



University of Nebraska–Lincoln
July 16, 2008
Request for Proposals
Request for Proposals to Conduct Studies of the
Juvenile Legal Defense and Guardian Ad Litem Systems in
Nebraska

Key Dates and Times:

Date of Release: July 16, 2008

Optional Bidder's Conference/Conference Call: August 13, 2008; 1:00 P.M. CDT at the University of Nebraska Public Policy Center. Call in number: 1-877-229-1563. Pass code: 08130860.

Mandatory Letter of Intent Due: September 2, 2008; 5:00 P.M. CDT via postal mail at address below or via email to eneeley@nebraska.edu

Bids Due: September 15, 2008; 5:00 P.M. CDT

Via Postal Mail (15 copies)

University of Nebraska Public Policy Center

215 Centennial Mall South, Suite 401

P.O. Box 880228

Lincoln, NE 68588-0228

Plus one email copy to eneeley@nebraska.edu

All information regarding this RFP can be found at: www.ppc.nebraska.edu/. Requests for reasonable accommodations needed in order to participate in the process described in this RFP may be directed to the Office of Equity, Access & Diversity, 128 Canfield Administration; phone- (402) 472-2322; Voice/TDD-(402) 472-3417.

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1	RECENT STUDIES CONDUCTED IN NEBRASKA
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Section 1.0: COVER SHEET AND SPECIFICATIONS

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

University of Nebraska Public Policy Center
215 Centennial Mall South, Suite 401
P.O. Box 880228
Lincoln, NE 68588-0228

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 University of Nebraska Public Policy Center (PPC) 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 through 5 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 PPC become the PPC’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 PPC. The bidder represents and warrants that the proposal submitted is not the result of collusion with other eligible bidders, with any employee of the PPC, and no effort has been made to preclude the PPC 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 _____

SPECIFICATIONS

The University of Nebraska Public Policy Center (“PPC”) invites proposals from qualified bidders to provide the services described below. If the bid process is successful, the Board of Regents of the University of Nebraska 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.

1.1 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, the University 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 the PPC deems necessary to the success of the project. The bidder can demonstrate financial ability and stability by providing the PPC 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 the PPC 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.

1.2. DESCRIPTION OF THE SERVICES SOUGHT

1.2.1 Purpose

This Request for Proposals is for two studies: one study of Nebraska's Juvenile Legal Defense System and one study of the legal representation in Nebraska's Guardian Ad Litem System. One bidder may be selected to conduct both studies.

1.2.2 Background; Overview of Prior Studies; Assessments from Other States

Every child and youth affected by the juvenile justice system should be able to trust that the system will protect them, treat them fairly, and help them grow towards being productive adults instead of facilitating their involvement in the adult justice system. One of the primary predictors of a child or youth's experience in the juvenile justice system is their access to and quality of legal representation, which includes attorneys appointed to be guardians ad litem (GAL). Although Nebraska's juvenile justice and behavioral health care systems have been assessed a number of times over the past 15-17 years¹, a comprehensive examination of juvenile defense and GAL representation has not been conducted.

There is reason to systematically examine both juvenile defense and GAL representation in Nebraska because such representation is reportedly substandard across the state for many children, youths and parents in the juvenile court system. Additionally, because of the great variance in: resources, training, philosophy, and policies and procedures, representation is not consistent across the state. Recent studies through the auspices of the Nebraska Supreme Court (Court Improvement Project² and the Supreme Court Commission on Children in the Courts³) have documented the following:⁴

- Despite some improvements over the past decade, GALs perform advance preparation activities for disposition, review and permanency hearings only about half the time. The numbers of times that GALs meet with their clients also is a concern.
- GALs do not typically perform independent investigation activities and their reports are often considered to be a "rubber stamp" for the reports prepared by Department of Health and Human Services.
- Most youths who are charged with law violations do not have prepared representation when they most need it (i.e., at their detention hearings). Despite the perspectives of experts that a well prepared attorney at detention hearing is critical in lowering the likelihood that the youths will be placed out of

¹ Voices for Children in Nebraska report *Spare Some Change: An Account of the Nebraska Juvenile Justice and Children's Behavioral Health Care Systems* (2007).

² *Nebraska State Court Improvement Project: Child Abuse and Neglect Cases* (October 1996) and *Nebraska Court Improvement Project: 2005 Reassessment of Court and Legal System for Child Abuse and Neglect and Foster Care* (January 2006).

³ Nebraska Supreme Court Commission on Children in the Courts report *Legal Representation in Delinquency and Status Offense Cases in Nebraska* (August, 2006).

⁴ Given the small sample size and reliance on surveys, the following are not considered definitive conclusions.

home long term, only about a third of detained youths who get attorneys have an opportunity to meet with the youth prior to the detention hearing.

- As many as half of the youths charged in juvenile court, waive their right to counsel.
- About half of non-detained youths do not meet their attorneys until they are arraigned or after their arraignment.
- There is a paucity of training available for juvenile defense attorneys.

Moreover:

- Since 2004, the number of youths arrested has increased 8% from 14,873 (2004) to 16,136 (2006).
- Between 2005-2006, there was a 19.4% increase in the number of youths ages 18 and under that were housed in adult prisons and a 6.3% increase in the number of youths committed to the Youth Rehabilitation and Treatment centers.
- Since 2003, the number of juvenile case filings (e.g., abuse/neglect, delinquency, status offender/mentally ill and dangerous, and problem solving) has increased 6.2% from 10,909 (2003) to 11,584 (2006).
- Since 2006, there has been an increase in the number of youths tried as an adult from 4,458 (2006) to 4,484 (2007).

Overview of Prior Nebraska Assessments and Studies

Prior studies of the legal system in Nebraska have led to positive reforms. In 1992, the Nebraska Supreme Court contracted with the Spangenberg Group, a national expert in the area of indigent defense delivery, to conduct a study of Nebraska's indigent defense system. While the study led to many positive reforms in indigent defense, none of the findings put forward by the Spangenberg Group specifically addressed juvenile legal defense.

In 1998, the Nebraska Legislature established the Nebraska Juvenile Justice Task Force.⁵ The purpose of the Task Force was to make recommendations to address the gaps in the organization and delivery of juvenile services. The Task Force's main recommendations focused on available services and treatment; placement and confinement options; juvenile probation; and strengthening collaboration between agencies. As a result of the Task Force's work, Chinn Planning was requested to complete a needs assessment of Nebraska's juvenile justice system. This assessment resulted in the Nebraska Juvenile Services Master Plan, which included an overview of the Nebraska's juvenile justice system, a review of growth trends related to juvenile justice, and a review of state programs, operations, and staffing. However, the recommendations by Chinn Planning found in the Nebraska Juvenile Services Master Plan (December 1999), like the recommendations of the Task Force, focused on juvenile justice reform in the areas of services and the detaining of juveniles and not in the area of legal representation and advocacy for juveniles.

⁵ LB 1073 (1998).

Finally, numerous studies have been conducted using federally appropriated Court Improvement Project funding⁶ to examine the juvenile justice system for abused and neglected children.⁷ The most recent study by the Nebraska Supreme Court Commission on Children in the Courts (2007) was instrumental in passing a court rule requiring training for attorneys who wish to be appointed as GALs. The Nebraska Supreme Court Commission on Children in the Courts also conducted a recent study on the legal representation in delinquency and status offense cases in Nebraska.⁸ These studies, however, were conducted with very limited resources, which greatly restricted their scope and also necessitated a heavy reliance on surveys, causing the studies to be questioned.

Assessments from Other States

Juvenile legal defense and GAL assessments in other states have empowered state and local stakeholders to identify and discuss the ways in which attorneys are provided to children and address the systemic barriers that impede effective representation of these youths. Policy recommendations have inspired meaningful local dialogue and resulted in significant policy changes at the state and local levels and in the executive, judicial and legislative branches. For example, assessments have been influential in the introduction and passage of policy (i.e., court rules, legislation) in states to: increase funding for public defender offices, ensure youths have counsel at detention hearings, prohibit the waiver of counsel by youths except in limited circumstances, ensure the timeliness and quality of hearings, and ensure the timeliness of appeals. Assessments have also led to increased training and other educational opportunities for attorneys responsible for representing youths in delinquency and criminal matters and how attorneys are appointed as GALs. It is hoped that the present assessment will also inform any necessary reforms.

Resources for Background Information

Nebraska Court Improvement Project. (January, 2006). *2005 Reassessment of Court and Legal System for Child Abuse and Neglect and Foster Care*. University of Nebraska Center on Children Families and the Law (included in Addendum 1, “Recent Studies Conducted in Nebraska”).

Nebraska Supreme Court Commission on Children in the Courts: Subcommittee on Attorneys Representing Children and Youth. (August, 2006). *Legal Representation in Delinquency and Status Offense Cases in Nebraska*. University of Nebraska Center on Children Families and the Law (included in Addendum 1, “Recent Studies Conducted in Nebraska”).

⁶ As part of the Family Preservation and Support Act of 1993, Congress set aside \$10 million per year in grants for state courts, specifically to improve the courts’ handling of child abuse and neglect litigation. Congress extended the Court Improvement Project (CIP) funding in 1997 and 2002. In 2002, Congress provided additional discretionary funding for the federal Safe and Stable families program and set aside an addition sum of \$2.31 million to the CIP. Congress directed such funds to state supreme courts and state courts.

⁷ *Supra* note 2.

⁸ *Supra* note 3.

1.2.3 Scope of the Evaluation Study

Proposals for the evaluation study contracts must address the following evaluation questions and all aspects of the general approach to the study described in more detail below. The bidder who is awarded this contract will be expected to work with PPC staff and with the Evaluation Advisory Group. The evaluation study must identify needs for improvements in the state, as well as highlight promising approaches and innovative practices within the state as specified by the Nebraska Legislature in its appropriation of funds for this study (Addendum 2).

Study 1: Juvenile Legal Defense

1. How well do the current structure and funding mechanisms for juvenile legal defense operate; how do these mechanisms compare to national standards and best practices; and if necessary how could these structures and funding mechanisms be improved?
2. How do attorney caseloads for juvenile legal defense compare to states similar to Nebraska and national standards and best practices for caseload sizes; what are promising approaches and innovative practices; and if necessary what strategies should be used to improve caseload sizes?
3. How does the timing of appointment of counsel compare to states similar to Nebraska and national standards and best practices for timing of appointment; what are promising approaches and innovative practices; and if necessary what strategies should be implemented to improve the timing of appointment?
4. What are the practices of juvenile defense attorneys' supervision in Nebraska, and how do these supervision practices compare to national standards and best practices; and if necessary what improvements should be made with respect to supervision of attorneys?
5. How does the Nebraska practice of charging and trying juveniles as adults compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary how could these processes be improved?
6. How does the process and frequency with which juveniles waive their right to counsel compare to national standards and best practices; under what conditions do juveniles waive their right to counsel; what are promising approaches and innovative practices; and if necessary what improvements should be made to improve procedures regarding juveniles waiving their right to counsel?
7. How are resources allocated for the juvenile legal defense in Nebraska; how does the allocation of resources compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary what improvements could be made in the allocation of resources for juvenile legal defense in Nebraska?

8. To what extent are juvenile court facilities appropriate and adequate for juvenile legal defense; how do facilities compare to national standards and best practices; and if necessary what improvements should be made in juvenile court facilities?
9. What is the compensation for Nebraska attorneys for juvenile legal defense; how does compensation vary across jurisdictions; how does compensation compare to national standards and best practices; and if necessary what improvements should be made in compensation for attorneys in juvenile legal defense?
10. How are attorneys involved in juvenile legal defense trained; how does this training vary across jurisdictions and compare to national standards and best practices; and if necessary how could the process for training be improved?
11. What are the processes in place to provide attorneys in juvenile legal defense access to investigators, experts, social workers, and support staff; how do these processes compare to national standards and best practices; and if necessary how should these processes be improved?
12. What are the processes in place to provide attorneys in juvenile legal defense access to educational officers, teachers, educational staff, and truancy officers; how do these processes compare to national standards and best practices; and if necessary how should these processes be improved?
13. What is the nature of the relationship between guardians ad litem, juvenile legal counsel, and the judicial system with identified educational staff regarding a juvenile's educational status and truancy; how does this relationship vary across jurisdictions and compare to national standards and best practices; and if necessary what procedures should be implemented to improve this relationship to ensure school performance and reduce truancy?
14. How effective is the current system for juvenile legal defense in reducing recidivism; how does the current system compare to national rates; what are promising approaches and innovative practices; and if necessary how should the current system of juvenile legal defense be improved to reduce recidivism?
15. What are the current procedures for coordination of representation for those juveniles that may have been appointed an attorney in a juvenile delinquency matter and a guardian ad litem because of abuse or neglect; how do these procedures compare to national standards and best practices; and if necessary what processes should be implemented to improve these procedures?
16. What is the nature of the relationship between the juvenile and attorney; how often do they meet; does the same attorney represent the juvenile throughout the process; how do youth perceive their relationship with their attorney; how do these practices compare to national standards and best practices; and if necessary what processes should be implemented to improve these practices?

17. To what extent do children/youth participate in court proceedings; under what circumstances are they present; how do they participate in hearing during their time in court; how do these practices compare to national standards and best practices; and if necessary what processes should be implemented to improve these practices?

Study 2: Guardian ad Litem

1. How well do the current structure and funding mechanisms for guardian ad litem representation operate; how do these mechanisms compare to national standards and best practices; and if necessary how could these structures and funding mechanisms be improved?

2. How do caseloads for guardians ad litem compare to national standards and best practices for caseload sizes; what are promising approaches and innovative practices; and if necessary what strategies should be used to improve caseload sizes?

3. How does the timing of appointment of guardians ad litem compare to states similar to Nebraska and national standards and best practices for timing of appointment; what are promising approaches and innovative practices; and if necessary what strategies should be implemented to improve the timing of appointment?

4. What are the practices of guardians ad litem supervision in Nebraska, and how do these supervision practices compare to national standards and best practices; and if necessary what improvements should be made with respect to supervision of guardians ad litem?

5. How are resources allocated for the guardians as litem in Nebraska; how does the allocation of resources compare to national standards and best practices; what are promising approaches and innovative practices; and what improvements could be made in the allocation of resources for guardians ad litem in Nebraska?

6. To what extent are juvenile court facilities appropriate and adequate for abuse and neglect cases; how do facilities compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary what improvements should be made in facilities for abuse and neglect cases?

7. What is the compensation for Nebraska guardians ad litem; how does compensation vary across jurisdictions; how does compensation compare to national standards and best practices; and if necessary what improvements should be made in compensation for guardians ad litem?

8. How are guardians ad litem trained; how does this training vary across jurisdictions and compare to national standards and best practices; and if necessary how could the process for training be improved?

9. What are the processes in place to provide guardians ad litem access to investigators, experts, social workers, and support staff; how do these processes compare to national standards and best practices; and if necessary how should these processes be improved?

10. What are the processes in place to provide guardians ad litem access to educational officers, teachers, educational staff, and truancy officers; how do these processes compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary how should these processes be improved?

11. What is the nature of the relationship between guardians ad litem, juvenile legal counsel, and the judicial system with identified educational staff regarding a juvenile's educational status and truancy; how does this relationship vary across jurisdictions and compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary what procedures should be implemented to improve this relationship to ensure school performance and reduce truancy?

12. What is the time to permanency and time in court, especially when a guardian ad litem is appointed; how does the time to permanency and time in court compare to national standards and best practices; what are promising approaches and innovative practices; and if necessary what processes should be implemented to reduce this time?

13. What are the current procedures for coordination of representation for those juveniles that may have been appointed an attorney in a juvenile delinquency matter and a guardian ad litem because of abuse or neglect; how do these procedures compare to national standards and best practices; and if necessary what processes should be implemented to improve these procedures?

14. What is the nature of the relationship between the juvenile and guardian ad litem; how often do they meet; does the same guardian ad litem represent the juvenile throughout the process; are the juvenile and guardian ad litem together in court; how do youth perceive their relationship with their guardian ad litem; how do these practices compare to national standards and best practices; and if necessary what processes should be implemented to improve these practices?

15. To what extent do children/youth participate in court proceedings; under what circumstances are they present; how do they participate in hearings during their time in court; how do these practices compare to national standards and best practices; and if necessary what processes should be implemented to improve these practices?

Each study report must present findings that directly address all of the above questions based on appropriate indicators for each question and appropriate data analysis and synthesis methods.

1.3 GENERAL APPROACH

In undertaking this study, the PPC expects the contractor to collect and analyze both qualitative and quantitative data, to be collected by the contractor. The bidder must clearly delineate the data collection and analysis techniques for obtaining the data necessary to answer each of the preceding evaluation questions. The assessments should also highlight promising approaches and innovative practices and offer recommendations to improve weak areas.

1.3.1 Study Design

Each proposal must include a detailed evaluation study design that provides a description of the overall evaluation plan. The study design must include a conceptual framework for the evaluation, including key variables and indicator definitions, and a task timeline for carrying out the evaluation study. The study design must include specific methods, including instrumentation and data sources, and their relation to tasks and timelines. The proposal must clearly delineate the data collection strategies that will be used to answer the evaluation questions above. Appropriate justifications must be provided for each method selected and how the methodology will obtain the information needed to answer the evaluation questions. Data collection and analysis methods may include (but need not be limited to):

- Survey questionnaires administered to: judicial and legal personnel; administrators; parents and legal guardians; and children involved in the system or adults involved in the system as children.
- Intensive case studies, including site visits, interviews, and focus groups, with attorneys for juvenile offenders, guardians ad litem, and other court and related professionals
- Statistical analyses of data collected by the contractor or available from the state that are pertinent to addressing the above evaluation questions. (The Judicial Branch's database has data on juvenile court proceedings for the 90 counties without separate juvenile courts. It has data from 2005 to the present for the three separate juvenile courts. Data from Douglas County District Court will need to be collected from the county itself, as it is not yet part of the state's database).

1.3.2 Data Issues

The bidder must also 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 3, Map of Judicial Districts).⁹

Indicators and Benchmarks of Effectiveness

The bidder must specify the indicators and benchmarks to be used for assessing and evaluating the juvenile defense and guardian ad litem systems in relation to all the evaluation questions above. This information must be clearly specified in the in the General Approach and Study Design 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 Study Design section of the Technical Proposal. These may include, for example, the intervening impact of other key state initiatives and requirements such as the programs authorized as part of the Public Schools Accountability Act, including SAIT, as well as the impact of other federal requirements such as Title III of NCLB.

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 Study Design section of the Technical Proposal.

⁹Nebraska has three separate juvenile courts located in Douglas, Lancaster and Sarpy counties. In the remaining 90 counties, juvenile court is handled by county court judges.

1.4 EVALUATION STUDY ADVISORY GROUPS

There will be two Evaluation Study Advisory Groups. These groups are designed to assure scientific rigor in the conduct of the study and key stakeholder expertise and oversight. The goal of including the two groups in the project is to assist in the selection of the most appropriate proposal.

One advisory group consists of five national experts (National Advisory Group). The five National Advisory Group members are:

- Tom Grisso PhD, University of Massachusetts Medical Center Department of Psychiatry, Professor of Psychiatry, Director of Psychology, and Director of the Law-Psychiatry Program (Chair)
- Emily Buss, JD, University of Chicago Law School, Mark and Barbara Fried Professor of Law and Kanter Director of Chicago Policy Initiatives
- Dean Julie Horney, PhD, SUNY-Albany Dean of the School of Criminal Justice
- Wayne Osgood, PhD, Pennsylvania State University, Professor in the Crime, Law, and Justice Program, Department of Sociology
- David Rottman, PhD, National Center for State Courts, Principal Court Research Consultant

National Advisory Group 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 National Advisory Group will operate similar to a federal granting agency (e.g., NSF, NIH) proposal review panel at the beginning of the project and journal peer reviewers at the later stages of the project, after the data have been collected. The National Advisory Group will provide its input via written communications and via telephone conference calls.

The other advisory group consists of Nebraska stakeholders (Nebraska Advisory Group). The group members represent a range of expertise and experiences, including policymaking in the legislative, judicial, and executive branches as well as extensive practice, advocacy, and oversight activities in the child and youth legal systems. The Nebraska Advisory Group members are:

- Senator Brad Ashford, Chair of the Judiciary Committee, Nebraska Legislature
- Hon. Vernon Daniels, Douglas County Separate Juvenile Court (Nebraska Advisory Group co-chair)
- Marsha Fangmeyer, private practitioner, Knapp, Fangmeyer, Aschwege, Besse & Marsh, P.C., Kearney
- Alicia Henderson, Chief Deputy County Attorney, Lancaster County Attorney's Office
- Amie Martinez, private practitioner, Anderson, Creager & Wittstruck, P.C., Lincoln, and chair-elect, House of Delegates, Nebraska State Bar Association
- Hon. Patrick McDermott, Colfax County Court (Nebraska Advisory Group co-chair)
- Kathy Bigsby Moore, Executive Director, Voices for Children

- Todd Reckling, Administrator, Office of Protection and Safety, Department of Health and Human Services
- Tom Riley, Douglas County Public Defender
- Jane Schoenike, Executive Director, Nebraska State Bar Association
- Janice Walker, State Court Administrator

The Nebraska Advisory Group 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 both evaluation study advisory groups information as requested, about such aspects of the evaluation as:

- The study design 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 Nebraska Advisory Group,¹⁰ including one to review the study design and work plan within 30 days of the contract start date and another one to review the first draft of the evaluation report. 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.

1.5 REQUIRED PRODUCTS AND REPORTS

The contractor will provide the PPC 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

¹⁰ 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. See Section 1.6, below.

- 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

1.6 CONTRACT PERIOD AND SCHEDULE

The anticipated contract start date will be November 1, 2008.

Within 30 days of the contract start date, the contractor will meet with the Contract Monitor and the Evaluation Study Advisory Group and submit a revised Study 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 Contract Monitor and PPC staff will be scheduled for the winter, spring, summer and fall of 2009. 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 contractor will submit a first draft of the evaluation study report to the PPC Contract Monitor by September 1, 2009, for review and comment by the PPC staff.

The contractor will submit a revised draft of the evaluation study report to the PPC Contract Monitor by October 1, 2009, for review and comment by the Evaluation Study Advisory Group.

A final evaluation study report, incorporating feedback from the PPC and the Evaluation Study Advisory Group, will be submitted to the PPC on November 1, 2009.

Presentation of evaluation study findings to policy makers and electronic dissemination of the final study report to stakeholders, partners and legislators will be completed by the end of December 2009.

The contract end date will be December 31, 2009.

1.7 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 Study Design to address the evaluation questions) (50 points), Work Plan (25 points), Management and Staffing (10 points), Related Experience (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 fifteen 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 eneeley@nebraska.edu.

The General Approach (including Study 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 study 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 study as well as a Detailed Study Design that describes 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 PPC staff and the Evaluation Study Advisory Group. Any anticipated theoretical or practical problems associated with the completion of each task should be 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.

1.8 PRICE; TERM

It is estimated that each of the two studies will cost between \$70,000 and \$100,000. However, bidders should propose a budget that reflects actual costs of conducting a high quality study. Bidders may bid on one or both studies.

Applicants must prepare a Project Budget Summary, as well as a Detailed Project Budget: Revenue and Expenses (see Addendum 4). The budget request must be clearly linked to the goals, objectives, outcomes and services proposed for the budget period November 1, 2008 – December 31, 2009. 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. The PPC reserves the right to limit and/or negotiate specific budget requests and any or all line items with grantees including the indirect cost rate.

1.9 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 University of Nebraska may require additional insurance to protect itself in relation to this project. The PPC requires that the Board of Regents of the University of Nebraska be added to any policy as an additional named insured. 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, and faxed or e-mailed by the bidder and addressed to:

University of Nebraska Public Policy Center
215 Centennial Mall South, Suite 401
Lincoln, NE 68588-0228
Phone: 402-472-5678
Fax: 402-472-5679
E-mail: eneeley@nebraska.edu
<http://www.ppc.nebraska.edu>

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 PPC.

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 University of Nebraska. While pricing is often an important criterion, it may or may not be determinative. The PPC shall establish evaluation criteria and their components before proposals are opened. The PPC 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 PPC, bidder's reputation and/or past performance, and quality of services offered to PPC technical performance.

2.4.2 Proposals will be evaluated, and the contract, if any, awarded and performed in compliance with all relevant University of Nebraska 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 PPC, 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 PPC reserves the right to request additional information from a bidder in any format which the PPC 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 PPC 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 PPC and the successful bidder fail to finalize a contract, the PPC 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 PPC reserves the right to reject all proposals received and discontinue the evaluation and selection process at any time. The PPC also reserves the right to resolicit proposals in response to this RFP or any amendment of this RFP. If no responsive bids are received by the PPC, the PPC reserves the right to negotiate with any firm in order to substantially fulfill the RFP under such terms and conditions as PPC deems best 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, The PPC 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 PPC specific written notice of information it believes to be proprietary, commercial, a trade secret, or otherwise confidential. Should the PPC 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 PPC 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 BOARD OF REGENTS APPROVAL

In certain instances, the Bylaws and Policies of the Board of Regents of the University of Nebraska require that the Board approve the award of a contract. Bidders shall be notified if Board of Regents approval is required. In such cases, no contract or award shall be enforceable absent the Regents' approval.

SECTION 3.0: PROPOSAL SUBMITTAL REQUIREMENTS

3.1 SUBMITTALS AND BID OPENING

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

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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 PPC.

3.2 SUBMITTING OF PROPOSAL

Mail:

Each bidder is responsible for making sure their 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:

University of Nebraska Public Policy Center
215 Centennial Mall South, Suite 401
Lincoln, NE 68588-0228

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 PPC staff: Cynthia Woollam, Jennifer Elliott, or Jennifer Klein.

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 PPC. Any request for bid interpretation shall be put in writing and faxed or e-mailed by the bidder and addressed to:

University of Nebraska Public Policy Center
215 Centennial Mall South, Suite 401
Lincoln, NE 68588-0228
Phone: 402-472-5678

Fax: 402-472-5679

In order to be given consideration, any requests for interpretation must be received no later than August 22, 2008. Any and all interpretations and any supplemental instructions provided by the PPC 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 UNL deems reasonably likely to reach interested parties; provided however, that bidders who were notified of this RFP by accessing the PPC website are responsible to check the website from time-to-time in order to inform themselves of any addenda to the RFP. The bidder, not the PPC, is responsible to secure notification and delivery of any addenda. Failure of any bidder to receive any addenda or other information released by the PPC 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 PPC is not responsible for lost or undeliverable responses.

3.4 COST OF PREPARATION

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

3.5 BIDDER QUALIFICATION

The PPC 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 PPC with pertinent information and data upon request. The PPC 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 PPC 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 PPC will not look favorably upon the request for any exceptions. However, the PPC recognizes that in certain instances, an exception may be appropriate, and therefore, will consider and reserves the right to grant exceptions when UNL deems such exceptions promote its best interests. Conditional bids will not be considered.