



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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TO: **POTENTIAL PROPOSERS**

FROM: ADMINISTRATIVE OFFICE OF THE COURTS
FINANCE DIVISION

DATE: April 30, 2009

SUBJECT/PURPOSE OF MEMO: **REQUEST FOR PROPOSALS (RFP)**
The AOC seeks the services of a consultant with expertise in the evaluation of workload, performance and court administration to develop a workload and performance study methodology, conduct the workload and performance study in a sample of courts, and deliver a technical report on the findings. The study must include an initial evaluation of workload and associated performance levels for both judges and court staff across the entire range of case types heard in the trial courts. If in the course of that evaluation it becomes feasible to narrow the range of case types for which a complete evaluation of workload and performance is conducted – including the development of case weights and associated performance standards – a clear justification must be provided for prioritizing certain case types along with an explanation of how trial court workload estimates will be extrapolated from data that does not include the entire range of cases heard in the courts. Please refer to the RFP documents for additional information.

ACTION REQUIRED: You are invited to review and respond to the attached Request for Proposal (RFP), as posted at: <http://www.courtinfo.ca.gov/reference/rfp/>
Project Title: **Trial Court Workload Methodology**, RFP Number: **EOP 090416-RB**

QUESTIONS TO THE SOLICITATIONS MAILBOX: Questions regarding this RFP should be directed to solicitations@jud.ca.gov by 1:00 pm Pacific Time, May 6, 2009

DATE AND TIME PROPOSAL DUE: Proposals must be received by 1:00 pm Pacific Time, May 18, 2009

SUBMISSION OF PROPOSAL: Proposals must be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Nadine McFadden, RFP# EOP 090416-RB
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102-3688

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1.0 GENERAL INFORMATION

1.1 BACKGROUND

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 PROJECT BACKGROUND

1.2.1 In 2001 the Judicial Council approved and adopted a methodology for evaluating the workload of judicial officers using weighted caseload. In 2005, the council adopted a similar model for evaluating the workload of court staff using a similar methodology.

1.2.2 As a general rule, changes in the law, rules of court, and case processing practices make it imperative to update workload models on a regular basis. In recent years, additional changes in the California courts have made it still more critical that the workload models be re-evaluated and modified to capture accurately the workload of judges and court staff. These changes include:

- a) Changes in technology including the partial migration to a statewide case management system (CCMS) and records management;
- b) A growing awareness and documentation of case-processing methods that are considered to be optimal (performance measures);
- c) The documentation of optimal practices in specific case types including dependency, domestic violence, criminal, and family law;
- d) A growing understanding that minimally-acceptable case-processing standards must include statutory compliance;
- e) A desire to identify optimal case-processing methods with regard to the division of labor between judicial officers and court staff and to promote the adoption of these methods across the courts;
- f) Legislative changes that directly impact particular case types, for example, in the area of conservatorship case processing.

- 1.2.3 Although the previous workload models were conducted in isolation from one another – one model for judicial officers and another for court staff – in the interest of identifying the inter-dependencies between judicial officers and court staff in certain case types – e.g., conservatorship, juvenile dependency, family law – this project will seek to study the workload of judicial officers and staff simultaneously. In addition to providing an enhanced understanding of different methods of case processing across different courts, the merger of the two workload studies is intended to maximize the research value during the study period. In other words, rather than undertaking a study of judicial officer workload only to then return at a later date to study staff workload, the merger of the project should allow for a shorter period of time during which the work of the courts is burdened by the research needs of this project.
- 1.2.4 Because of the expanded scope of the research, encompassing both judicial officers and court staff, the project is being divided into two major phases. Phase 1 is limited in scope to the following: the development of a workload and performance study methodology, the execution of the workload and performance study in a sample of 8 to 10 courts, and the delivery of a technical report on the findings from the workload and performance study including draft case weights and associated performance standards. Phase 2 will solicit input on the technical report developed in Phase 1, validate the findings where necessary, and conclude with a final report including recommendations on revised case-weights and associated performance measures for both judicial officers and court staff.

2.0 PURPOSE OF THIS RFP

The AOC seeks the services of a consultant with expertise in the evaluation of workload, performance, and court administration to develop a methodology to evaluate the workload and associated levels of performance. The study must include an initial evaluation of workload and associated performance levels for both judges and court staff across the entire range of case types heard in the trial courts. If in the course of that evaluation it becomes feasible to narrow the range of case types for which a complete evaluation of workload and performance is conducted – including the development of case weights and associated performance standards – a clear justification must be provided for prioritizing certain case types along with an explanation of how trial court workload estimates will be extrapolated from data that does not include the entire range of cases heard in the courts. Knowledge of trial court operations in general and in the California court system is highly desirable.

3.0 RFP SCHEDULE AND GENERAL INSTRUCTIONS

- 3.1 The AOC has developed the following list of key events from the time of the issuance of this RFP through the intent to award contract. All dates are subject to

change at the discretion of the AOC.

Key Event No.	Event Description	Key Dates
1	RFP Posted	5/1/09
2	Deadline for Proposer’s Questions	5/6/09 1 pm Pacific Time
3	AOC Posts Clarification / Response to Proposers Questions	5/11/09 (estimated)
4	Proposal Due Date and Time	5/18/09 1 pm PST
5	Notice of Intent to Award Contract	5/29/09 (estimated)
6	Execution of Contract	6/10/09 (estimated)
7	Commencement of Contracted Services	6/10/09 (estimated)

4.0 RFP ATTACHMENTS

The following documents are incorporated into this Request For Proposals (RFP) by reference:

- Attachment 1 - Administrative Rules Governing Request For Proposals
- Attachment 2 - Terms and Conditions
- Attachment 3 - Contract Exceptions
- Attachment 4 - Payee Data Record
- Attachment 5- Reference Documents

4.1 Attachment 1, Administrative Rules Governing Request for Proposals. Proposers shall follow the rules, set forth in Attachment 1, in preparation of their proposals.

4.2 Attachment 2, Terms and Conditions. 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 and include the following provisions:

- Exhibit A, Standard Provisions.
- Exhibit B, Special Provisions.
- Exhibit C, Payment Provisions.
- Exhibit D, Work To Be Performed.
- Exhibit E, Contractor’s Key Staff. (To Be Determined)
- Exhibit F, Attachments, including Attachment 1, Acceptance and Signoff Form, and Attachment 2, Work Authorization Form

- 4.3 Attachment 3, Contract Exceptions. Proposers must either indicate acceptance of the Attachment 2, Agreement Terms, or clearly identify exceptions with a written summary of relevance and rationale to substantiate each 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 vendor prior to entering into a contract with that vendor. Therefore, proposer's proposal must include a completed and signed Payee Data Record Form, set forth as Attachment 4.
- 4.5 Attachment 5, Reference Documents. Copies of the previous judicial workload assessment and court staff workload study are provided for bidders' reference. Links to various documents are provided as examples of the types of standards and policies that may be incorporated into the workload study.

5.0 SCOPE OF SERVICES

- 5.1 Services are expected to be performed by the Contractor between **June 10, 2009** and **November 30, 2010**. The full project is currently divided into two principal phases. The first phase is intended to develop an appropriate methodology for capturing workload and performance in the trial courts, conduct the workload and performance study in a sample of courts, and deliver a technical report on the findings from the workload and performance study including draft case weights and associated performance standards. The second phase will involve the solicitation of input on the report, the validation of the findings where necessary, and the delivery of a final report including revised case-weights and associated performance measures for judges and court staff.
- 5.2 The consultant will be expected to develop the methodology in collaboration with a) staff in the AOC – Office of Court Research and the Center for Families Children and the Courts – b) a working group of judicial officers and court executives to be established to advise the project, and c) designated subject-matter experts in the trial courts. This RFP seeks the services of a consultant for the Phase 1 of a multi-phase project. Upon the culmination of Phase 1, the Contractor will deliver to the AOC a technical report including draft case weights and associated performance measures for judicial officers and court staff based on a study of workload and performance in a sample of trial courts. Performance measures will be specified through the evaluation of the essential functions required to meet statutory requirements and through the evaluation of functions that have been identified by Judicial Council and AOC task forces and working groups such as the Blue Ribbon Task Force on Children in the Dependency System. In addition to evaluating the statutory obligations and performance standards associated with different case types, this project will involve a detailed evaluation of case processing practices, the impact of the California Case Management System (CCMS) on these practices, and data availability in the courts in collaboration with subject-matter experts in sample courts.

- 5.3 The consultant will be expected to develop qualitative and quantitative data-collection protocols in 8-10 trial courts in close consultation with AOC staff, an advisory working group (WG) and subject matter experts in trial courts selected in consultation with AOC staff and the WG. In addition to consultation with subject matter experts, the consultant will undertake a thorough review of statutory obligations of the courts and literature on “best” and “promising” practices in specific case types to determine the necessary set of court functions, court processes and events that will allow for the estimation of workload and performance in sample courts.
- 5.4 The data collection protocol should include examples of how performance and workload can be evaluated and linked, drawing on relevant literature including statutory requirements and recommendations from Judicial Council advisory task forces, working groups, and commissions, conference calls with subject-matter experts, site visits to trial courts for purposes of conducting structured focus-groups with subject matter experts in courts that have agreed to participate in the study, and travel to the initial meeting of the WG and a follow-up meeting of the WG.
- 5.5 Following the finalization of a data collection protocol, the consultant will be expected to prepare all of the final materials related to the study and prepare the trial courts that participate in the study. Preparation of the trial courts for participation in the study will include working with on-site liaisons in the trial courts, providing tools for measuring and recording workload and performance – these may be web based – and preparing and delivering training in order to launch the workload and performance study.
- 5.6 The consultant will be expected to conduct the workload study including monitoring data flow, answering questions from trial court participants in the study, identifying and correcting data gaps as they arise, and compiling the data.
- 5.7 Upon the conclusion of Phase 1 of this study, the consultant will be expected to produce a technical report on the findings of the workload and performance study which should include revised case-weights and associated performance levels for judicial officers and court staff.

6.0 SPECIFICS OF A RESPONSIVE PROPOSAL

- 6.1 Proposers must address each of the following paragraphs 6.2 through 6.7 and their sub paragraphs sequentially in order. All proposals must reference each paragraph/sub-paragraph number along with the proposer’s response.
- 6.2 Quality of work plan submitted.
 - 6.2.1 Approach:
 - 6.2.1.1 Work plan is complete, addressing all deliverables, well organized,

and easy to follow.

6.2.1.2 Work plan clearly describes valid and detailed methodologies that are reasonable and appropriate for the study, accomplishing the required project deliverables.

6.2.1.3 Work plan clearly identifies the key staff on the project, organization of team, and the roles and time allocation of each member with regard to the project.

6.2.2 Submission of Required RFP Documents:

6.2.2.1 Contact information. Provide proposer's point of contact, including name, physical and electronic addresses, and telephone and facsimile numbers.

6.2.2.2 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.

6.2.3 Compliance with Contract Terms. Complete and submit Attachment 3 - Vendor's Acceptance of the RFP's Contract Terms. If changes to Attachment 2 are proposed, submit red-lined version of Attachment 2 – Contract Terms as well as written justification supporting any such proposed changes.

6.3 Professional experience on similar assignments.

6.3.1 Knowledge of trial court operations in general and in the California court system is highly desirable.

6.3.2 The proposal articulates specific professional experience with workload evaluation and the integration of quantitative and qualitative data into such evaluation.

6.3.3 The proposal articulates specific professional experience in the analysis of case processing and court operations as related to both workload and performance.

6.4 Credentials of staff to be assigned to the Project.

6.4.1 The resumes of participating project staff and/sub-contracted consultants indicate relevant experience, education, training, and other professional credentials that demonstrate ability and qualification to undertake the project.

6.5 Reasonableness of Cost Projections.

6.5.1 As a separate document, submit a detailed line item budget showing total cost of the services for each of the nine (9) deliverables for Phase 1 work, and each of the five (5) deliverables for Phase 2 work, as specified in Attachment 2 Contract Terms, Exhibit D - Work to be Performed. Although actual pricing is firm fixed price per deliverable, for evaluation purposes, for each deliverable, the budget should identify the person performing the work, along with that person's responsibilities, hourly rates, quantity of hours, extended amounts. 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 and travel and lodging. Fully explain and justify all budget line items in a narrative entitled "Budget Justification."

6.5.2 The total cost for Contractor services for Phase 1 work is estimated to be in the range of \$350,000.00 - \$390,000.00, inclusive of personnel, materials, overhead rates, travel and profit. Subject to future funding, the total cost for Contractor services for Phase 2 work is estimated to be in the range of \$175,000.00 - \$195,000.00, inclusive of personnel, materials, overhead rates, travel and profit. Phase 2 work would require funding from the 2009-1010 fiscal year which begins on July 1, 2009, and therefore may not be funded until after that date. The method of payment to the Contractor for both Phase 1 and Phase 2 work will be by firm fixed price per deliverable, not to exceed the Contract Amount, upon completion and Acceptance of the deliverables specified in Attachment 2 Contract Terms, Exhibit D - Work to be Performed.

6.6 Ability to meet timing requirements to complete the Project.

6.6.1 Subject to the due dates set forth in Exhibit C and Exhibit D of Attachment 2, Contract Terms, proposed dates for sub tasks in the Work Plan should provide for a reasonable timeline to permit completion of contract project Deliverables.

6.7 References.

6.7.1 Three to Five references that support consultant's stated experience and ability to provide required deliverables citing past relevant experience and/or similar contracts.

7.0 EVALUATION OF PROPOSALS

Proposals will be evaluated by the AOC using the following criteria, in order of descending priority:

- a. Quality of work plan submitted, including methodology to complete the work, submission of required RFP documents, the extent of any proposed

contract exceptions. (See 6.2)

- b. Professional experience with similar assignments. (See 6.3)
- c. Credentials of staff to be assigned to the project. (See 6.4)
- d. Reasonableness of the cost/fee proposal. (See 6.5)
- e. Ability to meet timing requirements to complete the project. (See 6.6)
- f. References. (See 6.7)

8.0 SUBMISSION OF PROPOSALS

- 8.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted in Section 6.0 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 will submit one (1) original and one (1) copy of the proposal signed by an authorized representative of the company, including name, title, address, and telephone number of one individual who is the responder's designated representative. Proposers are also required to submit 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.

Project Title: **Trial Court Workload Methodology**

RFP Number: **EOP 090416-RB**

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a vendor's proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a vendor is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its proposal.

END OF FORM