



REQUEST FOR PROPOSALS

PUBLIC POLICY CONSULTING SERVICES

MICHIGAN TRIAL COURT FUNDING COMMISSION

MICHIGAN DEPARTMENT OF TREASURY

Issued: **December 28, 2017**

Responses Due: **Friday, January 19, 2018 at 4:00 p.m.**



STATE OF MICHIGAN
TRIAL COURT FUNDING COMMISSION
LANSING

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GOVERNOR

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STATE TREASURER

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December 28, 2017

Dear Public Policy Consultant:

The Trial Court Funding Commission of Michigan hereinafter referred to as "commission" is requesting proposals from interested and qualified public policy consulting firms/consultants. The commission is charged with carrying out its duties consistent with Public Act 65 of 2017. A copy of the Act is enclosed for your review.

Only qualified and experienced public policy consulting firms are encouraged to submit proposals to be considered for this engagement. Firms must have the breadth of experience in previously serving commissions, blue ribbon panels or task forces in order to be considered. Each interested firm shall make sufficient effort to understand the professional services to be provided and scope of resources and staffing needed to assist the commission. Please review the supporting information in the following pages as part of your effort to respond to this Request for Proposals.

The commission will meeting regularly on the 4th Thursday of every other month beginning in February 2018. Meetings will be held in Lansing, Michigan and will commence at 1:30 p.m.

The State of Michigan Trial Court Funding Commission and the Michigan Department of Treasury reserves the right to accept or to reject any and all responses to this Request for Proposals, to waive any irregularities and to contract with a firm that is determined by the Trial Court Funding Commission to be in the best interest of the commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Boyd", written over a blue circular stamp.

Thomas Boyd, Chairman
Michigan Trial Court Funding Commission

Enclosure

Time Line of Deliverables:

The commission must complete its work no later than September 28, 2019. Accordingly, the work of the consultant must be completed well before the deadline of the Commission. As the consultant is selected, a mutually agreeable schedule will be developed by the Commission with input from the consultant to be followed for the duration of the engagement.

In accordance with Public Act 65, the Commission shall do all of the following:

- a. Review and recommend changes to the trial court funding system, specifically taking into consideration *People v Cunningham*, 496 Mich 145 (2014).
- b. Review and recommend changes to the methods by which the court's may impose and allocate fees and costs.
- c. Suggest statutory changes necessary to effectuate recommended changes.
- d. File a final report with the governor, the senate majority leader, and the speaker of the House of Representatives regarding its activities under this act. The commission shall file the report not later than two (2) years after the effective date of this Act. The report shall include, but not be limited to, the results of the commission's review, recommendations for changes, and recommendations for further legislative action.

Scope of Professional Services:

The selected consultant will provide professional staffing and support as required to the commission. This excludes any requirement for administrative, coordination, or clerical type support services to the commission. As the commission meets and develops a framework of possible solutions and recommendations along with expected outcomes, the consultant will be tasked with performing analysis of each of the recommendations including funding outlines and sources of the total funding resulting from the recommendations. This analysis shall include but not be limited to the expected outcomes of the actions the commission will detail in its written report that should be taken to provide methods and sources of funding to the trial courts in Michigan. These shall be formulated and drafted into a sound set of recommended actions including implementation of legislation that would form the basis of the commission's final deliverables as noted in the immediately preceding paragraph. Included shall be any phase-in or implementation schedule so that the final report and its recommendations have a clear plan to transform the funding of trial courts in our state.

Additionally, the selected consultant will be required to:

- a. Research the origin of the problem, the history of trial court funding in Michigan and the basis for which a solution is sought. This shall provide the foundation for the need to develop recommendations and any changes to the methods, manner and practices upon which trial courts are funded.
- b. Gather all requisite information and data, including costs, etc. from all sources including but not limited to the State Court Administrator's Office, individual court offices, county offices and courts and other municipal governments. This will explain the scope of resources required at the current level and the baseline of where funding solutions may form.
- c. Provide analysis of the current funding methods and sources including schedules of existing fees and costs originating from Michigan trial courts and where these funds

are remitted or allocated to. Determine if any impact can be identified across the court system due to variations or inequities in funding all courts. This will assist the commission in its final report and recommendations including defining any related impacts to other public agencies due to changes in the funding methods, amounts or sources.

- d. Conduct associated research on the matter including national trends and models, and national benchmarks across other state court systems to consider as possible models of funding Michigan trial courts. This information may be presented in the final report to help draw any conclusions or correlation that will assist the commission and ultimately the executive, judicial and legislative branches to help shape discussions, understanding and ultimately actions to solve the problem as it is identified.
- e. With the input from the commission, act as the author of the draft and subsequently final written report of the commission. The final report shall include metrics, graphs, charts and illustrations that will provide clear understanding of the issues involved, recommendations and detailed support for the actions proposed. Inherent in the final report will be the overall broad outcomes that would be expected from the funding recommendations provided by the commission.

The consultant may partner with other firms to develop and assemble a qualified and experienced team to perform the professional services for the commission. This may include public accounting firms or others who would be integral to the effort to collect, analyze and present information that will assist the commission in developing recommendations. The firm selected by the commission for this engagement shall be the primary firm in which the commission enters into a contract for the performance of services. The firm who enters in a contractual relationship with the commission shall be responsible for the work of those sub-contractors who may provide work product on behalf of this engagement. In any event, the commission shall enter into a single contract for said services to be defined in a written contract based in part on the proposal for services to be provided by the selected consultant.

Format for Submitting Responses to this Request for Proposals:

To facilitate the review of consultants by the commission, each submission shall conform to the following format as outlined below. The submission shall be limited to 10 pages, 12 font, 1.5 point spacing with margins at 1” at each side and top and bottom. This shall exclude the front and back covers, any dividers, table of contents and introduction letter. The objective of this constraint on the size of your submission is to have each submission contain only that information you consider to be essential to our understanding of your experience and qualifications. Do not provide marketing and sales information but rather concise, straightforward responses.

- 1. Experience of the Consultant/Firm:** Provide a description of your firm’s prior experience and qualifications in providing work of the type described herein for state and local governments. Provide links to published reports or finished documents prepared on behalf of clients within the past five (5) years.
- 2. Project Team:** Identify the project leader or leaders and who would be assigned to work with the commission on this engagement. Briefly describe the responsibilities each member of the team would be responsible for. Provide a condensed resume or

biography demonstrating credentials and experience of the top members of the team who will have the majority of responsibility to ensure success of the engagement on behalf of the commission.

- 3. References:** Provide between three (3) and five (5) references the commission may contact to discuss prior work that is most similar to the work proposed herein. The references shall include a contact person's name, telephone and email address who is most familiar with your work with said client.
- 4. Project Understanding:** Provide a statement demonstrating your understanding of the scope, breadth, resources required, timing and outcome of this engagement. Identify your expectations of the commission in guiding your efforts, overseeing the work product and ensuring the finish product meets the expectations of the commission.
- 5. Scope of Work:** Provide a project overview of the major categories of work to be performed, the hours involved and the deliverables to be provided to the commission from your services. This shall be presented across a timeline noting dates of significant milestones or deliverables to the commission.
- 6. Other Information:** Include any other information or data you feel is relevant to the commission in gaining a more complete understanding of your firm's skills, abilities and qualifications to perform on this engagement.

Criteria for Review of Request for Proposals:

The following criteria will be used in screening, ranking and selecting a firm/consultant to assist the commission with its mission:

- 1. Qualifications of the Firm (25 Points):** Preference will be given to those submissions with demonstrated experience in state and local government public policy issues, analysis and understanding of the Michigan court funding system. Further, demonstrated ability to analyze complex issues, develop decision matrices to guide and select available options, skills in presenting policy positions and expected outcomes in multiple formats for broad understanding among various interests.
- 2. Qualifications of the Project Team and Key Staff on the Engagement (20 Points):** Preference shall be given to those submissions who have the talent and resources to deliver the services and outcomes in terms of draft recommendations, draft reports and financial analysis and producing a final report of the commission along with accompanying proposed legislation.
- 3. Experience working with similar Commissions and/or Boards (15 points):** Preference shall be given to those firms who have experience working with similar organizations and a track record of positive working relationships to advance the work product and do so in an efficient and effective manner.
- 4. Project Understanding (15 Points):** Preference shall be given to firms who have demonstrated a comprehensive understanding of the task at hand, the manner and methods required to meet the objectives of the commission and have developed or can develop realistic timelines to complete each major component of the project leading up to the finished report. Preference will be given to firms who can demonstrate the resources

of staff, technology and other resources that will be required to perform the work and deliver each milestone as conveyed to the commission.

5. Cost of Professional Services and Expenses (25 Points): This shall be the total amount of the services provided to the commission including all travel and miscellaneous expenses. In the Cost Proposal Component of the proposal response, the firm shall detail the major categories of cost that comprise the total cost of the engagement.

Note: This information shall be submitted under separate sealed cover or transmission and limited to two (2) pages of information. Do not include this Cost Criteria in the submission or proposal section with criteria #1 through 4 above. See Submission Requirements later in this document providing additional instructions.

Accordingly, all proposals will be evaluated based on the following weighted scoring:

$$\frac{\text{Technical Points for Respective Firm}}{\text{Highest Technical Points Received}} \times \begin{matrix} 75 = \text{Technical Score} \\ \text{Maximum 75} \end{matrix}$$

(Criteria 1-4)

$$\frac{\text{Lowest Cost of All Proposals}}{\text{Cost of Bid for Respective Firm}} \times \begin{matrix} 25 = \text{Cost Score} \\ \text{Maximum 25} \end{matrix}$$

(Criteria 5)

It is the intent of the commission to appoint a sub-committee of its members to review the proposals submitted and rank the qualified firms with the firm scoring the highest number of points based on the cumulative totals from the criteria above being the preferred firm for this engagement.

The commission or a sub-committee of the commission, may, in its sole discretion, choose to interview a shortlist of firms before making a final selection. The firms to be interviewed will be contacted in advance of the interview date. The commission intends to receive a recommendation of a firm to retain for this engagement at its meeting on February 22, 2018.

The commission reserves the right to accept or to reject any and all submissions to this Request for Proposals, to request clarifications, to waive any irregularities and to make an award that is determined by the commission to be in the best interest of the commission and the mission for which the commission was created and is serving.

The top firm, after ranking and subject to any interviews, will be invited to negotiate a contract with the commission or its agent. A detailed scope of work will be developed and agree to by the selected firm and the commission. This detailed scope of work and associated

fee will be incorporated as part of the contract covering the relationship between the commission and the firm.

Questions or Clarifications:

If a firm has any question or requires any clarification with respect to the Request for Proposal, he/she shall submit the question in writing and submit to:

Michael Bosanac, Trial Court Funding Commission Member at email michael_bosanac@monroemi.org.

A written response will be provided to the firm submitting the question and all firms of record who were provided a response. Allow up to 2 full business days for a response as other members of the commission may be consulted prior to providing a response.

The final date for submitting a response to this Request for Proposal and the ensuing engagement is **Friday, January 19, 2018 at 4:00 P.M.** to Michael Bosanac, Trial Court Funding Commission Member, c/o Monroe County Finance Department, 125 East Second Street, Monroe, Michigan 48161. Your submission may only be submitted via email to michael_bosanac@monroemi.org. Indicate on the cover of the email transmission subject header that a sealed proposal is attached as detailed below. Your email transmission should be in the form of a PDF document attachment.

Submission Requirements

A. Technical Proposal Component:

The purpose of the Technical Proposal component is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake the services for the Trial Court Funding Commission in conformity with the requirements of this Request for Proposals. As such, the substance of the proposal will carry more weight than their form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an approach that will meet the request for proposals requirements.

The Technical Proposal shall be transmitted separately via email as a pdf attached document and indicate in the email transmission line that a **Sealed Technical Proposal for the Michigan TCFC** is enclosed.

**THERE SHOULD BE NO DOLLAR UNITS OR TOTAL COSTS INCLUDED
IN THE TECHNICAL PROPOSAL DOCUMENT.**

B. Cost Proposal Component:

The Cost Proposal component shall provide the fees or costs to be charged for all services to be provided by the firm for this engagement. The Cost Proposal shall detail the costs for each major section or category of the work to be performed and shall include the estimated hours on each category. A total amount that includes all subtotal costs shall be clearly illustrated in the Cost Proposal.

The Cost Proposal shall be transmitted separately via email as a pdf attached document and indicate in the email transmission line that a **Sealed Cost Proposal for the Michigan TCFC** is enclosed.

Note: Technical Proposals will be opened, scored and recorded prior to the Cost Proposals being opened and scored. This is the reason for separate Technical and Cost Proposal submissions.

Proposed Request for Proposal Schedule:

The Trial Court Funding Commission has outlined the schedule of key dates and activities leading up to the selection of a consultant/firm. This schedule is subject to change based on action of the commission.

<u>Date</u>	<u>Commission Action Item</u>
December 28, 2017	Issue RFP
January 19	Responses Due
January 19-Feb. 2	Sub-committee reads and scores proposals
February 5-16	Interview and select finalist firm
February 19-21	Finalize scope and fee for services
February 22	Report to TCFC and award contract

END OF REQUEST FOR PROPOSALS DOCUMENT

***** *Act 65 of 2017 THIS ACT IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105* *****

TRIAL COURT FUNDING ACT
Act 65 of 2017

AN ACT to create the trial court funding commission; to prescribe its powers and duties; to review and recommend changes to the trial court funding system; to review and recommend changes to the methods by which courts impose and allocate costs and fees; and to repeal acts and parts of acts.

History: 2017, Act 65, Eff. Sept. 28, 2017.

The People of the State of Michigan enact:

***** *600.11101.new THIS SECTION IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105* *****

600.11101 Short title.

Sec. 1. This act shall be known and may be cited as the "trial court funding act".

History: 2017, Act 65, Eff. Sept. 28, 2017.

***** *600.11102.new THIS SECTION IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105* *****

600.11102 "Commission" defined.

Sec. 2. As used in this act, "commission" means the trial court funding commission created in section 3.

History: 2017, Act 65, Eff. Sept. 28, 2017.

***** *600.11103.new THIS SECTION IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105* *****

600.11103 Trial court funding commission; creation; membership; qualifications; appointment; duration of service; vacancy; meeting; chairperson; compensation; expenses; removal of member; quorum; procedures and requirements; business conducted at public meeting; writings subject to freedom of information act.

Sec. 3. (1) The trial court funding commission is created within the department of treasury.

(2) The commission shall review and recommend changes to the trial court funding system in light of *People v Cunningham*, __ Mich __ (2014), No. 147437, rel'd June 18, 2014. The commission shall exist until it submits the final report to the governor, senate majority leader, and speaker of the house of representatives required under section 4.

(3) Subject to subsection (4), the commission shall consist of the following members appointed by the governor:

- (a) Two members nominated by the State Bar of Michigan.
- (b) One member nominated by the Michigan Municipal League.
- (c) One member nominated by the Michigan Townships Association.
- (d) One member nominated by the Michigan Association of Counties.
- (e) One member nominated by the State Court Administrative Office.
- (f) Two members nominated by the governor.
- (g) Two members nominated by the speaker of the house of representatives.
- (h) Two members nominated by the senate majority leader.
- (i) One member nominated by the Michigan Judges Association.
- (j) One member nominated by the Michigan District Judges Association.

(4) Only individuals meeting the qualifications under subsection (3) who have significant experience or involvement in the courts of this state may be appointed to serve on the commission. An individual not possessing good moral character, or who has been charged with a felony or misdemeanor criminal charge involving a controlled substance, theft, dishonesty, or fraud under the laws of this state, another state, the United States, or a local ordinance substantially corresponding to the laws of this state, is not eligible to serve on the commission.

(5) The governor shall appoint the members to the commission within 90 days of the effective date of this act.

(6) Members of the commission shall serve on the commission unless or until a successor member is appointed by the governor.

(7) If a vacancy occurs on the commission, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(8) The first meeting of the commission must be called within 30 days after the members of the commission have been appointed. The governor shall appoint 1 commission member to serve as the commission chairperson. The chairperson shall serve as the chairperson of the commission for the entirety of the commission's term unless he or she is removed or resigns. If a chairperson is removed or resigns, the governor shall appoint another commission member to serve as chairperson.

(9) Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

(10) The governor may remove a member of the commission for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

(11) A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving are required for official action of the commission.

(12) The commission shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters. The procedures established by the commission shall at a minimum prescribe the requirements for attendance at commission meetings by members, how meetings shall be conducted, and any policies necessary to carry out the powers and duties of the commission under this act. The procedures established by the commission under this act must be printed in an appropriate manual and made available to the governor, the senate majority leader, and the speaker of the house of representatives.

(13) The business that the commission may perform must be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(14) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2017, Act 65, Eff. Sept. 28, 2017.

****** 600.11104.new THIS SECTION IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105 ******

600.11104 Duties of commission.

Sec. 4. The commission shall do all of the following:

(a) Review and recommend changes to the trial court funding system.

(b) Review and recommend changes to the methods by which the courts impose and allocate fees and costs.

(c) Suggest statutory changes necessary to effectuate recommended changes.

(d) File a final report with the governor, the senate majority leader, and the speaker of the house of representatives regarding its activities under this act. The commission shall file the report not later than 2 years after the effective date of this act. The report shall include, but not be limited to, the results of the commission's review, recommendations for changes, and recommendations for further legislative action.

History: 2017, Act 65, Eff. Sept. 28, 2017.

****** 600.11105.new THIS SECTION IS REPEALED ON THE DATE THE COMMISSION'S FINAL REPORT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES REQUIRED UNDER MCL 600.11104 IS FILED OR 2 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, WHICHEVER OCCURS FIRST. See MCL 600.11105 ******

600.11105 Repeal of act.

Sec. 5. This act is repealed on the date the commission's final report to the governor, the senate majority leader, and the speaker of the house of representatives required under section 4 is filed or 2 years after the effective date of this act, whichever occurs first.

History: 2017, Act 65, Eff. Sept. 28, 2017.