, California.

- After the service provider completes the initial training, the AOC will present follow-up training on an annual basis. Each service provider must receive annual follow-up training in order to maintain its status as an “approved service provider”.
- The AOC will present the initial training program in June 2001. The AOC will continue to present the training periodically thereafter on an “as needed” basis, as additional service providers submit proposals.

It is anticipated that some trial courts will want to use the services of the approved provider(s) as needs arise. A service provider may be retained by a number of courts throughout the state. Acceptance of a proposal by the AOC or satisfaction of the training requirement do not guarantee that a trial court will enter into an agreement with the Service Provider.

## **2.0 PURPOSE OF THIS REQUEST FOR PROPOSALS**

The AOC seeks to facilitate the retention by trial courts of approved service providers who will provide labor relations services directly to the trial court(s). This RFP is the mechanism by which prospective service providers may seek AOC approval so that trial courts can obtain Fund monies to pay service providers for services rendered.

## **3.0 SCOPE OF SERVICES**

The following services may be provided to trial courts on a nonexclusive and as-needed basis:

- 3.1 Consultation with and representation of the trial courts in connection with labor negotiations.

#### **4.0 SPECIFICS OF RESPONSIVE PROPOSAL**

The following information shall be included in the response:

- 4.1 Name, address, telephone & fax numbers, and social security number or tax identification number.
- 4.2 Five copies of the proposal signed by an authorized representative of the service provider, including name, title, address, and telephone number of one individual who is the provider's designated representative.
- 4.3 Résumés describing the background and experience of primary persons who would provide the labor relations services.
- 4.4 If there are geographic or other limitations to the service provider's proposal to provide some or all of the labor relations services offered, these limitations should be clearly described.
- 4.5 Names, addresses, and telephone numbers of clients for whom the service provider has provided similar services. The AOC may check references listed by the service provider.
- 4.6 Preferred location for the labor relations training (San Francisco or Los Angeles), representative designated to attend training, and available dates beginning in June 2001.
- 4.7 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary nor desired. Emphasis should be placed on skills and experience that respond to the needs of the trial courts, responsiveness to the requirements of this RFP, and completeness and clarity of content.

## **5.0 FEE PROPOSAL**

The proposal should include the service provider's proposed fee schedule. It is expected that all service providers responding to this proposal will offer the service provider's governmental or comparable rates.

## **6.0 RIGHTS**

The AOC reserves the right to reject any and all proposals, 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 preparation. One copy of a submitted proposal may be retained for official files and become a public record. AOC-approved service provider(s) may be retained directly by the trial court(s) desiring such services. Special terms and conditions for such retentions are subject to agreement between the trial court(s) and service provider(s).

Oral responses will not be accepted. Responses should be sent by registered or certified mail or by hand delivery. Service providers may send the AOC an advance copy by facsimile to Alice Vilardi at the fax number listed in Section 7.0 below. However, sending an advance copy by fax does not satisfy the submission requirements of Section 4.2.

## **7.0 PROJECT MANAGEMENT**

The Project Manager for this labor relations services RFP process is:

Alice Vilardi, Managing Attorney  
Office of the General Counsel  
455 Golden Gate Ave.  
San Francisco, CA 94102  
415-865-7661 PHONE  
415-865-7656 FAX  
alice.vilardi@jud.ca.gov

## **8.0 EVALUATION OF PROPOSAL**

The proposal shall be evaluated by the AOC using the following criteria:

- A. responsiveness of the proposal;
- B. experience on similar engagements;
- C. experience and expertise of attorneys who will provide services;
- D. favorableness of fee proposal; and
- E. responses to reference inquiries.

## **9.0 INTERVIEW**

It may be necessary to interview service providers to clarify aspects of their submittal. If conducted, interviews will likely be conducted in person at the Judicial Council office in San Francisco or by telephone conference call. The AOC will notify you regarding the interview arrangements.

## **10.0 ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

Attached to this RFP as Attachment A and incorporated in it is the document entitled: "Administrative Rules Governing Requests for Proposals."

## **ATTACHMENT A**

### **JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS**

#### **ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

##### **A. General**

1. A nondiscrimination clause will be included in any contract with the trial courts that ensues from this Request for Proposal (“RFP”).
2. In addition to explaining the AOC’s requirements, the RFP includes instructions, which prescribe the format and content of proposals.

##### **B. Errors in the RFP**

1. If a service provider submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, it shall immediately provide the AOC with written notice of the problem and request that the AOC clarify or modify this RFP. Without disclosing the source of the request, the AOC may modify the RFP by issuing an addendum to all service providers to whom it sent an RFP.
2. If prior to the date fixed for submission of proposals a service provider submitting a proposal knows of or should have known of an error in the RFP, but fails to notify the AOC of the error, the service provider shall respond at its own risk. If the service provider is awarded a contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

##### **C. Questions regarding the RFP**

1. If a service provider’s question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to other service providers, the service provider may submit the question in writing, conspicuously marking it as “CONFIDENTIAL.” With the question, the service provider must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the service provider will be so notified.



2. If a service provider submitting a proposal believes that one or more of the RFP's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the service provider may submit a written request that the AOC change the RFP. The request must set forth the recommended change and service provider's reasons for proposing the change.

#### **D. Addenda**

The AOC may modify the RFP by sending (by fax or otherwise) an addendum to the service providers to whom it sent an RFP. If any service provider determines that an addendum unnecessarily restricts its ability to submit a proposal, it must notify Alice Vilardi at the Administrative Office of the Courts no later than one day following receipt of the addendum.

#### **E. Withdrawal and resubmission/modification of proposals**

A service provider may withdraw its proposal at any time by notifying the AOC in writing of its withdrawal. The service provider must sign the notice. The service provider may thereafter submit a new or modified proposal. Modification offered in any other manner, oral or written, will not be considered.

#### **F. Evaluation process**

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with RFP requirements.
2. If a proposal fails to meet a material RFP requirement, the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with RFP requirements. Material deviations cannot be waived. Immaterial deviations may cause the AOC to reject a proposal.
3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the AOC regarding a requirement of the RFP.
4. During the evaluation process, the AOC may require a service provider's representative to answer questions with regard to the service provider's proposal. Failure of a service provider to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.

## **G. Rejection of proposals**

The AOC may reject any or all proposals and may or may not waive an immaterial deviation or defect in a proposal. The AOC's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse a service provider from full compliance with solicitation document specifications.

## **H. Conferral of "approved provider" status**

1. Conferral of "approved provider" status, if made, will be in accordance with the RFP to a responsible service provider submitting a proposal compliant with all the requirements of the RFP and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of proposed service providers, based upon the AOC's evaluation of the service provider's: (a) ability to meet administrative and technical requirements; (b) ability to provide the quality of service and performance of items proposed; and (c) cost. The AOC and the prospective service provider must agree on a fee schedule before the AOC may confer "approved provider" status.

## **I. Questions**

Questions regarding the AOC's conferral of "approved provider" status on the basis of proposals submitted in response to this RFP, or on any related matter, should be addressed to Alice Vilardi, Office of the General Counsel, Judicial Council of California, 455 Golden Gate Avenue, 5th Floor, San Francisco, CA 94102.

## **J. Protest procedure**

1. The AOC intends to be completely open and fair to service providers when deciding whether to confer upon them "approved provider" status. In applying evaluation criteria and making the decision, members of the evaluation team will exercise their best judgment.
2. A service provider submitting a proposal may protest the AOC's decision not to confer "approved provider" status if the service provider's protest meets all the following conditions:
  - a. The service provider has submitted a proposal, which it believes to be responsive to the RFP;

- b. The service provider believes that its proposal meets the AOC’s administrative and technical requirements, and that it has supplied sufficient evidence of its proven quality and performance as a service provider;
  - c. The service provider believes that its proposal offers services at a competitive cost to the trial court in question; and
  - d. The service provider believes that the AOC has incorrectly declined to confer “approved provider” status.
3. A protesting service provider who meets the conditions noted immediately above should contact the Finance Director at the AOC at the address or phone number listed directly below. If the Finance Director or the Finance Director’s delegee is unable to informally resolve the protest to the service provider’s satisfaction, the service provider may file a written protest **within five working days of the AOC’s decision declining to confer “approved provider” status**. The written protest must state the facts surrounding the issue and the reasons the service provider believes the decision to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Finance Director  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102  
Phone: (415) 865-7960

With a copy to:

Chief Deputy Director  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

A receipt should be requested for hand-delivered material.

## **K. News releases**

News releases pertaining to the conferral of “approved provider” status may not be made without prior written approval of the Administrative Director of the Courts.

## **L. Disposition of materials**

All materials submitted in response to this RFP will become the property of the AOC and the State of California and will be returned only at the AOC's option and at the expense of the service provider submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record. However, any confidential material submitted by a service provider that was clearly marked as such will be returned upon request.