

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID/PROPOSAL—

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
 OR AS OTHERWISE SPECIFIED**

Marie-Claude Ceppi
 NYS Office of Court Administration
 25 Beaver Street, R-840
 New York, NY 10004
 (Agency Name and Address)

Direct Inquiries to: Marie-Claude Ceppi
 Email: Mceppi@courts.state.ny.us

Price to include delivery to (describe exact location and method of delivery)

Per attached RFB/RFP Specifications

Bid Number: OCA/EC-138	Commodity Group:
Issue Date: 01/21/08	
Opening Date: February 14, 2008 Time: 3:00 PM	Commodity Name: ONLINE LEGAL EDUCATION PROGRAM

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)	Bidder's Quotation and Specific Description of Item Offered
<u>UCS ATTACHMENTS I AND III, IV AND</u> INCORPORATED HEREIN.	Respondents are to submit all required documentation and pricing in the format prescribed by the attached RFB/RFP Specifications.

NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed responses for furnishing the item(s) in this Solicitation will be received at the above address. When submitting a response, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your response deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the Solicitation Forms. The Bid/Proposal response must be completed in the name of the respondent (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE SOLICITATION NUMBER, THE OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED RESPONSE.

5. Mail the bid/proposal response to the above agency address in sufficient time for it to be received before the specified bid opening. LATE RESPONSES WILL BE REJECTED.

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

RESPONSES MUST BE SIGNED

Bidder's Firm Name		Employer's Federal Identification Number	
Address Street	City	State	Zip
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number Email Address	

DOCUMENT ENCLOSURE CHECKLIST

____ Pricing sheet - the pricing sheet **must be included** in bidder’s proposal. Failure to do so will immediately disqualify bidder’s response.

The following documents must be fully executed and included in bidder’s proposal. Failure to do so may disqualify bidder’s response:

- ____ UCS Request for Bid Form with original signature
- ____ Attachment I, p.3 - Non-Collusive Bidding Certificate
- ____ Attachment I, p.4 - Corporate Acknowledgment
- ____ Attachment III - Vendor Responsibility Questionnaire
 - ? paper questionnaire
 - ? questionnaire file online via OSC VendRep System
- ____ Attachment IV - Procurement Lobbying Forms
 - ? Disclosure of Prior Non-Responsibility Determination (UCS 420)
 - ? Affirmation of Understanding and Agreement (UCS 421)
 - ? Termination Clause (UCS 423)
- ____ List of at least three (3) references (names, contacts, addresses, phone numbers, emails)
- ____ Original bid response + five (5) complete copies
- ____ Signed Documents Enclosure Checklist

To be complete, a bidder’s bid response must include ALL the above documents. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.

Organization’s Name: _____

Authorized Officer’s Name and Title:

Signature: _____ Date: _____

PRICING SHEET

Please use an additional page if the space provided is not sufficient. Total costs must be quoted on this page.

Phase I:

Hourly rate per expert by skill/ title	x	Number of experts by skill/title	x	Number of Hours (total)	=	Cost Phase I
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____

Additional Software = \$ _____

Other Charges: _____
(Describe) _____ = \$ _____

Phase I total cost: = \$ _____

Phase II:

Hourly rate per expert by skill/ title	x	Number of experts by skill/title	x	Number of Hours (total)	=	Cost Phase II
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____

Additional Software = \$ _____

Other Charges: _____
(Describe) _____ = \$ _____

Phase II total cost: = \$ _____

Phase III:

Hourly rate per expert by skill/ title	x	Number of experts by skill/title	x	Number of Hours (total)	=	Cost Phase II
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
\$ _____	x	_____	x	_____	=	\$ _____
Additional Software					=	\$ _____
Other Charges: _____ (Describe) _____					=	\$ _____
Phase III total cost:					=	\$ <u> </u>
Grand total cost (all three phases)						\$ <u> </u>

Organization's Name _____

Authorized Officer's Name and Title _____

Signature _____ Date _____

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***** GENERAL SPECIFICATIONS *******I. The RFB/RFP Process****Note to Bidders****1. Attachment I - Standard Request for Bid Clauses & Forms, Attachment IV - Procurement Lobbying Law required forms**

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms, Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) as well as Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423) pursuant to the Procurement Lobbying Act, which must be downloaded or printed from the UCS Contract & Procurement website under "Addenda" for the appropriate solicitation, are incorporated and made a part of this solicitation.

2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (UCS) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

Bidders are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us. Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact the Unified Court System or the Office of the State Comptroller for a copy of the paper form.

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Bidders' authorized signature of the RRB/RFP Form will serve as confirmation that bidders have knowingly filed their questionnaire online.

Online RFB/RFP Package : Disclaimer:

Bidders accessing any Unified Court System/Office of Court Administration (hereafter “UCS/OCA”) solicitations and related documents from the New York State UCS website www.nycourts.gov/admin/bids under “Current Solicitations” shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

Questions:

Questions may be addressed **in writing** only, by e-mail or by fax, to:

Marie-Claude Ceppi
Management Analyst
Mceppi@courts.state.ny.us
Fax: (212) 428-2819

The **deadline** to submit questions is **January 31, 2008 at 5:00 pm**. No questions will be entertained after this deadline. All questions will be answered individually in writing and a Questions & Answers (Q&A) sheet with all the questions received and their answers will be posted on the UCS website.

IMPORTANT: All communications and questions regarding this solicitation must be directed solely to the attention of the above-designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the UCS/OCA in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder’s standing and may cause rejection of its proposal.

Bid Response/Proposal: Original and Copies:

Bidders shall submit all the following required **original RFB/RFP documents**: Bid/Proposal; Executed RFB/RFP Form; Attachment I - pages 3 and 4 of 10; Attachment III - Vendor Responsibility Questionnaire (checkmark the appropriate box for paper questionnaire or online submission in Documents Enclosure Checklist); Attachment IV - Disclosure of Prior Non-Responsibility Determinations (UCS 420) Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423), and any other required documentation, brochures, samples, etc. listed on the Document Enclosure Checklist.

Failure to provide all original documents or the failure to provide the requested number of copies may result in disqualification of a bidder’s response.

Binding Nature of Bid/Proposal on Bidders:

All bids/proposals shall remain binding on bidders until such time as the Office of Court Administration (hereafter "OCA") provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

Packaging, Identifying and Delivering of Bids/Proposals:

Bidders may **not** submit their bid/proposal responses online. All bid/proposal submissions must be securely contained in a **sealed package or carton** and **clearly labeled** on two sides as follows:

"Deliver immediately to Marie-Claude Ceppi R-840"
"Sealed bid - Do not open"
"OCA/EC-138 due February 14, 2008 at 3:00 p.m."

Bids/Proposals must be **clearly addressed and submitted** to:

Marie-Claude Ceppi
Management Analyst
NYS Office of Court Administration
25 Beaver Street, R-840
New York, NY 10004

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by February 14, 2008 at 3:00 pm at the latest or bids will be declared a "late bid" and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

No-Bids:

Bidders are requested to send a no-bid letter to OCA, Attn: Marie-Claude Ceppi, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: OCA/EC-138.

Rejected and Unacceptable Bids/Proposals:

The OCA reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, OCA may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or contract; or who have previously defaulted on any contractual obligations, (as surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York; or who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts.

References:

Each bidder must provide at least three (3) references including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar products/services at any time during the past three (3) years.

II. RFP # OCA/EC-138

Purpose and Scope:

The Office of Court Administration (hereafter “OCA”) is soliciting sealed bids for the purpose of establishing an estimated quantity term contract to develop an online educational tool designed 1) to prepare town and village justices for their work in the courts and 2) to serve as an on-going research and training tool for these justices.

Estimated Quantities:

Any quantity specified in this RFB/RFP constitutes an **estimate only** and accordingly, no commitment or guarantee to reach any specified volume of business is made or implied. Accordingly, the award shall be for an **estimated quantity term contract**.

Term of Award:

A single contract will be awarded for approximately two years, effective on or about April 1, 2008 and to be completed by March 31, 2010.

Qualifications:

Bidder shall identify the names and titles of the project manager and the team members working on this project. Bidder shall also provide a resume for the project manager as well as his or her

business address, phone and fax numbers and e-mail address.

Bidder's response must document its ongoing current experience in providing the full range of services contained in this RFP's specifications or bidder's response may be rejected.

Travel:

The awarded vendor may be expected to attend meetings with the education and training staff at the Judicial Institute in White Plains and Albany, as well as to be available to travel to the various town and village justice courts throughout the State of New York to assess the justices' and their staff's needs. Approved travel costs within New York State will be reimbursed at the state rates. No other travel charges will be reimbursed.

Pricing:

Bidders shall quote their hourly rates per expert according to his or her title/level of skill and the cost of any additional software necessary to produce the deliverables, and shall describe any other expenses. Prices shall include all services and deliverables described in these specifications. Please see the Pricing Sheet.

Method of Award:

A single contract will be awarded to the responsible bidder who will score the highest total points for the following categories:

1. Cost Max. 25 points

Lowest cost gets maximum points; next lowest cost gets a fraction of points

Formula: (lowest \$ cost/2nd lowest \$ cost, etc.) x max. points = points

Example: lowest = \$100 40 points; 2nd lowest = \$125

$$\text{\$ } 100 : \text{\$ } 125 = 0.8$$

$$0.8 \times 40 = 32$$

$$\text{Lowest} = 40 \text{ points; } 2^{\text{nd}} \text{ lowest} = 32 \text{ points}$$

2. Qualifications and Experience Max. 75 points

- a. Be New York law schools or legal educators affiliated with or in partnership with an ABA-accredited institution and having pedagogical and technical experience in the delivery of distance learning and on-line legal education 12 points
- b. Have experience in the design and technical delivery of on-line legal education to attorneys

and non-attorneys which incorporate multi-media presentations, interactive programs, webinars and classrooms materials which are capable of being downloaded, and other emerging technologies.

20 points

- c. Have expertise and/or experience with New York substantive and procedural law. 12 points
- d. Have expertise and/or experience with the New York legal system and New York State's court system and court structure. 12 points
- e. Be familiar or have experience with adult education generally, because of the range of educational backgrounds among the town and village justices. 12 points
- f. References 7 points

Total Points Max. 100 points

In addition to the evaluation criteria set forth above, bidder shall be defined as "responsible" in accordance with, but not limited to, compliance with this RFP's specifications, references, past performance history, financial stability and any other criteria necessary and reasonable to establish the bidder's responsibility.

Subcontracting:

Subcontracting of any services described in this solicitation shall be subject to the following:

1. Bidder must include with his or her bid response the identity of each proposed subcontractor, type of service(s) to be performed, length and nature of bidder's relationship with proposed subcontractor and provide any and all additional information regarding the proposed subcontractor as may be reasonable and necessary.
2. All proposed subcontractors shall be subject to the approval of OCA prior to engagement by contractor and any such approved subcontractor shall be held to the same performance standards as awarded contractor.
3. The UCS Office of Court Administration will communicate only with awarded contractor and the awarded contractor shall remain wholly liable for the performance of such subcontractor, its employees, agents, consultants, or representatives.

Insurance:

Bidder must include with its response a certificate of general liability insurance coverage in the minimum amount of \$1,000,000 for each occurrence. A copy of the Certificate of Insurance issued by bidder's carrier will be sufficient proof. This insurance coverage must be provided at no cost to the UCS and must remain in force throughout the period a contractual agreement exists with UCS.

Independent Contractor Status:

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

Compliance with Laws:

Awarded contractor must be compliant with all applicable federal, state and local laws, rules and regulations prior to and during the provision of all services under the contract resulting from this RFB/RFP.

Financial Stability:

Upon request by OCA, each bidder shall provide a copy of its financial filings as audited by a certified auditing firm for the past three consecutive years, as well as copies of the bidder's last three (3) annual reports.

Termination:

If awarded bidder fails to fulfill any term of the contract, OCA shall have the right to terminate said contract, except that OCA shall allow awarded bidder a period of thirty (30) days to rectify the problem(s), after which OCA will notify contractor in writing of contract termination should problem(s) not be rectified to OCA's satisfaction or performance deemed unsatisfactory. Termination for non performance may subject contractor to further penalties.

***** DETAILED SPECIFICATIONS *******Background:**

Town and Village Justices: Outside of the City of New York, in a system dating back to colonial times, the New York State Constitution allows for a system of town and village courts (justice courts). Throughout the State the justice courts are located in areas ranging from heavily populated suburbs adjacent to New York City to very rural, sparsely populated areas. Justice courts have criminal jurisdiction over violations and misdemeanors, and civil jurisdiction of claims up to \$3,000. As magistrates, the town and village justices hold arraignments and preliminary hearings for those charged with more serious crimes. The justice courts are distinctive in that they are the only courts for which the localities, rather than the State, bear primary responsibility for financial control, and their justices are New York's only judges who need not be lawyers. There are nearly 2,200 town and village justices sitting in over 2,100 locations throughout the vast geographic area that is New York State; these courts generate almost \$200 million in annual revenue. Seventy-two (72) percent of these justices are not lawyers. There is a broad range of educational levels, backgrounds and experience among the town and village justices. Some never finished high school; others have graduated from college and graduate or professional schools. More information on the town and village justice courts is available in the Action Plan for the Justice Courts at http://www.nycourts.gov/press/pr2006_22.shtml.

Town and Village Justices' Education:

Subjects covered include but are not limited to:

1. Basic ethical issues for judges
2. Basic constitutional issues
3. Criminal law
4. Criminal procedure
5. Search warrants (written and oral)
6. Seizure of property
7. Criminal motions
8. Pre-trial hearings
9. Domestic violence and protective orders
10. Fiscal record keeping for local courts
11. Other town & village court record keeping
12. Vehicle and traffic matters
13. DWI
14. Youthful and juvenile offenders
15. Evidence
16. Small claims
17. Summary proceedings

Experience:

Bidders shall:

- Be a New York law school or legal educator affiliated with or in partnership with an ABA-accredited institution and have experience (pedagogically and technically) in the delivery of distance learning and on-line legal education.
- Have experience in the design and technical delivery of online legal education to attorneys and non-attorneys which incorporate multi-media presentations, interactive programs, webinars and classrooms materials which are capable of being downloaded, and show an openness to innovative approaches to online learning as well as to incorporating emerging technologies.
- Have expertise and/or experience with New York substantive and procedural law.
- Have expertise and/or experience with the New York legal system and New York State's court system and court structure.
- Be familiar or have experience with adult education generally, because of the range of educational backgrounds among the town and village justices.

Requirements:

- The educational tool's content shall be written and optimized specifically for a wide-variety of "web users." This means providing users with limited Internet experience and lower grade hardware/software, a simple, easy-to-use application.
- Content recommendations must take into account the Unified Court system's technical standards for Java front-end programming with an Oracle database back-end, and the need to build the system to these technical specifications.
- Content shall be prepared and created for HTML 4.0 or higher.

Scope of Work:

The work shall proceed in three phases according to the following time frame which is flexible:

Phase I - by August 31, 2008: Review and Assessment of existing Educational Materials and Development of Overall Pedagogical Plan

- Review and analysis of existing written training materials for the town and village justices
- Attendance at live existing education and training programs
- Development of an overall specific pedagogical plan which identifies specific learning goals and objectives for both lawyer and non-lawyer justices
- Analysis of existing training materials (written and live) in order to determine how to modify and incorporate materials for maximum benefit to the on-line town and village justice.

**Phase II - By March 31, 2009 (end of fiscal year 08-09):
Development of Starter Materials and Home Study Program**

- Design of a preliminary home study program for newly elected judges to use before their first live training as well as three online courses.
- Development of a set or sets of interactive “starter materials” suitable for preliminary home study for newly elected non-lawyer judges and lawyer judges which includes, inter alia, an introduction to:
 - a) The role of the judges
 - b) Specific issues for town and village justices (personal liability, accounting responsibilities)
 - c) General introduction to the Law
 - d) Introduction to the New York Courts
- Design of an assessment and evaluation materials (testing component) to determine levels of competency as judges move through course module(s)
- Integration of programs into the technological infrastructure that will support the delivery of the on-line educational program with a testing component

Phase III - By March 21, 2010 (end of fiscal year 09-10):

- Design and development of six additional on-line courses or modules for specific subjects.