

# REQUEST FOR PROPOSALS

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*JUDICIAL COUNCIL OF CALIFORNIA*

**REGARDING:**

*Contract Attorney to Update Civil Proceedings Benchbooks.  
RFP #CJER-2019-59-RB*

**PROPOSALS DUE:**

*Monday, September 30, 2019* NO LATER THAN 2:00 P.M. PACIFIC TIME

## 1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California's Center for Judicial Education and Research (CJER) educates the state's justices, judges, subordinate judicial officers, and court staff. CJER provides mandatory and elective in-person and distance education including written publications.
- 1.2 CJER's publications include the series *California Judges Benchbook: Civil Proceedings*. This four-volume series of treatises on civil proceedings was first published in 1995. It is now published annually. The volumes are *Before Trial*, *Discovery*, *Trial*, and *After Trial*. These publications are unique because they are written from a judge's point of view. A grant from the Foundation for Judicial Education, established by the late Bernard E. Witkin, Esq., funded the creation of and funds the annual updates to these four benchbooks.

## 2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Judicial Council of California (also referred to in this RFP as JBE, Judicial Branch Entity) seeks the services of a licensed California attorney with experience and expertise in legal research, legal writing, civil law and civil procedure, updating legal treatises, and working with judicial officers. The attorney will update each volume of the *Civil Proceedings Benchbook* to reflect the year's new, amended, and repealed legal authority including cases, rules, and statutes, and to reflect clear and concise legal writing, legal analysis, and structure and organization. California's judicial officers are the intended audience of these publications. The contract attorney who updates these publications must write for this audience and must produce writing that matches the high-quality of the benchbooks.

The publication titles are below. Each title is one deliverable:

- *California Judges Benchbook: Civil Proceedings--Before Trial*
- *California Judges Benchbook: Civil Proceedings--Discovery*
- *California Judges Benchbook: Civil Proceedings--Trial*
- *California Judges Benchbook: Civil Proceedings--After Trial*

For each of the above publications, the author will:

- review the entire publication to become familiar with its content, coverage, and organization;
- conduct a subsequent history/update for each legal citation (cases, statutes, and court rules) to determine the citations' accuracy and currentness;
- as necessary, revise the citations and the associated sentence, paragraph, and/or section;
- research the law to determine if new sections should be added and/or existing sections should be reorganized or deleted;
- as appropriate, draft any new sections and/or reorganize existing sections; and

- as appropriate, submit these revisions to judicial officers experienced in presiding over civil cases for them to review and comment; and
- as appropriate, respond to, consider, and incorporate into the benchbooks the judicial reviewers' comments.

The services are to be performed for 18 months, from January 1, 2020 to June 30, 2021 ("Initial Term") followed by two (2) possible one-year option terms to extend the agreement under the same conditions in effect during the Initial Term for a maximum possible contract period of three and a half (3.5) years. The two one-year option terms will be exercised at the discretion of the JBE and the contractor.

These are the projected deadlines by which the contractor must deliver a draft of each updated publication to the JBE:

Initial Term (January 1, 2020 - June 30, 2021)

- Update to *Trial* (2020 edition): due March 20, 2020
- Update to *Discovery* (2020 edition): due June 4, 2020
- Update to *After Trial* (2020 edition): due August 17, 2020
- Update to *Before Trial* (2021 edition): due December 14, 2020
- Update to *Trial* (2021 edition): due March 19, 2021
- Update to *Discovery* (2021 edition): due June 4, 2021

First Option Term (July 1, 2021 - June 30, 2022)

- Update to *After Trial* (2021 edition): due August 17, 2021
- Update to *Before Trial* (2022 edition): due December 14, 2021
- Update to *Trial* (2022 edition): due March 21, 2022
- Update to *Discovery* (2022 edition): due June 3, 2022

Second Option Term (July 1, 2022 - June 30, 2023)

- Update to *After Trial* (2022 edition): due August 17, 2022
- Update to *Before Trial* (2023 edition): due December 14, 2022
- Update to *Trial* (2023 edition): due March 21, 2023
- Update to *Discovery* (2023 edition): due June 5, 2023

The contractor will complete the work off site and will have access to CJER's online legal research resources. The final draft submitted by the contractor must be timely, technically and legally accurate, thorough, well-written, and well-organized. The JBE Project Manager will be available for questions during the project.

The contractor must complete all work for each contract term by June 30, the end of the fiscal year. As requested, the contractor must submit progress reports describing work performed, work status, any difficulty encountered, remedial actions, and anticipated activity.

### **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.

<b>EVENT</b>	<b>DATE</b>
RFP issued	<i>September 9, 2019</i>
Deadline for questions submitted to solicitations@jud.ca.gov.	<i>September 16, 2019</i>
Questions and answers posted ( <i>estimate only</i> )	<i>September 23, 2019</i>
Latest date and time proposal may be submitted	<i>September 30, 2019 2:00 p.m. Pacific Time</i>
Anticipated interview dates ( <i>estimate only</i> )	<i>October 7, 2019 through October 9, 2019</i>
Evaluation of proposals ( <i>estimate only</i> )	<i>October 10 to 20, 2019</i>
Notice of Intent to Award ( <i>estimate only</i> )	<i>October 21, 2019</i>
Negotiations and execution of contract ( <i>estimate only</i> )	<i>October 22 to Dec 31, 2019</i>
Contract start date ( <i>estimate only</i> )	<i>January 1, 2020</i>
Contract end date ( <i>estimate only</i> )	<i>June 30, 2021</i>

#### **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 a JBE Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
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 to process payments and must be submitted with the proposal.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: References Check	The Proposer must complete the Contractor Past Performance Evaluation Form from at least 3 References

## 5.0 PAYMENT INFORMATION

The fee amount to be paid under the proposed contract to be awarded from this RFP is not-to-exceed amount of \$92,000 per year. This range includes all expenses for the project.

- For the 18-month Initial Term, the fee amount is not-to-exceed amount of \$138,000.00.
- The fee amount for each one-year Option Term is not-to-exceed amount of \$92,000.00.

The fee paid during each contract term will be divided into flat-rate amounts each paid after submission and acceptance of a deliverable. During each contract term, the total fee will be allocated between the deliverables based on the page count and amount of work involved in updating each deliverable.

## 6.0 SUBMISSIONS OF PROPOSALS

6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section 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.

- 6.2 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 JBE 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 JBE 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.
- 6.3 Proposals and a USB containing the Technical and Cost Proposals must be delivered by the date and time listed on the coversheet of this RFP to:
- Attn: The Bid Desk  
Branch Accounting and Procurement | Administrative Division  
Judicial Council of California  
455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102-3688
- 6.4 Late proposals will not be accepted.
- 6.5 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.

## 7.0 PROPOSAL CONTENTS

- 7.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.
- a. The Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

- b. A resume describing the individual’s background and experience, as well as the individual’s ability and experience in conducting the proposed activities.
  - c. Names, addresses, and telephone numbers of a minimum of two (2) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
  - d. A writing sample not to exceed 20 pages total which includes legal research and writing similar to what is required under this contract.
  - e. Acceptance of the Terms and Conditions.
    - i. On Attachment 3, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.
    - ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
  - f. Certifications, Attachments, and other requirements.
    - i. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
    - ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
    - iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
    - iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.
- 7.2 Cost Proposal. Proposed yearly fee, inclusive of all expenses.

## 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](http://www.courts.ca.gov).

CRITERION	MAXIMUM NUMBER OF POINTS
<i>Experience performing legal research and writing to update legal treatises</i>	35
<i>Knowledge of, and experience writing about, civil procedure and civil law</i>	25
<i>Cost proposal</i>	30
<i>Responses to reference checks</i>	5
<i>Acceptance of the Terms and Conditions</i>	5

## 10.0 INTERVIEWS

The JBE may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JBE's offices. The JBE 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.



## 11.0 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.

## 12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

The JBE has waived the DVBE incentive in this solicitation.

## 13.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see [www.courts.ca.gov/documents/jbcl-manual.pdf](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

The Protest Officer  
Re: RFP Number: CJER-2019-59-RB  
Branch Accounting and Procurement | Administrative Division  
Judicial Council of California  
455 Golden Gate Avenue, 6th Floor, San Francisco, CA 94102-3688