



# Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

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**TO: POTENTIAL PROPOSERS**

**FROM: ADMINISTRATIVE OFFICE OF THE COURTS  
EXECUTIVE OFFICE PROGRAMS DIVISION**

**DATE: March 2, 2008**

**SUBJECT/PURPOSE OF MEMO: REQUEST FOR PROPOSALS (RFP)**

The Administrative Office of the Courts (AOC) seeks the services of a consultant with court administration expertise to develop a series of recommendations on improving caseflow management to better ensure hearing and trial date certainty in felony proceedings. The consultant will be expected to develop and implement qualitative and quantitative data-collection protocols in 6-8 courts to determine continuation policy and practice in each of the courts studied, as well as to assess the relationship between the "Local Legal Culture" (in terms of readiness) and hearing/trial date certainty. The project will include 5-day onsite visits to each participating court at which findings and recommendations will be presented to the court.

**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: **FELONY TRIAL AND HEARING DATE CERTAINTY**

RFP Number: EOP 02-09 Felony Trial and Hearing Date Certainty-LM

**QUESTIONS TO THE SOLICITATIONS MAILBOX:** Questions regarding this RFP should be directed to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) by **Tuesday, March 10, 2009, no later than 3 p.m. (PST).**

**DATE AND TIME PROPOSAL DUE:** There will not be a pre-proposal conference for this RFP.  
Proposals must be received by **Monday, March 30, 2009, no later than 3 p.m. (PST).**

**SUBMISSION OF PROPOSAL:** Proposals must be sent to:  
**Judicial Council of California  
Administrative Office of the Courts  
Attn: Nadine McFadden, RFP No. EOP 02-09 Felony Trial and Hearing Date Certainty-LM  
455 Golden Gate Avenue, 7th Floor  
San Francisco, CA 94102-3688**

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

### **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 is the staff agency for the Council and assists both the Council and its chair in performing their duties.

#### **1.2 BACKGROUND ON THE CALIFORNIA JUSTICECORPS PROGRAM**

The last few years have brought a heightened interest in criminal caseflow management to the California court systems. Criminal filings have increased in number and complexity and many trial courts are seeking methods to improve their criminal caseflow management. Judicial leadership changes frequently in the trial courts and there is a constant need for new leaders to employ effective caseflow practices.

In 2003, the AOC surveyed the Superior Courts to learn what they considered their greatest needs for technical assistance. In operational areas related to case processing, the highest category of reported need was criminal caseflow management. Addressing the need, a series of workshops were conducted to provide participants with an understanding of the principles of criminal caseflow management and their application in California and to develop action plans to begin improving criminal caseflow management. In 2005, the AOC provided 12 courts with technical assistance towards improving criminal caseflow management. The next phase of the project included a follow-up series of workshops to discuss the lessons learned from the technical assistance, as well as the successes and continuing challenges of criminal caseflow management. One challenge in particular concerns hearing and trial date certainty.

Firm and credible hearing and trial dates is a critical feature of successful caseflow management. If case participants doubt that trials or hearings will be held at or near the scheduled time and date, they will not prepare. If, on the other hand, it is far more likely than not that a court will be prepared to commence on the first scheduled date, counsel and parties will more likely be prepared. Because most cases are disposed by plea or settlement, reasonably firm hearing and trial dates will produce earlier pleas and settlements and encourage trial preparation in cases that cannot be resolved by other means. National research has shown that the ability to provide firm trial dates is

associated with shorter times to disposition in both civil and felony cases in metropolitan courts.

To improve hearing and trial date certainty, trial judges need to be vigilant in requiring good cause for the continuance of hearing dates. While continuances are sometimes necessary, it is common understanding in most courts that judges need to reduce the number of continuances granted. What is not known is at what frequency of continuances granted does the expectation change from one that the event will occur on the first date set to one that the event won't occur on the first date set. Without some empirical sense of what an acceptable continuance rate is, it is difficult for courts to establish meaningful goals for their continuance rates. There will be direct benefit to all the participating trial courts. The ultimate objective of this project is to be able to provide some empirical evidence to what hearing and trial date certainty should be.

## 2.0 TIMELINE FOR THIS RFP

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.

EVENT	KEY DATE
RFP issued to <a href="http://www.courtinfo.ca.gov/reference/rfp/">http://www.courtinfo.ca.gov/reference/rfp/</a> :	March 2, 2008
Deadline for questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	March 10, 2009 at 3:00 pm (PST)
Latest date and time proposal may be submitted	March 30, 2009 at 3:00 pm (PST)
Evaluation of proposals ( <i>estimate only</i> )	March 30 through April 7, 2009
Notice of Intent to Award ( <i>estimate only</i> )	April 10, 2009
Negotiations and execution of contract ( <i>estimate only</i> )	April 24, 2009
Commencement of services	June 10, 2009

## 3.0 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)

- 3.1 The purpose of this RFP is to secure a contract to provide the services of a consultant with court administration expertise to develop a series of recommendations for improving caseflow management that better ensures hearing and trial date certainty in felony proceedings. Knowledge of criminal proceedings in the California court system is desirable.

- 3.2 Services are expected to be performed by the Contractor between **June 10, 2009** and **December 31, 2010**. It is expected that this project will continue with additional phases to refine the research and include more courts. Thus, the consultant should have the capacity to undertake additional phases of the project and possibly an expansion in the scope of services
- 3.3 The consultant will be expected to develop and implement qualitative and quantitative data-collection protocols in 6-8 trial courts to determine continuation policy and practice in each of the courts studied, as well as to assess the relationship between the “Local Legal Culture” (in terms of readiness) and hearing/trial date certainty. The project plan should include 5-day onsite visits to each participating court at which findings and recommendations will be presented to the court by the consultant and selected AOC staff. The AOC project director will coordinate AOC and trial court participants for each site visit. It should be expected that two (2) AOC or trial court staff will participate in each site visit, including the AOC project director when possible. The scope of services are as follows:
- 3.3.1 The consultant will be expected to work with AOC staff to identify and recruit 6-8 trial courts to participate in the study. Participating courts should be representative of the court diversity in California, which should include such variants as county population, the number of assigned judicial officers, and felony caseload. Courts must also be willing to assist in data collection and host a 5-day onsite visit at which the contractor and AOC staff will likely observe felony case processing, interview judicial officers, court staff, and participating attorneys; complete preliminary findings; and present findings and recommendations to the court.
- 3.3.1.1 Respondent should propose a method for recruiting courts to participate in the study, which can include a combination of approaches such as distributing an announcement letter that also includes an invitation to participate. Strategies for involving additional courts in the study should be included in the event that the initial recruitment secures fewer than 6 participating courts.
- 3.3.1.2 Respondent should detail its implementation plan including proposed timeline.
- 3.3.2 The consultant will be expected to develop and administer an attorney survey to criminal trial attorneys in the locales of the participating courts. The survey is intended to assess attorney attitudes and perceptions of hearing and trial date certainty in felony cases in the courts where they practice. For metropolitan areas, a minimum of 200 trial attorneys should be surveyed. For participating courts with fewer than 20 judges, all criminal trial attorneys should be surveyed. Contractor will be responsible for contacting each court to develop a

list of attorneys to be surveyed. Surveys should be administered and analysis of the data completed prior to site visits. A preliminary report of the findings will be submitted to the AOC.

- 3.3.2.1 Respondent should propose a methodology for developing the survey, the process for testing the survey instrument, and the process for administering the survey.
  - 3.3.2.2 Respondent should also discuss in the proposal how the findings of the survey will direct the data collection conducted in the participating courts.
  - 3.3.2.3 Staff assigned to this task should be identified in the proposal with a description of experience in performing similar tasks.
- 3.3.3 The consultant will be expected to develop and implement qualitative and quantitative data-collection protocols to determine continuation policy and practice in each of the participating courts. Methods for assessing felony caseload and court practices might require several protocols, such as interviews with judicial officers, court observations, and file reviews. It is anticipated that court staff will collect the appropriate data either electronically or manually from files and court calendars. The consultant will be responsible for all aspects of implementation, including developing data-collection instruments for staff to use, training of staff on the data- collection instrument, and monitoring of staff performing data collection. Any meeting with judicial officers and/or court staff should be arranged through court staff as well, and it will be the responsibility of the contractor to work with court staff on logistics.
- 3.3.3.1 Respondents should include in the proposal a detailed description of the types of data to be collected and why, sample size, if applicable, and the methods for obtaining the data. Include in the description any data collection instruments to be developed and the content thereof.
  - 3.3.3.2 Proposals should include an implementation plan that should include what data will be collected by court staff prior to the site visit and how, if known, and what data will be collected during the site visit and how. For data collected prior to the site visit, the proposal should include a timeline.
  - 3.3.3.3 Staff assigned to this task should be identified in the proposal with a description of experience in performing similar tasks.
- 3.3.4 The consultant will be expected to present preliminary findings and recommendations to the participating courts at the end of the 5-day site visit. While some of the qualitative data will be collected during the site visit, the contractor will need to be able to address the relationship between the findings

from the attorney survey and the court's continuation practice and policy in felony proceedings.

- 3.3.4.1 Proposals should include analytics and statistical packages to be used in the analysis. Describe what analyses will be completed prior to the court site visit and what, if any, data collected on site will be included in the presentation of findings.
- 3.3.4.2 Proposals should describe the consultant's anticipated approach to presenting the findings to the participating courts, including any alternative approaches that might be utilized to address more sensitive findings.
- 3.3.4.3 Staff assigned to this task should be identified in the proposal with a description of experience in performing similar tasks.
- 3.3.5 The consultant will be asked to prepare a Report with Recommendations for each of the participating courts. The reports should include an executive summary, methodology section, findings, analysis, conclusion, and recommendations. It should be prepared with professional quality and appearance. Professional quality includes appropriate binding and use of 2 to 4 colors as necessary. A final print ready copy, including all graphics, should be submitted electronically to the AOC.

#### **4.0 RFP ATTACHMENTS**

4.1 Included as part of this RFP are the following attachments:

- 4.1.1 Attachment 1 - Administrative Rules Governing Request for Proposals. Proposers shall follow the rules, set forth in *Attachment 1, in preparation and submittal of their proposals.*
- 4.1.2 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 - Contract Terms* and include: *Exhibits A through E.*
- 4.1.3 Attachment 3 - Vendor's Acceptance of the RFP's Contract Terms. Proposers must either indicate acceptance of Contract Terms, as set forth in *Attachment 2 - Contract Terms*, or clearly identify exceptions to the Contract Terms, as set forth in this *Attachment 3.*
  - 4.1.3.1 If exceptions are identified, then proposers must also submit (i) a red-lined version of *Attachment 2 - Contract Terms*, that clearly tracks proposed changes to this attachment, and (ii) written

documentation to substantiate each such proposed change.

- 4.1.4 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, vendor's proposal must include a completed and signed *Payee Data Record Form, set forth as Attachment 4*.

## 5.0 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
- b. Professional experience with similar assignments
- c. Credentials of staff to be assigned to the project
- d. Reasonableness of cost projections
- e. Ability to meet timing requirements to complete the Project
- f. References

## 6.0 SPECIFICS OF A RESPONSIVE TECHNICAL PROPOSAL

The following information shall be included as the technical portion of the proposal:

### 6.1 Quality of work plan submitted.

#### 6.1.1 Approach:

- 6.1.1.1 Work plan is complete, addressing all deliverables, well organized, and easy to follow.
- 6.1.1.2 Work plan clearly describes valid and detailed methodologies that are reasonable and appropriate for the study, accomplishing the required project deliverables.
- 6.1.1.3 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.

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

#### 6.1.3 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.

- 6.1.4 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.
- 6.2 Professional experience with similar assignments.
  - 6.2.1 The proposal articulates specific professional experience with quantitative and qualitative data collection and analysis.
  - 6.2.2 The proposal articulates specific professional experience in the analysis of courtroom proceedings and events or transferable experience.
- 6.3 Credentials of staff to be assigned to the Project.
  - 6.3.1 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. Submit hardcopy of key staff's information in proposal as well as electronically. (See RFP: 8.0 Submissions of Proposals)
- 6.4 Reasonableness of cost projections. See below, *RFP: 7.0 Specifics of a Responsive Cost Proposal*.
- 6.5 Ability to meet timing requirements to complete the Project. Overall plan must include time estimates for completion of all work required.
  - 6.5.1 Provides a reasonable timeline to permit completion of Deliverables.
- 6.6 References.
  - 6.6.1 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 SPECIFICS OF A RESPONSIVE COST PROPOSAL**

The following information shall be included as the cost portion of the proposal:

- 7.1 Reasonableness of cost projections.
  - 7.1.1 As a separate document, submit a detailed line item budget showing total cost of the services for each of the sixteen (16) 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 and travel and lodging. Fully explain and justify all budget line items in a narrative entitled "Budget Justification."

7.1.2 The total cost for Contractor services will range between \$125,000.00 - \$175,000.00, inclusive of personnel, materials, overhead rates, travel and profit. The method of payment to the Contractor will be by cost reimbursement for each of the sixteen (16) Deliverables specified in *Attachment 2 Contract Terms, Exhibit D - Work to be Performed*.

## **8.0 SUBMISSIONS OF PROPOSALS**

- 8.1 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted in items *RFP: 6.0 Specifics of a Responsive Technical Proposal* and *RFP: 7.0 Specifics of a Responsive Cost 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 technical proposal and cost 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.

## **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***