

**REQUEST FOR QUOTATION  
CASE BUDGETING DATABASE**



OFFICE OF THE CIRCUIT EXECUTIVE  
U.S. FEDERAL COURTS OF THE NINTH CIRCUIT  
RFQ: OCE17 CM1 CASEBUDGETINGDATABASE

Robert Rucker  
Contracting Officer  
U.S. Federal Courts, 9<sup>th</sup> Circuit  
95 Seventh Street, Suite 429  
San Francisco, CA 94103

## REQUEST FOR QUOTATION

RFQ NUMBER: OCE17 CM1 CASEBUDGETINGDATABASE  
REQUEST DATE: October 27, 2016  
**DEADLINE FOR QUOTES: December 2, 2016 by 10:00 A.M. (Pacific Time)**  
TO: All Interested Vendors  
RE: Development of Case Budgeting Database

**Special Notes:** This is a request for **Open Market Pricing**.

Quotes may be faxed or e-mailed to the below listed address by **November 30, 2016 no later than 10:00 AM PDT**. Hand carried quotes are to be delivered by the same date and time at 95 Seventh Street Suite 429 San Francisco, CA Attention: Robert Rucker c/o Katie Russell.

Submit a technical proposal in accordance with the attached statement of work (see Section A and B).

**A fixed price award from this RFQ will be made based on “best value.”**

Quotes and questions concerning this RFQ should be addressed to the Contracting Officer:

Robert Rucker  
C/O Katie Russell  
Office of the Circuit Executive  
U.S. Federal Courts, 9<sup>th</sup> Circuit  
95 Seventh Street, Suite 429  
San Francisco, CA 94103  
Email: "Katie Russell" <krussell@ce9.uscourts.gov>  
Phone: 415-355-8965; Fax: 415-355-8903

Sincerely,

Robert Rucker  
Contracting Officer

## **SECTION A: STATEMENT OF WORK**

### **A.1 Background:**

The Office of the Circuit Executive (OCE) for the U.S. Courts for the 9<sup>th</sup> Circuit is upgrading the programming for software associated with the Criminal Justice Act (CJA) budgets submitted by attorneys and experts for their services on behalf of federal litigation.

The Criminal Justice Act is an operation run by each U.S. District Court in the circuit with the approval of the Judicial Council of the Federal Courts of the 9<sup>th</sup> Circuit. Its main goal is to provide legal representation to any person financially unable to obtain adequate representation. In those cases, the judicial system will provide the necessary services for adequate representation including counsel, investigation, paralegals, experts and others. Before counsel can begin work on the case, he/she must procure funding from the Court to obtain the above mentioned resources. In large and complex cases, attorneys must submit a budget to the Court laying out expenditures for each phase of the case, including their own estimated hours. These planned expenditures must be approved by the judge assigned to the case before proceeding.

The attorneys submit budgets in either Excel, Word or PDF forms provided by the Court. Case Managing Attorneys (CMA) assigned to the case review the budgets and make recommendations to the judge on how funds should be allocated.

Currently, the Federal Court does not track data collected from budgeting forms. There are frequent complaints from attorneys about the usability of the forms. Consequently a “Case Budgeting Database” using Drupal was created. From this database the Court can collect budgeting data, run reports and have attorneys fill out budgeting forms online. This database is currently a work in progress.

At this point in the project the OCE is looking for a Drupal developer to enhance the current features of the site and assist in further development. The goal is to complete the project within a two month time frame.

The Office of the Circuit Executive will retain all rights of use, modification and distribution over the development software, including all source material (source code, images, design, architecture documents, etc.).

## **SECTION B: GENERAL SCOPE OF WORK**

### **B.1 Development of five (5) Budgeting Forms:**

There are a total of five (5) budgeting forms on the case budgeting Drupal site. To date, the OCE has created fields for the Mega Case Budgeting form, but the remaining forms are either in PDF or MS-Word format. The Mega Case Budgeting form has 328 fields and needs modification to decrease the number of fields. Enhanced budgeting reports will need to be developed.

## B.2 Auto-populate Feature:

Create an auto populate feature that fills in the contact information after the initial input from the submitting attorney. Once the attorney has created a username and has submitted contact information (name, address, email, etc.), that information will be stored in the data base. Subsequent logins would automatically populate certain fields with this contact information.

In addition, an auto population feature is needed to complete the standardized responses that are used on subsequent budgets (short paragraphs, dates).

▼ Confidential Case Background

The answers to the following questions are for case management and budgeting purposes only and will not be binding in any respect on substantive issues to be raised in the course of litigation. Once completed, save a copy of this form for future budget submissions. Use the TAB key to move between entries.

State Level Proceedings

1. Provide a brief description of the charges for which petitioner was sentenced to death and the procedural history up to the point the case became a federal capital habeas matter.

2. Date(s) of conviction.

3. Did (or does) either attorney represent the petitioner during any part of the state proceedings? If yes, indicate which attorney, the extent of the representation, and address whether there is a potential for a conflict of interest with the federal representation.

## B.3 Multi-step Form:

The forms being created involves multiple steps. Each step involves data that needs to be saved. The database needs the ability to save data when the attorney is moving through the various steps of the form.

## B.4 Dynamic Calculating:

Attorneys submitting a budget must forecast their hours on the case and provide a brief description as to how they will use their time. Categories are provided to assist counsel in estimating their time (see chart below). Counsel can enter "hours requested" and a "brief description of the task" to explain how they will use their time. We would also like to include an "hours approved" for Court staff to complete. The "hours requested" and "hours approved" totals will need to be tallied as they are entered and visible to the attorney and Court staff. The formula will consist of "hours requested" x "hourly rate" or "hours approved x "hourly rate". It is imperative that this calculation feature is tested and that all calculations are accurate throughout the site.

**Step 3 Attorney Hours**

Please complete the following chart containing a breakdown of attorney and associate counsel hours that you are requesting for this phase. Include lead and co-counsel hours. Only include associate hours if the hours are for an in-house associate (not an independent contractor):

TASKS	Hours Requested	Hours Approved	Brief Description
Arraignment and/or Plea	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bail and Detention Hearings	<input type="text"/>	<input type="text"/>	<input type="text"/>
Motion Hearings	<input type="text"/>	<input type="text"/>	<input type="text"/>
Trial	<input type="text"/>	<input type="text"/>	<input type="text"/>
Sentencing Hearings	<input type="text"/>	<input type="text"/>	<input type="text"/>
Revocation Hearings	<input type="text"/>	<input type="text"/>	<input type="text"/>
Appeals Court	<input type="text"/>	<input type="text"/>	<input type="text"/>
Interviews and Conferences	<input type="text"/>	<input type="text"/>	<input type="text"/>
Obtaining and Reviewing Records	<input type="text" value="25"/>	<input type="text" value="25"/>	<input type="text"/>
Legal Research and Brief Writing	<input type="text" value="60"/>	<input type="text" value="60"/>	<input type="text"/>
Travel Time	<input type="text" value="75"/>	<input type="text" value="75"/>	<input type="text"/>
Investigative and Other Work	<input type="text"/>	<input type="text"/>	<input type="text"/>
Creation of Budget	<input type="text"/>	<input type="text"/>	<input type="text"/>

GRAND TOTAL ATTORNEY HOURS REQUESTED: 135  
 GRAND TOTAL ATTORNEY HOURS APPROVED: 135  
 GRAND TOTAL AMOUNT REQUESTED FOR ATTORNEY: 0  
 GRAND TOTAL AMOUNT APPROVED FOR ATTORNEY: 0

**B.5 Field Condition Module:**

Attorneys often request the use of service providers and experts to assist on a case. Examples may include associate counsel, investigator, paralegal or psychologist. The attorney must be granted approval in advance for the use of these services. In the current database, the attorneys can select a provider from a pre-populated drop down menu. The Court would also like the ability for the attorney to upload supporting documentations (such as resume or potential contract) for the provider.

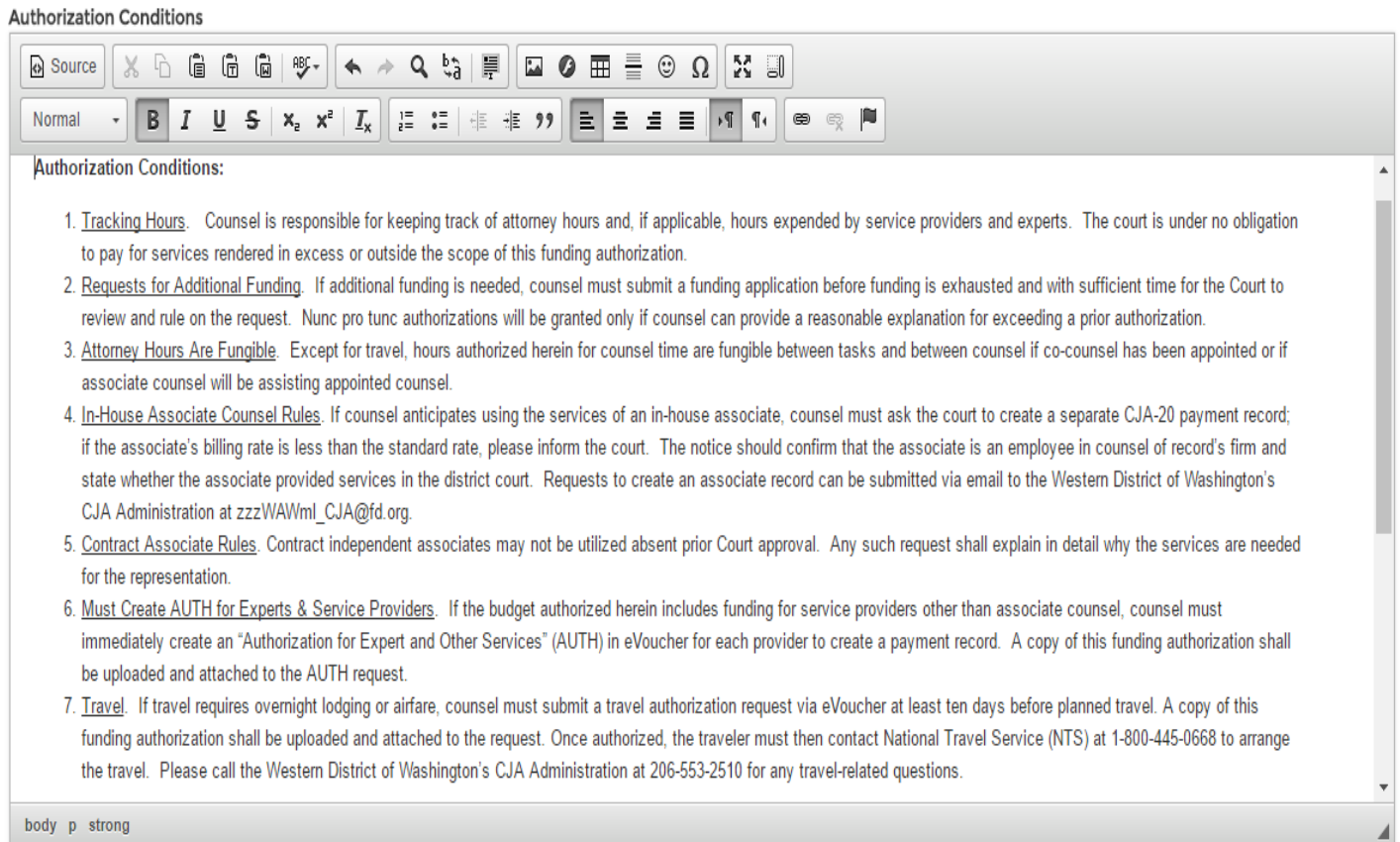
**B.6 Submission of the Form:**

Once an attorney submits a budgeting form to the site, the Court needs to be informed of the submission. The CMS or other associated Court staff reviews the submission. That staff member needs the ability to release the form back to the attorney for revisions. This ability for revisions should only be available to the attorney if returned back to them from the Court. Otherwise the attorney would not have the ability to edit once the form is submitted. Once edited to the Court reviewer’s satisfaction, the form is submitted to the judge for approval. The design of the final form needs to be professional in appearance, in PDF format and suitable for Court filing.

## B.7 Case Managing Attorney Edits:

Once the judge has reviewed the budget, the Court staff will update the “approved hours” fields throughout the form. In addition, the Court staff need to have a section to add comments and draft a “Funding Authorization” outlining the conditions of funding. This “Court Use Only” section would not be visible to the attorneys. The Court would then export the approved budget and Funding Authorization as a PDF and send it to the attorney and the Court for filing.

Authorization Conditions



The screenshot shows a rich text editor interface. At the top, there is a toolbar with various icons for editing text, including bold, italic, underline, strikethrough, text color, background color, bulleted list, numbered list, link, unlink, and help. Below the toolbar, the text area contains a list of seven numbered conditions under the heading "Authorization Conditions:". The conditions are: 1. Tracking Hours, 2. Requests for Additional Funding, 3. Attorney Hours Are Fungible, 4. In-House Associate Counsel Rules, 5. Contract Associate Rules, 6. Must Create AUTH for Experts & Service Providers, and 7. Travel. At the bottom of the editor, there is a status bar showing "body p strong" and a link that says "Switch to plain text editor".

Authorization Conditions:

1. Tracking Hours. Counsel is responsible for keeping track of attorney hours and, if applicable, hours expended by service providers and experts. The court is under no obligation to pay for services rendered in excess or outside the scope of this funding authorization.
2. Requests for Additional Funding. If additional funding is needed, counsel must submit a funding application before funding is exhausted and with sufficient time for the Court to review and rule on the request. Nunc pro tunc authorizations will be granted only if counsel can provide a reasonable explanation for exceeding a prior authorization.
3. Attorney Hours Are Fungible. Except for travel, hours authorized herein for counsel time are fungible between tasks and between counsel if co-counsel has been appointed or if associate counsel will be assisting appointed counsel.
4. In-House Associate Counsel Rules. If counsel anticipates using the services of an in-house associate, counsel must ask the court to create a separate CJA-20 payment record; if the associate's billing rate is less than the standard rate, please inform the court. The notice should confirm that the associate is an employee in counsel of record's firm and state whether the associate provided services in the district court. Requests to create an associate record can be submitted via email to the Western District of Washington's CJA Administration at zzzWAWml\_CJA@fd.org.
5. Contract Associate Rules. Contract independent associates may not be utilized absent prior Court approval. Any such request shall explain in detail why the services are needed for the representation.
6. Must Create AUTH for Experts & Service Providers. If the budget authorized herein includes funding for service providers other than associate counsel, counsel must immediately create an "Authorization for Expert and Other Services" (AUTH) in eVoucher for each provider to create a payment record. A copy of this funding authorization shall be uploaded and attached to the AUTH request.
7. Travel. If travel requires overnight lodging or airfare, counsel must submit a travel authorization request via eVoucher at least ten days before planned travel. A copy of this funding authorization shall be uploaded and attached to the request. Once authorized, the traveler must then contact National Travel Service (NTS) at 1-800-445-0668 to arrange the travel. Please call the Western District of Washington's CJA Administration at 206-553-2510 for any travel-related questions.

body p strong

[Switch to plain text editor](#)

## B.8 Searching Case Budgeting Data:

The database needs to be searchable by Court staff for elements such as case type, date, case stage, specific experts or service providers and their rates, attorney hours approved, etc. **The ability to search the data base is the most important feature of the site.** The search result views would ideally be customized depending on the type of searches. For example, a search for the hourly rate used by every psychologist in the Judicial Circuit over a 6 month period.

## B. 9 Ongoing Site Development and Flexibility:

As the nature of the cases change over time, there may be a need to change the queries for the attorneys. In addition, other federal circuits may be using the software and those circuits may have different criteria. Flexibility and the ability to edit the forms in Drupal would be critical.

## **B. 10 Project Management**

The Court will provide a Contracting Officer's Representative (COR) who shall coordinate with the vendor during the development of the site. Issues concerning content and overall subject matter will be directed to the COR. Upon completion of the development phase, the COR will review the site and make suggestions for any changes needed for purpose of content and general overall effectiveness in light of the overall goal of the website. The COR will be the liaison with other key Court staff that will provide the COR input on the website.

### **B.11 Review of Final Product**

The COR will arrange for the review of the final product with the other key Court staff for overall approval. If the product is not acceptable, the COR will inform the vendor of the specific areas of dissatisfaction and work with the vendor to make adjustments to the Court's satisfaction.

## **SECTION C: SERVICE PRICE/COSTS**

### **C.1 Pricing Overview:**

Offerors are requested to submit price proposals. The proposed price shall include all related expenses should be clearly identified in the pricing forms. The U.S. Federal Courts are exempt from state sales taxes.

## **SECTION D: DELIVERIES OR PERMORMANCE**

The delivery schedule is:

### **Desired Delivery Schedule - 60 days after contract award**

If the Offerors unable to meet the desired delivery schedule, it may, without prejudicing evaluation of its offer, propose a delivery schedule below. However the Offeror's proposed delivery schedule shall not extend the delivery period beyond the time for delivery in the Court's required delivery schedule as follows:

### **Required Delivery Schedule – 90 calendar days after contract award**

If the Offeror proposes no other delivery schedule, the desire delivery schedule above will apply. If an alternative schedule is proposed. Please describe specifically with either of the following:

Offeror's Proposed Delivery Schedule (Offeror Insert Specific Details):

Within Applicable Specified Time Frame (i.e. number of calendar days after award, after contract start date, etc.)

## **SECTION E: CONTRACT ADMINISTRATION DATA**

### **E.1 Invoice Contract Information:**

Contractor shall invoice monthly. The main point of contact for billing matters will be the Contracting Officer (CO).

### **E.2 Contract Administration and Contract Modifications:**

The Contracting Officer and the COR will be the judiciary's primary points of contact during the performance of the contract. The CO is responsible for the administration of this contract.

Upon award, a COR will be responsible for coordinating the technical aspects of this contract and inspecting products/services. The COR will not be authorized to change any terms and conditions of the resultant contract, including price.

In no event will any understanding or agreement, contract modification, change order, or other matter in deviation from the terms of this contract between the contractor and a person other than the CO be effective or binding upon the Court. All such actions shall be formalized by a proper contractual document executed by the CO.

## **SECTION F: PROPOSAL SUBMISSION**

### **F.1 Submission Address and Due Date:**

Proposals are due no later than 10:00AM Pacific Time, December 2, 2016. Proposals shall be submitted to the Contracting Officer listed on Page 1 of this document.

### **F.2 Inquires:**

The individual responsible for supplying additional information and answering questions concerning this solicitation is the Contracting Officer. All questions and clarifications shall be submitted in writing via e-mail or hard copy by 2:00 PM Pacific Time November 23, 2016.

### **F.3 Proposal Submission**

The Offeror is responsible for any and all expenses related to the preparation and submission of a proposal in response to this solicitation. The Court shall incur no obligation except pursuant to the execution of a contract by the Court and the successful Offeror (Contractor).

#### **F.3.1 Pricing Schedule:**

Offerors are required to submit a pricing schedule for each phase of development, including all of the resources necessary to complete the project. The pricing schedule may be submitted in the offeror's own format but shall include all information specified herein.



### **F.3.2. Technical Response:**

Technical Response shall be used to determine the technical acceptability of the Offeror/contractor with regards to its understanding, acceptance, and compliance with the requirements and specifications set forth in the Statement of Work. This response will also be used to evaluate Technical Excellence of the proposed solution.

The Offeror shall provide background of their company and its experience providing Drupal development services required in the RFQ. If a firm intends to have services provided by other contractors or consultants, the firm submitting the proposal will require to act as the prime contractor for all service delivery as specified in the RFQ.

- Total number of years in business, years supplying this type of services, general scope of services provided and general areas of expertise.
- Samples of similar work that was created by the firm or by the principals.
- References from prior clients.
- Any other information that would be relevant to the project.

## **SECTION G: EVALUATION FACTORS FOR AWARD**

### **G.1 Evaluation – General:**

The Court reserves the right to award the contract based on the initial proposal submission, without discussions or negotiations of such proposals. The contract award will be made to the Offeror whose proposal is determined to be most advantageous to the Court, price and other factors considered, in accordance with the requirements stated below.

The evaluation will be conducted using the evaluation criteria set forth in this section. The Court reserves the right to request proposal clarifications or revisions at any time as may be determined to be in the Court's best interest. Each initial offer should contain the Offeror's best terms form a price and technical standpoint. Proposal clarification/revision requests may be issued which encompass any and all written documentation submitted in response to the solicitation as may be deemed necessary by the Contracting Officer, to fully explore and evaluate the merits of proposals submitted. The Court reserves the right to conduct discussions, if later determined to be necessary, with Offerors making the competitive range (i.e., the most highly rated proposals, unless the range is further reduced for the purposes of efficiency).

### **G. 2 Technical Excellence:**

The Technical Excellence of each Offeror's proposal will be evaluated to determine which proposal offers the best technical value to the Court. The Court will evaluate each Offeror's response to the technical requirements. Those requirements were outlined in Section F.3.2 of

this document. They include: total number of years in business, years supplying this type of services, general scope of services provided and general areas of expertise. Review of samples of similar work that was created by the firm or by the principals will be reviewed. Other information supplied by the Offeror will be reviewed and analyzed.

The Court will also evaluate Technical Documentation submitted by the Offeror, if any. The evaluation will consist of an assessment of the degree to which the facilities and services offered in the proposal provide added value, added capability, and/or reduced risk.

Technical Excellence will be evaluated to determine the Offeror's capability to perform the requirements of this solicitation. The proposal will be reviewed for appropriateness specific to the project. Knowledge and experience of the medium, the ability to produce a viable product, the ability to meet contractual schedules within proposed prices and background knowledge of the subject matter will all be elements of the final evaluation.

Criteria regarding security must limit the search to those firms or individuals based in the United States.

### **G.3 Evaluation Classifications:**

The evaluation assessment will be depicted by narrative and an overall score for each Offeror's proposal based on the following:

Excellent – Enhanced value and/or capability that is of significant benefit to the Court and/or is of very low risk.

Very Good – High value and/or capability that are of benefit to the Court and/or are of low risk.

Acceptable – Satisfactory value and/or capability to the Court and/or is of moderate risk.

Marginal – Marginal value and/or capability to the Court and/or is of high risk.

Poor – Reduced value and/or capability to the Court and/or is of unacceptably high risk.

### **G.4 Evaluation of Information from Other Sources:**

The Court reserves the right to utilize all information available at the time of evaluations. The Court may rely on information made available through reference checks, information available through commercial sources, and information publicly available (such as articles contained in periodicals). If information obtained through sources outside of the Offeror substantially disagrees with the Offeror's response, the Offeror will be given an opportunity to address the inconsistencies during discussions and negotiations. Recent and current customers of the Offeror may be contacted to determine satisfaction with the Offeror's capabilities and performance.

### **G.5 Price Evaluation:**

Offeror's proposed prices will be evaluated for reasonableness. Proposals containing unrealistic prices will not be considered for award.

## **SECTION H: AWARD OF THE CONTRACT**

### **H.1 Contract Award**

The Court intends to award a single contract resulting from this solicitation. Contract award will be made to the responsible Offeror whose proposal represents the best overall value to the Court, given the outcome of the Court's evaluation of each Offeror's technical excellence and proposed price. In selecting the best overall value, the Court will consider the quality offered for the evaluated price. The relative quality of offers will be based upon the Court's assessment of the tradeoffs between the technical excellence offered in the Offeror's proposal and whether it provides added value.

### **H.2 Technical Excellence and Price Evaluations:**

Technical excellence is considered to be more important than price. Although price/cost is considered secondary, it will be a significant criterion for award as part of an integrated assessment with the technical excellence factors. The importance of price will increase as the technical merits of the Offerors' proposals become more equal. Among proposals that are substantially equal in technical merit, price may become the determinative factor for award.

The proposal offering the Court the "best value" with technical excellence and price factors considered, will be recommended for contract award. The contract may be awarded to another contractor other than the Offeror with the lowest price or the highest technical and management rating.

### **H.3 Court Option:**

The Court reserves the right to make no award pursuant to the solicitation.

## **REQUIRED PROVISIONS AND CLAUSES FOR ALL OPEN MARKET SMALL PURCHASES**

  X   Provision B-1, Solicitation Provisions Incorporated by Reference (SEP 2010)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the contracting officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by

paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address: <http://www.uscourts.gov/procurement.aspx>.

(end)

### **Solicitation Provisions Incorporated by Reference**

Provision 2-70 Site Visit (JAN 2003)

Provision 2-85A Evaluation Inclusive of Options (JAN 2003)

Provision 3-135 Single or Multiple Awards (JAN 2003)

### **Additional Solicitation Provisions**

Provision 4-1, Type of Contract (JAN 2003)

The judiciary plans to award a best value type of contract under this solicitation, and all offers shall be submitted on this basis. Alternate offers based on other contract types will not be considered.

(end)

Provision 3-5, Taxpayer Identification and Other Offeror Information (APR 2011)

(a) *Definitions.*

“Taxpayer Identification (TIN),” as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a social security number or an employer identification number.

(b) All offerors shall submit the information required in paragraphs (d) and (e) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the government to collect and report on any delinquent amounts arising out of the offeror's relationship with the government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to payment recording requirements, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(d) *Taxpayer Identification Number (TIN):* \_\_\_\_\_

TIN has been applied for.

TIN is not required, because:

Offeror is a nonresident alien, foreign corporation or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

Offeror is an agency or instrumentality of a foreign government;

Offeror is an agency or instrumentality of the federal government.

(e) *Type of organization:*

sole proprietorship;

partnership;

corporate entity (not tax-exempt);

corporate entity (tax-exempt);

government entity (federal, state or local);

- foreign government;
- international organization per 26 CFR 1.6049-4;
- other \_\_\_\_\_.

(f) *Contractor representations.*

The offeror represents as part of its offer that it is , is not,  51% owned and the management and daily operations are controlled by one or more members of the selected socio-economic group(s) below:

- Women Owned Business
- Minority Owned Business (if selected, then one sub-type is required)
  - Black American
  - Hispanic American
  - Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians)
  - Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru)
  - Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal)
  - Individual/concern, other than one of the preceding.

(end)