

# SUPREME COURT OF NEBRASKA

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## ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

**Janice K. Walker**  
*State Court Administrator*

**Ellen Fabian Brokofsky**  
*State Probation Administrator*

## REQUEST FOR PROPOSAL (RFP)

### Evaluating Nebraska's Parenting Act: Making a difference for children and families

Sponsored by  
Office of Dispute Resolution & Special Court Programs  
Nebraska Administrative Office of the Courts  
State Capitol, Lincoln, NE 68509  
[www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

#### Key Dates and Times:

**Date of Release:** May 31, 2013

**Optional Bidders' Conference Call:** June 21, 2013; 1:00 PM CDT. Call in number: 1-888-820-1398. Pass code: 691 0245#.

**Mandatory Letter of Intent Due:** July 10, 2013; 5:00 P.M. CDT via postal mail at the address below or via email to [debora.brownyard@nebraska.gov](mailto:debora.brownyard@nebraska.gov)

**Bids Due:** July 31, 2013; 5:00 P.M. CDT (must be received by this time/date)

*Via Postal Mail (1 original and 9 copies)*

Office of Dispute Resolution  
Nebraska Administrative Office of the Courts  
P. O. Box 98910  
Lincoln, NE 68509-8910

**Plus** one email copy (pdf format) to [debora.brownyard@nebraska.gov](mailto:debora.brownyard@nebraska.gov)

Requests for reasonable accommodations needed in order to participate in the process described in this RFP may be directed to the State Court Administrator's Office, State Capitol, Lincoln, NE; phone 402-471-3730.

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## Section 1.0: COVER SHEET AND SPECIFICATIONS

### **1.1 PROPOSAL COVER SHEET**

Each proposal to this RFP shall be accompanied by a cover sheet on the form which immediately follows this page. This cover sheet demonstrates that the bidder agrees to be bound by, and that its proposal is subject to, the terms of this RFP and any addenda that may supplement or amend this RFP.

**PROPOSAL COVER SHEET**

Office of Dispute Resolution  
Nebraska State Court Administrator’s Office  
P. O. Box 98910  
Lincoln, NE 68509-8910

**PROPOSAL IN RESPONSE TO RFP**

The undersigned authorized officer of the bidder firm represents that the bidder has carefully examined the specifications and conditions contained in the RFP. The bidder fully understands the type and quality of the product(s) and/or service(s) sought by the Office of Dispute Resolution/Nebraska State Court Administrator’s Office (ODR/AOC) and hereby proposes to supply such at the prices stated and in accordance with the Proposal accompanying this cover sheet. The bidder acknowledges its receipt of addenda numbered 1 and 2 and further agrees that the provisions of such addenda, as well as those of the RFP, are fully incorporated into bidder’s Proposal, unless otherwise clearly stated to the contrary in the Proposal. Proposals containing exceptions to RFP provisions may not be favorably received. The bidder acknowledges that all information collected, instruments developed, and reports prepared for and submitted to the ODR/AOC become the ODR/AOC’s property. Any use of these materials by the contractor for reasons separate from completion of contract requirements, during or subsequent to the contract period, may be done only with the written permission of the ODR/AOC. The bidder represents and warrants that the proposal submitted is not the result of collusion with other eligible bidders, with any employee of the AOC/ODR and no effort has been made to preclude the ODR/AOC from obtaining the most advantageous response possible to this RFP.

Except where a written signature is required, please type or clearly print the following:

BIDDER: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_  
          Authorized Signature

Signing Officer’s Name and Title: \_\_\_\_\_

Correspondence to the bidder with respect to this RFP may be directed to:

Name \_\_\_\_\_ Phone # \_\_\_\_\_  
Title \_\_\_\_\_ FAX # \_\_\_\_\_  
Address \_\_\_\_\_ E-mail \_\_\_\_\_  
\_\_\_\_\_

## 1.2 SPECIFICATIONS

The Nebraska Office of Dispute Resolution/Administrative Office of the Courts (“ODR/AOC”) invites proposals from qualified bidders to provide the services described below. If the bid process is successful, the Nebraska Administrative Office of the Courts will enter into a contract with the successful bidder for the product or service.

The specifications and requirements listed in this RFP are the minimal standards by which proposals will be judged.

Each Proposal shall provide the information requested or indicate consent to the requirement described. The submitted proposal should be numbered so that responses in the Proposal correspond to the number of the items below.

## 1.3 HISTORY AND BACKGROUND OF BIDDER

- Describe your company, the nature of its legal entity (e.g., a corporation, a limited partnership, a public entity, etc.), its size and locations, and number of employees. Confirm that your company is qualified to do business in Nebraska.
- Demonstrated financial ability and stability to ensure performance under any contract awarded is of extreme importance to the evaluation of the proposals. Without stating specific reasons, ODR/AOC may reject or refuse to further evaluate any proposal based on the exercise of its judgment in its sole discretion that the financial position presented in a proposal lacks the qualities that ODR/AOC deems necessary to the success of the project. The bidder can demonstrate financial ability and stability by providing ODR/AOC with audited financial statements and that of any parent or holding company for the three most recent fiscal years or by providing other information or guaranties, which in the discretion of ODR/AOC meet its concerns regarding financial stability
- Identify any litigation or claim brought against your company within the last seven years, which might reflect adversely on your company’s professional image or ability in relation to providing the goods or services sought under this RFP.
- Is your company currently for sale or involved in any transaction to expand or to become acquired by or merged with another organization? If so, please explain. Has your company been involved in any reorganization, acquisition or merger within the last two years? If so, please explain.

## 1.4. DESCRIPTION OF THE SERVICES SOUGHT

### 1.4.1 Purpose

This Request for Proposals is to provide an evaluation of one or more of the Parenting Act components described in the attached Parenting Act Evaluation Protocol (Protocol). One or more bidders may be selected to conduct all or individual components of the Protocol.

### 1.4.2 Situation Overview.

Nebraska's Parenting Act has its unequivocal focus on the best interests of the child. Eschewing to favor either "mothers' rights" or "fathers' rights," the Act puts children at the center instead of in the middle. With the best interests of children standard at the core of the Act, issues of safety and consistency are explicitly addressed in a way not previously seen in statute.

In an effort to respond to increasing family court caseloads, the negative impact of interparental conflict and the adversarial system upon children, and to focus on the best interests of children post separation and divorce, several jurisdictions have developed national and state-wide legislative reforms to put the children at the center instead of the middle of parental disputes. In 2007, the Nebraska Legislature passed and the Governor signed into law Nebraska's Parenting Act which emphasized the best interests of children as the basis by which child custody and parenting time disputes are resolved. The Parenting Act specifically requires the court to provide notice to parents who are involved in court proceedings in which parenting functions for a child are at issue (custody, parenting time, visitation, access to children matters) that: 1) a parenting plan is required in all cases; 2) attendance at a parenting education class is required and a certificate of attendance must be filed with the court; 3) attendance at mediation is required where courts shall order parents to try mediation or specialized alternative dispute resolution if a parenting plan has not been submitted by the time specified by court rule.

The Parenting Act:

- emphasizes the "best interests of the child" standard as the basis by which child custody and parenting time issues are resolved and establishes best interest requirements;
- provides statutory definitions of the terms: legal custody, joint legal custody, physical custody, joint physical custody, domestic intimate partner abuse, emotional and economic abuse, parenting functions, and unresolved parental conflict;
- recognizes the importance of maintaining parent-child relationships while at the same time protecting parent and child victims of child abuse, neglect, and domestic intimate partner abuse;
- requires the court to provide a parenting information brochure to each party in a divorce or separation with children;
- requires the court to review or develop parenting plans for all parenting, custody, visitation, and access to children matters;

- requires parents involved in custody and parenting time cases to attend a parenting education course unless waived by the court;
- requires parties in contested proceedings for temporary orders involving parenting functions to offer a child information affidavit as an exhibit at the temporary hearing;
- provides child of military parents continued access during military mobilization or deployment;
- encourages the voluntary use of mediation to create parenting plans;
- requires parenting mediators to conduct an individual private session (IPS) for every parent prior to determining whether or not it is appropriate to proceed in joint session mediation or to proceed in a form of specialized alternative dispute resolution;
- requires parenting mediators to include within the IPS a screening of each party for domestic intimate partner abuse, child abuse, or unresolved parental conflict and assess the ability of parents to negotiate safely and effectively;
- requires the trial court to order mediation before trial in contested custody or parenting cases unless waived after an evidentiary hearing;
- provides for specialized alternative dispute resolution (SADR) for parents in high conflict or domestic abuse relationships;
- establishes requirements for training, qualifications and standards of practice for mediators.

#### 1.4.3 Scope of the Evaluation Study

The proposed evaluation is to collect information regarding Nebraska's Parenting Act. The program evaluation protocol will include an implementation, process and outcome-based evaluation plan. The implementation evaluation is designed to describe features of the program as intended in the development of the program. Process evaluation will assess program features in terms of the adherence to best practice principles and the activities set out in the logic model. The outcome evaluation will provide information about the impact of the Parenting Act.

Program evaluation uses scientific research methods to plan intervention programs; to monitor the implementation of new programs and the operation of existing ones; and to determine how effectively programs or clinical practices achieve their goals (Monette et al., 1998). Its purpose is to assess and improve the conceptualization, design, planning, administrative, implementation, effectiveness, efficiency, and utility of social interventions and human service programs (Rossi & Freeman, 1993), and it applies to both quantitative and qualitative designs and methods.

The type of data collected should capture the timing and outcomes of key events, such as the date of referral of services (e.g. parent education, mediation, SADR), whether these services were held, the date of the services, whether any agreements were reached regarding the parenting plan, and the types of issues that were resolved (or unresolved). The program's information system should be designed to permit the monitoring of cases as well as the evaluation of services both in the short-run (e.g., the rate of settlement, the number of days from referral to resolution

for both successfully and unsuccessful cases) and in the long run, for example: the rate of compliance and the rate of relitigation (Center for Conflict Resolution, 2005).

## 1.5      GENERAL APPROACH

### 1.5.1 Summary

Considerations for the Parenting Act Evaluation Strategy were based on key indicators of effectiveness and efficiency of the Act in meeting its objectives and mandate. For each issue a set of key questions were identified along with the specified indicators and data source for the questions. Key questions that guided the Nebraska Parenting Act Evaluation Strategy, included:

- Relevance: Is Nebraska's Parenting Act relevant to the operation of the justice system in Nebraska?
- Program Implementation: How has the Parenting Act been implemented with reference to the original objectives and design?
- Costs and Productivity: What are the costs of delivering the services directed within the Nebraska Parenting Act?
- Program Administration and Operation: Are the services as directed by the Parenting Act administered and operating satisfactorily from the viewpoint of clients and stakeholders?
- Impact: What impact has the Parenting Act had on the families, legal and physical custody decisions, parenting time, courts and stakeholders engaged in parenting matters in Nebraska?

The evaluation design to assess selected process and outcome variables includes a mixed-method design to evaluate both overall effectiveness of Nebraska's Parenting Act as well as the effectiveness of the various components. The purpose of providing a blueprint of the overall evaluation design across the various components is to provide guidance for choosing evaluation methods that best fit the evaluation of the various components and to provide guidance regarding the methodological considerations for developing an evaluation design to explore the overall Parenting Act and the services as directed by the Act.

True to the collaborative design of Nebraska's Parenting Act, planning for this evaluation framework was a collaborative project between the Nebraska Office of Dispute Resolution, the Evaluation Advisory Panel, and the Evaluation Team. Several planning meetings were held and progress reports were provided to the stakeholders on an ongoing basis in various program meetings and e-mail correspondence throughout the development of this framework. An abundance of this process was facilitated by several re-workings of the program logic model as the stakeholders clarified what was happening, by whom, for whom, when, and with what intended outcomes. This process facilitated the formulation of questions that stakeholders wanted answers to. When the final program logic model was developed, a mix of

process and outcome-oriented questions for the evaluation were solicited from stakeholders and developed using the Process and the Outcome Evaluation Matrix.

### 1.5.2 Data Issues

The attached Evaluation Protocol contains suggested data sources for evaluation. In its proposal, the bidder must explicitly state:

- The degree to which the evaluation questions can or cannot be answered with the available data;
- Other proposed data sources to augment those from the state; and
- Any anticipated problems in conducting the study and proposed solutions to those problems.

The bidder should make an effort to avoid duplication of data collection to the extent possible. In responding to the specific evaluation questions of this RFP, the bidder must include detailed information about the following issues related to this evaluation study.

#### *Sampling*

The bidder must indicate the judicial districts to be included in this study for data collection, along with a detailed description of how the bidder will ensure that the chosen districts represent the overall population of judicial districts (see Addendum 2, Map of Judicial Districts).

#### *Indicators and Benchmarks of Effectiveness*

The bidder must specify the indicators and benchmarks to be used for assessing and evaluating the Parenting Act in relation to questions set forth in the Protocol. This information must be clearly specified in the in the General Approach and Revised Evaluation Protocol section of the Technical Proposal.

#### *Confounding Variables*

The bidder must identify and address confounding variables and contextual factors that may affect this study. This information must be clearly specified in the in the General Approach and Revised Evaluation Protocol section of the Technical Proposal.

#### *Assurances Regarding Confidentiality of Data*

The proposal must describe procedures the evaluator will use to ensure that all data collected (including observations, interviews, and surveys) will be reported only in the aggregate and that no personally identifiable information will be accessible to anyone but the contractor. These procedures should be included in the Revised Evaluation Protocol section of the Technical Proposal.

## 1.6 EVALUATION ADVISORY PANEL

There will be an Evaluation Advisory Panel. This panel is designed to assure scientific rigor in the conduct of the study and key stakeholder expertise and oversight and to assist in the selection of the most appropriate proposal(s).

The Evaluation Advisory Panel consists of national experts and Nebraska stakeholders. The Panel members will review proposals, examine study implementation plans, and assess recommendations in light of data collected to assure the research represents the highest methodological and substantive quality. The Panel represents a range of expertise and experiences, including policymaking in the legislative, judicial, and executive branches as well as extensive practice, advocacy, and oversight activities for children and parents experiencing parental separation, custody, and divorce. The Evaluation Advisory Panel members are:

- Sen. Brad Ashford, (Stacey Conroy, Legislative Counsel), Nebraska Legislature
- Laura Bassein, Senior Attorney, UNM Law School - Institute of Public Law, Albuquerque, NM
- Shereen Bingham, PhD., College of Communications, UNO, Omaha
- Riko Bishop, Attorney, Perry, Guthery, Haase & Gessford, Lincoln
- Kristen Blankley, J.D., Professor of Law, UNL College of Law, Lincoln
- Alan Frank, Professor of Law, UNL College of Law, Lincoln
- Chris Hanus, Child Welfare Consultant, Lincoln
- Lorin Galvin, Director Douglas County Conciliation Court, Omaha
- Chris Johnson, Conway, Pauley & Johnson, Hastings
- Hon. Paul Korslund, District Court Judge, 1<sup>st</sup> Judicial District, Beatrice
- Jane Martin-Hoffman, Dir., Nebraska Mediation Center, Fremont
- Kathy Bigsby Moore, Children's Consultant, Omaha
- Hon. Gary Randall, District Court Judge, 4<sup>th</sup> Judicial District, Omaha
- Carolyn Rooker, Dir., Voices for Children, Omaha
- Dr. Michael Saini, Ph.D., Factor-Inwentash Faculty of Social Work, University of Toronto
- Hon. John Samson, District Court Judge, 6<sup>th</sup> Judicial District, Blair
- Robert Sanford, J.D., Legal Counsel, Nebraska Domestic Violence Sexual Assault Coalition, Lincoln
- Nancy Ver Steegh, MSW, J.D., William Mitchell College of Law, St. Paul, MN
- Dr. Les Veskrna, Lincoln Family Medicine Center, Lincoln
- Ex Officio: Janice Walker, State Court Administrator, Lincoln

Panel members will review proposals, provide oversight of the study, including its design and implementation, and assess recommendations for any suggested policy and practice changes.

The contractor will provide the Panel information as requested about such aspects of the evaluation as:

- The adapted evaluation protocol and work plan, including any needed revisions within 30 days of the contract start date
- Data collection instruments and schedules
- Sampling designs
- Data analysis and interpretation methods
- Issues and concerns regarding the evaluation study
- Draft reports and evaluation findings

The bidder must describe the steps necessary to participate in at least two meetings of the Evaluation Advisory Panel,<sup>1</sup> including one to review the study design and work plan within 30 days of the contract start date and another one as determined by the Panel. The bidder should include these meetings in the Work Plan section of the Technical Proposal and budget for the travel and per diem costs associated with these Advisory Group meetings in the Cost/Price Proposal.

### 1.7 REQUIRED PRODUCTS AND REPORTS

The contractor will provide ODR/AOC the following products and reports:

- A revised study design and work plan, as needed, within 30 days of the contract start date
- All data collection instruments used in the evaluation study
- Quarterly invoices
- Written quarterly reports, including discussion of issues and concerns and summary of data and findings from work completed to date
- First draft of the evaluation report (two months prior to the final evaluation report)
- Revised draft of the evaluation report (one month prior to the final evaluation report)
- Final evaluation report with data collection instruments developed for this study and supporting data files

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<sup>1</sup> In addition, there will be one other trip to Nebraska required. The purpose of the third trip will be to present the study's findings to the Legislature and potentially other key groups during the same trip.

## 1.8 CONTRACT PERIOD AND SCHEDULE

The anticipated contract start date will be September 1, 2013.

Within 30 days of the contract start date, the contractor will meet with the Evaluation Monitor and the Evaluation Advisory Panel and submit a revised Evaluation Protocol Design and Work Plan, as needed.

Progress reports and budget expenditure reports will be submitted on a quarterly basis.

Four meetings of the contractor with the Evaluation Monitor will be scheduled for the winter, spring, summer and fall of 2013-2014. The bidder should include these meetings in the Work Plan section of the Technical Proposal and budget for any travel and per diem costs associated with these meetings in the Cost/Price Proposal. These meetings may be conducted via conference call.

The preferred work completion date is December 1, 2014.

The contractor will submit a first draft of the evaluation report to the Evaluation Monitor by December 31, 2014 for review and comment.

The contractor will submit a revised draft of the evaluation report to the Evaluation Monitor by January 31, 2015 for review and comment by the Evaluation Advisory Panel.

A final evaluation report, incorporating feedback from ODR/AOC and the Evaluation Advisory Panel, will be submitted to AOC/ODR on February 15, 2015.

Presentation of evaluation findings to policy makers and electronic dissemination of the final study report to stakeholders, partners and legislators will be completed by February 28, 2015.

The contract end date will be February 28, 2015.

Following is a summary of the schedule that is expected to be followed for this RFP.

- Preferred work start date: September 1, 2013
- Submittal of revised Evaluation Protocol September 30, 2013
- Quarterly report due dates: December 15, 2013; March 15, 2014; June 15, 2014; September 15, 2014
- Preferred work completion date: December 1, 2014
- First draft of final report: December 31, 2014
- Revised draft of final report: January 31, 2015
- Final Evaluation Report due: February 15, 2015
- Presentation of findings February 28, 2015

The initial **contract** will be for a period of 18 months. The Office reserves the right to extend the contract for a six month extension beyond the initial contract period, for an overall maximum of two years in total.

## 1.9 TECHNICAL PROPOSAL SECTIONS

The Technical Proposal must be presented in a narrative format demonstrating the ability to meet all qualifications, requirements, and standards specified in this RFP. The proposal must contain the following sections: Cover Letter, Table of Contents, Abstract, General Approach (including contractor's adaptation of the Evaluation Protocol to address evaluation questions) (25 points); Work Plan (50 points); Management and Staffing (10 points); Related Experience in Divorce and Separation and Impact on Children (10 points); Related Experience in Differentiated Approaches to Divorce and Separation (such as mediation, child custody evaluation, unresolved parental conflict and domestic intimate partner abuse) (10 points); Examples of Previous Work (5 points); and References.

Each page of the proposal must be numbered consecutively at the bottom of the page. The original and each of the nine copies of the proposal must be stapled in the upper left-hand corner. The bidder must also submit an electronic copy of the proposal to [debora.brownyard@nebraska.gov](mailto:debora.brownyard@nebraska.gov).

**The General Approach (including adapted Evaluation Protocol Design to address the evaluation questions), Work Plan, Management and Staffing sections must not exceed 30 pages.**

Do not attach pamphlets, letters of support (except from any proposed subcontractors), or other items that are not specifically requested in this section.

Table of Contents must identify the following sections by page.

- The Abstract must summarize the general approach including adapted evaluation protocol design, work plan, management and staffing, and related experience.
- The General Approach must provide an overview of the approach to be taken in the evaluation as well as a Detailed Adapted Evaluation Protocol<sup>2</sup> that utilizes the Protocol as the conceptual framework for the study, qualitative and quantitative data retrieval and collection strategies (including sampling design), and data analysis and synthesis methods for generating findings that will address the evaluation questions for this study. The general approach should also address data issues, indicators and benchmarks of effectiveness, procedures for ensuring the confidentiality of collected data, and collaboration with ODR and the Evaluation Advisory Panel. Any anticipated theoretical or practical problems associated with the completion of each task should be

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<sup>2</sup> See Addendum 1: Program Evaluation Protocol for Nebraska's Parenting Act, by Dr. Michael Saini

discussed, and solutions, alternatives, or contingency plans related to these problems should be proposed as appropriate.

- The Work Plan must describe in detail the tasks and activities to be undertaken in order to accomplish the study design and produce the required final products. The work plan must include proposed task initiation and completion dates and levels of effort (i.e., hours) by task for proposed personnel.
- The Management and Staffing section must present a plan for the internal management of contract work that will ensure accomplishment of the tasks. The proposal must include in this section a staff organizational plan/chart which identifies staff (by name) to be assigned to the project, the amount of time devoted to each task, lines of responsibility and approval authority, and the name of the person to act as project director. The plan should make clear the relationship of each position to the work plan and should be illustrated with a staff organization chart. The proposal must identify the individuals proposed to fill professional positions and provide for each a résumé that is sufficiently detailed to allow an evaluation of the person's competency and expertise.

If a subcontractor will be used, this section must include a letter of commitment from the subcontractor(s) and documentation of ability to fulfill the scope of work. The letters must specify the tasks to be performed by the subcontractor.

- The Related Experience section must describe the experience and expertise of the bidder in providing the services required by this RFP and must specifically meet these minimum qualifications:
  - The bidder must show clear evidence of a minimum of two years of recent experience, one of which must be within the last five years, in the development of projects similar to that described in this RFP.
  - The project manager assigned to this project must have at least two years' experience in managing similar projects of comparable scope and size.
- The Examples of Previous Work section must include at least two samples of previous research or evaluation studies completed by the bidder. The bidder will provide a brief summary of services performed and attach final reports of these products as appendices to the proposal.
- The References section must include at least three detailed client references relevant to the scope and complexity of the services required by this RFP. These references must include a description of the services performed; the dates of these services; and the name, address, and telephone number of the client reference.

### 1.10 PRICE; TERM

It is estimated that an evaluation covering the following components of the Parenting Act Evaluation Protocol, Addendum 1, will cost between \$110,000 and \$150,000. However, bidders should propose a budget that reflects actual costs of conducting a high quality study. Bidders may bid on one or multiple components. The Parenting Act Evaluation Protocol components and approximate pricing is as follows:

Addendum 1 Protocol Item #	Protocol Item Name	Page Number	Price Range
6.1	Process Evaluation	Pg. 17	\$15-20,000
6.2	Outcome Evaluation	Pg. 18-19	\$15-20,000
10	Evaluating the Parenting Plan	Pg. 27-29	\$15-20,000
11	Evaluating Parenting Act Information Brochures	Pg. 30-31	\$10-15,000
12	Evaluating Parenting Education Class	Pg. 32-33	\$10-15,000
13	Evaluating Mediation Services	Pg. 34-35	\$15-20,000
14	Evaluating Specialized Alternative Dispute Resolution Service	Pg. 36-37	\$15-20,000
15	Cost Analysis Findings Plan	Pg. 38-39	\$15-20,000

Applicants must prepare a Project Budget Summary, as well as a Detailed Project Budget: Revenue and Expenses. The budget request must be clearly linked to the goals, objectives, outcomes and services proposed for the budget period. Funds may not be used for capital construction. A line item for any subcontractor must be included. Applicants should name the subcontractor, describe the services to be performed, and provide a breakdown of and justification of the proposed costs. Any costs included in the indirect cost rate cannot be listed under "other direct costs." The negotiated indirect cost agreement must be submitted with required documentation if the indirect cost rate is included as a budget line item. Note: no funds may be used to supplant existing funds or maintain existing activities, and all strategies must be new strategies or substantial enhancements and/or expansions of existing strategies. ODR/AOC reserves the right to limit and/or negotiate specific budget requests and any or all line items with grantees including the indirect cost rate.

### 1.11 INSURANCE

Describe the nature and extent of the general liability insurance (including completed operations) and workers compensation insurance carried to protect the bidder, recognizing that the ODR/AOC may require additional insurance to protect itself in relation to this project. The successful bidder may be required to provide a certificate of insurance.

## SECTION 2.0: COMPONENTS OF THE PROCESS

### 2.1 REQUIREMENTS – RESPONDING TO SPECIFICATIONS

Each bidder responding to this RFP is expected to submit a well organized, easy-to-read, written proposal, which clearly and coherently provides the information outlined in Section 1.0: Cover Sheet; Specifications. Answers and responses to the information required by Section 1.0 must be numbered to directly coordinate with the number of the inquiry as it appears in Section 1.0.

### 2.2 COMMUNICATIONS

All questions concerning this RFP shall be in writing or e-mailed by the bidder and addressed to:

Office of Dispute Resolution  
Nebraska Administrative Office of the Courts  
P. O. Box 98910  
Lincoln, NE 68509-8910  
Debora.brownyard@nebraska.gov

For additional information concerning bidder questions, clarifications and addenda, see Section 3.0: Proposal Submittal Requirements, item 3.

### 2.3 CRITICAL DATES

- 2.3.1 A mandatory letter of intent is due upon the date and time set forth on the cover to this RFP.
- 2.3.2 On the front cover of this RFP, a preliminary pre-bid conference is indicated. This conference is not mandatory.
- 2.3.3 Proposals are due upon the date and time set forth on the cover to this RFP.
- 2.3.4 Any bid may be withdrawn prior to the scheduled time for the opening of bids. Unless otherwise stated in this RFP, no Proposal may be rescinded within ninety (90) days following the scheduled opening of proposals without the approval of the ODR/AOC.

### 2.4 BASIS OF SELECTION

- 2.4.1 The award of a contract, if any, shall be made to the bidder with the highest quality proposal taking into consideration the best interest of the AOC/ODR. While pricing is often an important criterion, it may or may not be determinative. The ODR/AOC shall establish evaluation criteria and their components before proposals are opened. The ODR/AOC may waive any

irregularity or other requirement, which it deems does not materially affect the selection process. Factors that may be considered include, but are not limited to, clarity and responsiveness, conformity with RFP specifications, cost effectiveness, design, delivery, the specific needs of the ODR/AOC, bidder's reputation and/or past performance, and quality of services offered to ODR/AOC technical performance.

- 2.4.2 Proposals will be evaluated, and the contract, if any, awarded and performed in compliance with all relevant Administrative Office of the Courts policies.
- 2.4.3 The deliberations of the evaluation committee are confidential, and no representative of a bidder should directly or indirectly contact any member of the evaluation committee, or any staff member concerning this RFP, unless permission is explicitly otherwise given to the bidder by the ODR/AOC, for the purposes of providing additional information or facilitating the evaluation. Any attempt by a bidder to contact a member of the evaluation committee or any other faculty or staff member about this RFP can lead to disqualification.
- 2.4.4 The ODR/AOC reserves the right to request additional information from a bidder in any format which the ODR/AOC deems necessary to evaluate the proposals, including formal Q & A or meetings and presentations. The evaluation may include subjective assessment of the proposal materials, including factors not listed specifically in this RFP.
- 2.4.5 Bidders may be required to submit samples of any item or product offered in response to this RFP. Each sample must be clearly identified by the name of the bidder, name of the manufacturer, or other information, if requested, relevant to the evaluation of the sample.

## 2.5 NEGOTIATION

The AOC/ODR reserves the right to conduct discussions and negotiations with any or all respondents to this RFP, concerning any element of or response to this RFP, for the purpose of clarification and modification. Discussion and negotiation may include, but is not limited to, the scope of work, design, schedule, and price.

## 2.6 NOTIFICATION OF AWARD

Upon completion of the evaluation process, the bidders will be notified in writing, or by e-mail, of the identity of the successful bidder. If for any reason, the ODR/AOC and the successful bidder fail to finalize a contract, the ODR/AOC reserves the right to attempt to enter into a contract with the bidder submitting the next highest quality proposal, based on evaluation results.

## 2.7 RESERVATION OF RIGHTS: REJECTION OF PROPOSALS; NON-RESPONSIVE PROPOSALS

The AOC/ODR reserves the right to reject all proposals received and discontinue the evaluation and selection process at any time. The AOC/ODR also reserves the right to re-solicit proposals in response to this RFP or any amendment of this RFP. If no responsive bids are received by the AOC/ODR, it reserves the right to negotiate with any firm in order to substantially fulfill the RFP under such terms and conditions as the AOC/ODR deems best to serve its needs.

## 2.8 PUBLIC INFORMATION

Bidders' names are public information at the time proposals are opened at the scheduled bid closing time. Until the successful bidder is determined and announced, AOC/ODR will treat all other elements of the proposals as confidential information, not subject to public disclosure. However, once the successful bidder is announced, then the proposals will be treated as public information, except to the extent that any bidder gives AOC/ODR specific written notice of information it believes to be proprietary, commercial, a trade secret, or otherwise confidential. Should the AOC/ODR determine that such bidder-identified information is indeed proprietary or otherwise confidential, then it will not publicly disclose that portion of the proposal without the consent of the bidder, unless otherwise required by law, e.g. judicial order. As a general matter, the AOC/ODR considers financial statements of privately held companies, if such are a required submission, to be proprietary. Pricing terms appearing in proposals are considered public information.

Bidder shall be chiefly responsible for providing the defense for any challenge to a decision to withhold information contained in a Proposal, based upon bidder's identification of the information as not subject to public disclosure.

## 2.9 NEBRASKA SUPREME COURT APPROVAL

In certain instances, the Nebraska Supreme Court must approve the award of a contract. Bidders shall be notified if Supreme Court approval is required. In such cases, no contract or award shall be enforceable absent the Supreme Court's approval.

## SECTION 3.0: PROPOSAL SUBMITTAL REQUIREMENTS

### 3.1 SUBMITTALS AND BID OPENING

**One original and nine copies**, marked accordingly, and **one electronic copy** of any proposal in response to this RFP must be received by the AOC/ODR no later than the date and time set forth on the cover of this RFP.

One original and nine copies mailed or delivered to:

Office of Dispute Resolution  
Nebraska Administrative Office of the Courts  
P. O. Box 98910  
Lincoln, NE 68509-8910

One electronic copy: [debora.brownyard@nebraska.gov](mailto:debora.brownyard@nebraska.gov)

No proposals received after the opening time will be considered. All proposals submitted, along with any exhibits, addenda or modifications, shall be the property of the AOC/ODR.

### 3.2 SUBMITTING OF PROPOSAL

Mail:

Each bidder is responsible for making sure its proposal is properly addressed and identified. In order to assure proper processing and receipt, your bid submittal should be returned in an envelope (or parcel) and delivered to/addressed as follows:

Office of Dispute Resolution  
Nebraska Administrative Office of the Courts  
P. O. Box 98910  
Lincoln, NE 68509-8910

In person:

If you are delivering your proposal in person, it should be sealed, submitted and labeled in the above manner, and given to an authorized member of the Administrative Office of the Courts staff: Anita Bietz, Marcie Luhman, or Eileen Janssen, Room 1213 State Capitol, Lincoln, Nebraska.

### 3.3 BIDDER QUESTIONS, CLARIFICATIONS, AND ADDENDA INTERPRETATION

It is the responsibility of each bidder to become familiar with the project requirements. Lack of knowledge concerning the project requirements will not relieve bidders of the conditions required as responsive to this RFP.

Except in the course of preliminary conference open to all interested parties, should one be held, no interpretation related to the requirements of this RFP will be made verbally to any bidder by the AOC/ODR. Any request for bid interpretation shall be put in writing and faxed or e-mailed by the bidder and addressed to:

Office of Dispute Resolution  
Nebraska Administrative Office of the Courts  
P. O. Box 98910  
Lincoln, NE 68509-8910  
debora.brownyard@gmail.com

**In order to be given consideration, any requests for interpretation must be received no later than June 14, 2013.** Any and all interpretations and any supplemental instructions provided by the ODR/AOC shall be in the form of a written addenda to the Request for Proposal, which if issued, will be mailed, e-mailed or faxed to all known interested parties or bidders, or such other form of communication as ODR/AOC deems reasonably likely to reach interested parties. The bidder, not the AOC/ODR, is responsible to secure notification and delivery of any addenda. Failure of any bidder to receive any addenda or other information released by the AOC/ODR after the initial distribution of this RFP shall not relieve the bidder from the obligations specified in addenda or other releases. All addenda shall be incorporated in the RFP to the same effect as if they were set out in the initial RFP release.

The bidders are solely responsible for providing their correct mailing addresses, email addresses, and fax numbers for any response to inquiries. The AOC/ODR is not responsible for lost or undeliverable responses.

### 3.4 COST OF PREPARATION

The AOC/ODR will not be responsible for any costs incurred in preparation of the bidder's proposal.

### 3.5 BIDDER QUALIFICATION

The AOC/ODR may make any investigations deemed necessary or request any documentation to evaluate the ability of the bidder to perform the specifications of this RFP. The bidder shall furnish the AOC/ODR with pertinent information and data upon request. The AOC/ODR reserves the right in its sole discretion to reject any bid based on the facts resulting from an investigation which indicate that a bidder: (a) is not

properly qualified to carry out the obligations of any contract awarded; or (b) presents a public image not in keeping with the professional standards and reputation which the AOC/ODR expects. Conditional bids will not be accepted.

### 3.6 EXCEPTIONS

Any exceptions with respect to any requirement of this RFP must be specified in writing as part of the submitted proposal. Specific reference must be made to the paragraph numbers and other identifying criteria with respect to any exceptions proposed by the bidder. Generally, the AOC/ODR will not look favorably upon the request for any exceptions. However, the AOC/ODR recognizes that in certain instances, an exception may be appropriate, and therefore, will consider and reserves the right to grant exceptions when the AOC/ODR deems such exceptions promote its best interests. Conditional bids will not be considered.