

SUPREME COURT OF APPEALS OF WEST VIRGINIA

REQUEST FOR PROPOSALS

West Virginia Judicial Branch Strategic Plan Consultant Services



The Supreme Court of Appeals of West Virginia (“SCAWV”) seeks proposals from qualified, experienced vendors to provide professional strategic planning consulting services. The chosen vendor will facilitate a planning process to create a multi-year strategic plan for the West Virginia judicial branch of government.

SCAWV reserves the right to accept the proposal based on criteria other than the lowest bid. Details are included in the following pages.

REQUEST FOR PROPOSALS ISSUED OCTOBER 25, 2022

PROPOSAL RESPONSES DUE NOVEMBER 30, 2022

**SUPREME COURT OF APPEALS OF WEST VIRGINIA (“SCAWV”)
REQUEST FOR PROPOSALS (“RFP”)**

**WEST VIRGINIA JUDICIAL BRANCH STRATEGIC PLAN
Strategic Plan Consulting Services**

SCHEDULE OF SELECTION PROCESS

RFP Release Date:	October 25, 2022
Deadline for Vendor Questions:	November 14, 2022 Direct any communication or questions to RFP@courtswv.gov .
Proposal Due Date:	November 28, 2022 — November 30, 2022
Award Date (projected):	December 28, 2022
Project Commencement Date:	Upon award and execution of the requisite contract.

SUBMISSION OF PROPOSALS

Prospective awardees must submit complete proposal documents within the above-stated timeframe. Late submissions will not be accepted. SCAWV reserves the right to alter specifications prior to the proposal due date by issuing an addendum to vendors. If necessary, SCAWV will extend additional time to comply with the specifications.

Preferred Method of Submission:	Electronic with documents submitted in a Portable Document Format (PDF) to RFP@courtswv.gov . Vendors are required to provide a link to large file transfers.
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PROJECT OBJECTIVES

The finished product (hereinafter “Project Deliverable”) is a written strategic plan for the West Virginia judicial system that

1. Includes a thorough analysis of the state court system’s strengths, weaknesses, and opportunities for improvement. The analysis may include the use of surveys, public meetings, focus groups, and individual interviews.
2. Sets core values underpinning the court system’s constitutional mission: “The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.” W. Va. Constitution Article 3, Section 17.
3. Sets actionable short-term and long-term goals and specific objectives to reach those goals.
4. Assigns each objective to an Administrative Office division or specific level of the court system.
5. Sets timeframes for achieving each objective.
6. Establishes objective indicators of success, performance measures, and/or interim benchmarks to track progress on each objective.

AWARD PROCESS

The consultant should have specific and demonstrated experience, knowledge, and expertise in developing strategic plans for statewide judicial systems. All interested vendors shall have sufficient, readily available resources in the form of trained personnel, support services, and financial resources to carry out the work without delay or shortcomings.

Interested vendors should not attempt to contact any staff or officials within the West Virginia judicial system directly. Following the conclusion of the open question period, SCAWV will share all questions and answers to any interested vendor. To request receipt of these questions and answers, or to be included on all future announcements and updates, please submit an email to RFP@courtswv.gov with the subject line "Strategic Plan Distribution List."

SCAWV will subject all proposals to thorough review based upon completeness, cost-effectiveness, knowledge base of responsible person(s), and projected quality of deliverables.

EVALUATION CRITERIA FOR SELECTION OF FINALISTS

SCAWV may select multiple bidders from the RFP responses for further evaluation. The short list will be selected by evaluating the vendor's response covering criteria outlined within this RFP. Additional discovery may be performed to assist in selecting the short-listed vendors. SCAWV reserves the right to withhold notice of the selection of short-listed vendors. SCAWV may also forego awarding a contract.

Proposals will be evaluated on the following criteria:

- a) Responsiveness to the RFP;
- b) Experience, qualifications, and performance history of the vendor (and assigned individuals) with developing and carrying out a process that leads to the establishment of a multi-year strategic plan for the West Virginia judicial branch of government;
- c) Satisfaction of previous clients; and
- d) Fee proposal.

The proposal must encompass the complete scope of the Project Deliverable.

INTERVIEWS AND/OR SITE VISITS

Vendors may be asked to produce additional information and/or submit to an interview process. SCAWV will further evaluate vendor's solutions through an in-person or online meeting. Key personnel from short-listed vendors should be prepared to discuss their qualifications, portfolio, and experience with previous collaborative projects. Interviews will begin with an opportunity for vendors to present their proposal and team. The short-listed vendors will be further evaluated based on the results of reference checks and additional discovery.

Please note that interviews/virtual demonstrations for short-listed vendors may be conducted in December 2022. Specific days and times for each short-listed vendor will be determined later, but vendors should be prepared to participate in interviews/virtual demonstrations.

FINAL SELECTION

The final selection of a successful proposal is subject to the recommendation of the selection committee and SCAWV. SCAWV will notify the responsible party of the successful proposal and post the results of the award process on its website, which shall serve as notice concerning the process to all those submitting proposals.

CONTRACT NEGOTIATIONS

Upon approval of the finalist, contract negotiations will be initiated. The final negotiated contract, along with the best and final offer, will be submitted to the Justices of SCAWV for review and approval.

The person and/or entity submitting the successful proposal **shall** be required to enter a contract with SCAWV that complies with or incorporates the conditions as outlined in [W. Va. Code § 5A-3-62](#).

The contract will reference all details concerning payment, quality, and other relevant terms and conditions of the engagement, such as insurance coverage requirements. This is a work-for-hire project, meaning that SCAWV owns all Project Deliverable in entirety. Work on the Project Deliverable shall not commence until the contract has been executed by SCAWV and the vendor submitting the successful proposal.

SCOPE OF SERVICES

SCAWV seeks a qualified, experienced vendor to provide professional strategic planning consulting services. The project will include the design and execution of a strategic planning process that meets the criteria outlined in this RFP, including project management, facilitation, budget implementation, and support structure for plan implementation. The goal is to release the multi-year strategic plan in 2023.

SCAWV envisions the scope of work to be completed in three stages.

Stage 1: Preparation & Assessment

This stage requires the consultant to research and report on the following in preparation for the strategic planning process:

- Review West Virginia court system's history and overall organization to evaluate opportunities and/or challenges.
- Conduct interviews, surveys, public meetings, and focus groups to receive input from the judiciary, the West Virginia Bar, court system staff, and the public.
- Compile the results of the interviews, surveys, public meetings, and focus groups to identify recurring themes.

Stage 2: Strategic Plan Creation

At this stage, the consultant will share the themes and collaborate with SCAWV and its designated Strategic Planning Committee to identify strategic goals and to begin drafting an actionable, written strategic plan. The plan (Project Deliverable) should include, but not be limited to, the following:

- An executive summary;
- Mission and vision;
- Proposed priorities, innovative strategies, collaborative approaches, etc.;
- SMART (specific, measurable, achievable, realistic, and time-limited) goals;
- Objectives and tactics;

- Early action items to demonstrate progress, create momentum, and buy-in;
- List of responsible parties and roles;
- Metrics and measurable outcomes;
- Recommendations for enhancement of current facilities and technological and human capacity; and
- Communication strategies.

Stage 3: Feedback and Review

This stage involves presenting drafts of the Project Deliverable to the Strategic Planning Committee and SCAWV. Relevant dates for committee and court presentations will be established in the contract between SCAWV and the vendor.

The Strategic Planning Committee shall review the submitted Project Deliverable to ensure that it meets project specifications. After review by SCAWV, the Project Deliverable may be released for public comment to allow the bench, the State Bar, and the public to view and make suggestions. SCAWV will make final decisions on the wording of the Project Deliverable.

Vendors must have extensive experience in the following:

▪	Developing a strategic planning process and strategic plans for judicial systems;
▪	Overall project coordination;
▪	Facilitating large and small group discussions and individual interviews;
▪	Standard evaluation, research and/or investigation methodologies, practices, and procedures; and
▪	Keeping a planning process on track.

In determining and evaluating the best proposal, cost will not necessarily be the controlling factor but quality, efficiency, utility, delivery, suitability of the services offered, and the reputation of the vendor’s services in general will also be considered with any other relevant factors.

COMPENSATION AWARD DETAILS

Any specific funding requirements should be included in the proposal.

No aspect of the project will be considered complete until SCAWV approves the Project Deliverable. SCAWV will issue final payment no later than 60 days from the date the entity responsible for the successful proposal submits the Project Deliverable in finished form, along with the invoice for all work performed. If the Strategic Planning Committee and SCAWV do not consider the Project Deliverable to meet the standards of the Request for Proposals and contract, the resolution processes detailed in the contract shall apply, and SCAWV will tender payment only when the committee considers the Project Deliverable work product as acceptable. While the determination has an element of subjectivity, the Project Deliverable shall be judged against all the requirements of the RFP and budgetary compliance.

PROPOSAL COMPONENTS AND PROJECT DELIVERABLE REQUIREMENTS

All proposals submitted in response to this RFP must be concise, well organized, and consecutively numbered on each page. They should also demonstrate the vendor’s qualifications by including the following information (using the following outline structure) for the submission to be deemed complete.

1. **Table of Contents:** A table of contents of the material contained in the proposal.

2.	<p><u>Narrative Discussion:</u> A narrative discussion as to why the entity responsible for the proposal is the best choice for the project, including a recitation of prior experience and qualifications in producing similar finished products and what will make the vendor a good fit for work for SCAWV.</p> <ul style="list-style-type: none"> a. Include resumes of key personnel who will be performing services for SCAWV. Specifically, define the role of each person and outline their individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the project. Indicate availability to provide the services. b. Describe vendor’s approach to quality control/assurance procedures. c. Discuss vendor’s ability to meet schedules for projects and how vendor has successfully handled potential delays.
3.	<p><u>Portfolio of Work:</u> Identify similar projects completed by vendor in the past five years. Limit response to no more than the five MOST RECENT projects. Include the following information for each project:</p> <ul style="list-style-type: none"> a. Name of project and client; b. Scope of projects/description of services provided; c. Contact person and telephone number for person overseeing the project; d. Firm person in charge of each project; e. Dollar value of each project; and f. Litigation arising from past projects, if applicable. g. Additional Information: This may include letters of reference or testimonials.
4.	<p><u>Step-by-Step Plan:</u> A step-by-step plan with corresponding timeframes for completion of the Project Deliverable.</p>
5.	<p><u>Projected Budget:</u> A projected budget for completion of the Project Deliverable, including lump sum fees and a fee schedule for the types of services offered. Identify all fees, costs, or expenses for which vendor will be seeking compensation. If referencing basic services costs, include typical staffing expectations and variations that SCAWV could expect for specific types of projects, if applicable.</p> <p>Please also provide detailed information on your billing practices (i.e., lump sum, percentage-based, other), including reimbursable cost categories and hourly billing rates by position for additional services.</p>
<p>The person and/or entity responsible for the successful proposal and submission of the Project Deliverable must represent that SCAWV unequivocally owns the Project Deliverable in every respect and that the Project Deliverable does not violate the intellectual property rights of any third party. Other details concerning the engagement will be included in the contract governing the terms and conditions of the project.</p>	

THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Equal Opportunity Employer: This RFP is undertaken on behalf of SCAWV, a unified court system and the highest appellate court in the state. SCAWV is committed to access to justice to all citizens of the State of West Virginia and is an affirmative action-equal employment opportunity employer.

Contracting and Award: SCAWV reserves the right to contract with any entity responding to this RFP, to reject any proposal, and not to contract with any vendor for the services described herein. SCAWV makes no representation that participation in the RFP process will lead to an award of contract or any consideration whatsoever. SCAWV reserves the right to seek proposals from or to contract with any vendor not participating in this process. SCAWV reserves the right to issue single or multiple contracts with one or more vendors. SCAWV also reserves the right to accept the proposal that appears to be in the best interest of SCAWV.

Note: The successful vendor must enter a contract that complies with or incorporates [W. Va. Code § 5A-3-62](#). Additionally, the final contract will include a copy of the vendor's proposal and timeline. Proposals should include a statement indicating the vendor's willingness/ability to accept the terms outlined in this RFP "as is," including proposed insurance requirements and acknowledgement that the vendor's proposal and responses will be included as part of the contract terms or detailing the reasons why they are not willing or able to do so.

The successful vendor shall not commence work under the terms and conditions of the contract until the vendor has received an executed copy of the contract from SCAWV.

By submitting a proposal, the vendor confirms the ability to acquire and maintain the required levels of insurance in accordance with industry standards and will produce documentation upon request.

Costs: SCAWV shall in no event be responsible for the cost of preparing any proposal in response to this RFP. All costs for preparing and submitting proposals, including travel, demonstrations, and labor in response to this RFP are the responsibility of the vendor and will not be chargeable in any manner to SCAWV.

Public Records: Proposals will become the property of SCAWV and subject to the West Virginia Freedom of Information Act, W. Va. Code § 29B-1-1, *et seq.* (the "Act"). The vendor shall label documents, or portions of documents, that it deems to contain confidential or trade secret information as "Confidential" or "Trade Secret" under the Act. The parties acknowledge that confidential information which falls under any recognized exemptions to the Act, or any federal or state freedom of information act request, shall be withheld accordingly, subject to any order from a court of competent jurisdiction. SCAWV shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of SCAWV. A vendor that indiscriminately identifies all or most of its response as exempt from disclosure under the Act, without justification, may be deemed as nonresponsive to the requirements of the bid. In the event SCAWV is required to defend an action on a public records act request for withholding any of the contents of a response marked "Confidential" or "Trade Secret," the vendor agrees, by submission of its bid, to defend and indemnify

SCAWV from all costs and expenses, including attorneys' fees, in any action or liability arising under the Act or any other law.