

REQUEST FOR PROPOSALS/QUALIFICATIONS

(RFP/Q)

Issued 02/10/10

The Administrative Office of the Courts for the Twentieth Judicial Circuit, State of Florida, is accepting **sealed Proposals/Qualifications for the following:**

CONTRACT FOR
MANAGED HOMESTEAD FORECLOSURE MEDIATION PROGRAM
FOR CHARLOTTE, COLLIER, GLADES, HENDRY, AND LEE COUNTIES

Copy of RFP/Q:

A copy of the Request for Proposals/Qualifications may be obtained from the Administrative Office of the Courts (hereafter: "AOC"), 4th Floor, Room 402, Lee County Justice Center Annex, 2000 Main Street, Fort Myers, Florida, telephone (239) 533-1700, or from the Administrative Office of the Courts' website at www.ca.cjis20.org.

Proposal Deadline:

All Proposals/Qualifications must be received and date/time stamped by the AOC no later than 5:00 p.m. EST, March 10, 2010. Proposals received after this deadline will not be accepted. If mailed, the AOC accepts no responsibility for ensuring that the proposal is time stamped prior to the Proposal Deadline.

Submission: All Proposals/Qualifications must be delivered or mailed to:

Mailed to:
Administrative Office of the Courts
Twentieth Judicial Circuit
ATTN: RFP/Q #10-001
Lee County Justice Center
1700 Monroe Street
Fort Myers, Florida 33901

Hand delivered to:
Administrative Office of the Courts
Twentieth Judicial Circuit
ATTN: RFP/Q #10-001
Lee County Justice Center Annex
2000 Main Street, Room 402
Fort Myers, Florida 33901

Please submit an original and two copies.

COUNTER PROPOSALS WILL NOT BE CONSIDERED.
FACSIMILIES WILL NOT BE ACCEPTED.
ENVELOPES MUST BE IDENTIFIED WITH THE NOTATION:
RFP/Q #10-001

REQUEST FOR PROPOSALS/QUALIFICATIONS
FOR
MANAGED HOMESTEAD FORECLOSURE MEDIATION PROGRAM
FOR CHARLOTTE, COLLIER, GLADES, HENDRY, AND LEE COUNTIES

PART A: NOTICE TO PROPOSERS

NOTICE IS HEREBY GIVEN that sealed proposals marked **RFP/Q #10-001** shall be received at the Administrative Office of the Courts, Lee County Justice Center, Attn: RFP/Q #10-001, 1700 Monroe Street, Fort Myers, FL, 33901 by 5:00 p.m. EST, March 10, 2010, for the following services:

1. PURPOSE

The Twentieth Judicial Circuit, through the Office of Court Administration seeks sealed proposals from qualified residential mortgage foreclosure mediation service providers for the purpose of acting as program manager in a manner consistent with the Supreme Court of Florida's Statewide Managed Mediation Program, as specified under Administrative Order, No. AOSC09-54. The program manager will coordinate its efforts in communication with the Trial Court Administrator in the Administrative Office of the Court. The Twentieth Judicial Circuit Court will select and negotiate with the qualified proposer(s) whose competitive proposals are responsive to this RFP. The Twentieth Judicial Circuit Court reserves the right to accept or reject any and all proposals, in whole or in part, or to waive any informality, and to base all conclusions, decisions, and actions on what is deemed to be in the best interest of the Twentieth Judicial Circuit Court and the State Court System.

2. BACKGROUND

The Twentieth Judicial Circuit consists of five counties, Charlotte, Collier, Glades, Hendry, and Lee counties. Foreclosure case filings in Florida trial courts stood at nearly 369,000 in December 2008. At the beginning of the last quarter of 2009, foreclosure filings statewide totaled in excess of 296,000. Florida has the third highest mortgage delinquency rate, the worst foreclosure inventory, and the most foreclosure starts in the nation. At the close of 2009, it is estimated there will be an inventory of approximately 456,000 pending foreclosure cases statewide. The crisis continues unabated. The Florida Supreme Court approves the Twentieth Judicial Circuit's forthcoming, model Administrative Order as the best method to open communication and facilitate problem-solving between the parties to foreclosure cases while conserving limited judicial resources.

3. SCOPE OF SERVICES

The Administrative Office of the Courts for the 20th Judicial Circuit is seeking residential mortgage foreclosure mediation services as specified under Supreme Court of Florida Administrative Order, No. AOSC09-54. . Potential proposers to the solicitation are encouraged to carefully review all the materials contained herein and prepare proposals accordingly.

Residential mortgage foreclosure mediation services to be provided must include the ability to:

- a. Receive mediation referrals and, within designated time limits, schedule and coordinate mediation conferences: date, place and time; reserve and provide venues for mediation and caucus; manage continuances and re-scheduling;
- b. Maintain financial books and records to insure transparency and accuracy of receipts and expenditures;

- c. Prepare financial statements, financial and performance reports (for example, attendance and failure to attend mediation reports);
- d. Establish and maintain performance standards for staff and mediators, including maintaining a roster of mediators comprised of persons who are properly trained in accordance with the standards attached, and who are otherwise qualified, and effective in foreclosure mediation;
- e. Assist in specialized training of mediators for workout options and resources;
- f. Arrange and pay for interpreters;
- g. Bill, collect, deposit, and disburse mediation fees and refunds; pay for necessary services and costs incidental to mediation managing as required to implement mediation administrative order;
- h. Establish procedures for managing and communicating with *pro se* litigants and attorneys. This includes implementing a process for prompt outreach to borrower-owners immediately after suit has been filed; the goal of the outreach is to inform mortgagors about the mediation program, invite their participation, and to start the process of referral to mortgage foreclosure counseling and the collection of required financial information;
- i. Establish procedures for complying with confidentiality rules;
- j. Establish a system for managing mediators that: (a.) provides for the impartial assignment of mediators, for example, by the use of a rotating list, (b.) is open to qualified supreme court certified mediators who are capable of providing effective services in the residential foreclosure setting, and (c.) allows for more than one Mediation Managing entity in the circuit if approved by the chief judge.
- k. Monitor or supervise the preparation of mediation settlement agreements;
- l. In accordance with the Administrative Order establish the schedule for division of fees between mediators, managers and others;
- m. Prepare operational reports as required by the chief judge, regarding the number of cases mediated, impasse or successful mediations, etc.;
- n. Solicit qualified mediators and maintain current list of mediators available for residential foreclosure cases;
- o. Establish procedures for disqualifying and replacing mediators with ethical or other conflicts;
- p. Coordinate the referral of mortgagors to certified foreclosure counselors pre-mediation;
- q. Refer unrepresented parties to legal aid, or panels of pro bono or reduced fee attorneys;
- r. Facilitate the exchange of documents between the parties, pre- and post-mediation, including the establishment and maintenance of a secure web-based communication system between the Program Manager and all parties to mediation using a platform capable of transmitting financial data, email, mediation forms and attachments, and able to track participant payments and refunds;
- s. Maintain for dissemination to owner-borrowers a list of approved foreclosure counselors willing to perform services at the rates established by the court;
- t. Answer inquiries from mediators and parties re the mediation process and forms;
- u. Establish a system for resolving complaints against mediators and other persons involved in the Managed Mediation Program;
- v. Establish procedures for participant evaluation of mediation program services, including satisfaction surveys;
- w. Develop the forms and procedures necessary to verify compliance with the residential foreclosure mediation program by lender/servicer representatives, their attorneys, and borrowers; and

- x. Using judicial disqualification criteria as a model, disclose to the chief judge any direct or indirect financial ties to lenders/servicers (including any immediate family members), whether present or within the past three (3) years, with a continuing obligation to disclose.

4. AVAILABILITY OF DOCUMENTS

The Proposal Documents are available from the Administrative Office of the Courts, 4th Floor, Room 402, Lee County Justice Center Annex, 2000 Main Street, Fort Myers, Florida, telephone (239) 533-1700, or from the Administrative Office of the Courts' website at www.ca.cjis20.org.

5. AOC REPRESENTATIVE/LOBBYING

The AOC representative who will coordinate the solicitation, evaluation and award of this RFP is:

Lisa Kiesel, Chief Deputy Court Administrator
Administrative Office of the Courts
Lee County Administration East
2000 Main Street, Room 402
Fort Myers, Florida 33901
Phone: (239) 533-1711

Proposers are hereby advised that they are not to lobby for a contract with **ANY** Court Administration personnel, Judges or Judicial Assistants. Violation of this provision may result in a Proposer's disqualification.

Questions regarding the specifications and requirements of the RFP/Q should be made IN WRITING to the AOC representative no later than February 24, 2010.

PART B: INSTRUCTIONS TO PROPOSERS

1. DEFINITIONS

- a. "Proposal Deadline" is defined as the date and time specified at the beginning of Part A as to when these documents must be submitted.
- b. "Proposal Documents" or "Contract Documents" include PART A *Notice to Proposers*; PART B *Instructions to Proposers*; PART C *Specifications*; PART D *Compensation*; PART E *Evaluations of Proposals*; Part F *Selection Criteria*, PART G *Review Committee*; PART H *Deadlines*; PART I *Representations and Authorizations*; PART J *Contract Formation*, all appendices, and any addendums.
- c. "Proposer" is defined as one who submits a Proposal to the AOC in response to this solicitation, prior to the Proposal Deadline.
- d. "Successful Proposer" is defined as the most qualified, responsive, and responsible Proposer(s) to whom the AOC makes a written award, based upon evaluation criteria contained herein.

2. PREPARATION OF PROPOSALS

Proposals shall comply with the following to be valid. Failure to comply shall result in automatic disqualification.

- a. The Proposal shall be legibly and manually signed by an authorized representative. Where applicable, corporate and/or notary seals shall be attached. If a corporation, the corporate address and state of

incorporation shall be shown. If a partnership, the Proposal shall be signed by a partner in the partnership name and his/her title shall appear under the signature.

- b. An original and two (2) copies of the Proposal shall be submitted in a sealed package, and clearly marked outside as **RFP/Q #10-001**, Managed Mediation Program.
- c. The Proposal shall be delivered to the AOC prior to the Proposal Deadline. The deadline shall be strictly observed. The proper and timely delivery of a Proposal is solely the responsibility of each Proposer. The AOC shall not bear responsibility for delays caused by any occurrence. Proposals received after the Proposal Deadline shall be returned, unopened.
- d. Discrimination: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity.

3. PROPOSAL EXPENSES

Proposer shall be solely responsible for any expenses incurred in the preparation of its Proposal. Under no circumstances shall the AOC be responsible for any such expenses.

4. PROPOSER EXAMINATION

Proposer shall carefully make all necessary investigations in order to be thoroughly informed as to all aspects of the services to be rendered pursuant to the requirements hereof. No pleas of ignorance or mistake as to conditions or difficulties that may be encountered in the services to be rendered hereunder will be accepted. Neither will they be accepted as a basis for any claims whatsoever for extra compensation. The Proposer is solely responsible for reading and completely understanding the requirements of this Proposal Document and making all necessary investigations. The Successful Proposer shall be required to execute an Agreement substantially in the form as set forth.

5. PROPOSAL ERRORS

Where Proposals have erasures or corrections, each correction must be in ink and initialed in ink by the Proposer. Any blank spaces, qualifying notes, exceptions, counteroffers, and/or lack of required submittals may cause Proposer to be declared non-responsive.

6. WITHDRAWAL, TRANSFER OR MODIFICATION OF PROPOSAL

- a. Proposals may be withdrawn in a written and signed request received by the AOC prior to the Proposal Deadline.
- b. All proposals shall remain in full force and effect for a period of forty-five (45) calendar days after the Proposals are opened and shall not be revoked, withdrawn, or canceled within that time frame. The award of a contract shall not nullify this requirement.
- c. Proposer may not assign or otherwise transfer its Proposal prior to or after the Proposal Deadline.
- d. Proposer shall not modify its Proposal after the Proposal Deadline for any reason.

7. PROPOSAL OPENING

Every Proposal which has been properly delivered prior to the Proposal Deadline shall be opened by the AOC Representative following the Deadline date for the proposals. The AOC reserves the right to change or adjust schedule dates. Notice of any such change shall be given to those who have received RFP/Q documents and posted on the website.

8. AWARD OF CONTRACT/REJECTION OF PROPOSALS

- a. If a contract is to be awarded, it shall be awarded to the most responsible Proposer(s) whose evaluation indicates that the award will be in the best interest of the AOC. The AOC reserves the right to reject any and all Proposals, the right to waive any and all formalities, the right to disregard any nonconforming, non-responsive, or conditional Proposals and the right to make modifications to the proposed contract. The AOC reserves the right to reject the Proposal of any Proposer if the AOC believes it would not be in the best interests of the Twentieth Judicial Circuit.
- b. Nothing contained herein shall require the AOC to reject Proposals or award a contract based upon anything other than its sole discretion as described herein. By submitting a Proposal, the Proposer recognizes and accepts that the AOC may reject the Proposal based upon the exercise of its sole discretion. The Proposer waives any claim it may have for damages or other relief resulting directly or indirectly from the rejection of its Proposal based upon these grounds including the disclosure of any pertinent information relating to the reasons for rejection of the Proposal.
- c. The successful Proposer shall sign the written Agreement within seven (7) calendar days of receipt of said Agreement from the AOC. In the event that it fails to do so, the award may be withdrawn by the AOC, and the AOC may award the Contract to any other Proposer in its sole discretion.

PART C: SPECIFICATIONS

1. PROPOSAL/APPLICATION

Submission of a Proposal/Application describing professional experience; qualifications; and knowledge skills and abilities will be required from all Proposers. Proposals shall include a Sworn Statement on Public Entity Crimes (Appendix A), Mandatory Cover Sheet (Appendix B), and any additional information required to demonstrate possession of the minimum requirements.

2. RESIDENTIAL MORTGAGE FORECLOSURE MEDIATION SERVICE PROVIDERS MUST DEMONSTRATE IN WRITING POSSESSION OF THE FOLLOWING, MINIMUM REQUIREMENTS

- a. Compliant with ADR principles as promulgated by the Supreme Court, and ADR statutes and rules;
- b. Non-profit entity or associated with a reputable organization of proven competence, autonomous and independent of the judicial branch;
- c. Capable of efficient administration of large case loads;
- d. Sensitive to cultural, diversity, and Americans with Disabilities Act issues;
- e. Politically and professionally neutral;
- f. Knowledgeable of court procedures, current trends, laws, rules, and regulations affecting residential foreclosures;
- g. Fiscally transparent and accountable;
- h. Quickly adaptable to a dynamic and rapidly evolving legal environment;

- i. Financially stable;
- j. Capable of sustained operation without fiscal impact on the courts;
- k. Capable of effectively implementing information technology systems and web-based programs;
- l. Alert to ethical and confidentiality issues; and
- m. Agreeable to acting as manager for voluntary pre-suit mediation.

PART D: COMPENSATION

Compensation will be consistent with the manner established by Administrative Order, No. AOSC09-54.

PART E: EVALUATION OF PROPOSALS

All criteria for evaluation are set forth in this proposed document. These criteria will be used to determine the best proposal. Oral presentations may be requested of any or all Proposers for purposes of clarification after all Proposals are opened. AOC reserves the right, in its sole discretion, to determine a Proposer's ability to perform in accordance with the specifications, terms and conditions of the RFP/Q #10-001. The AOC reserves the right to reject any or all Proposals, award on a "none or all basis", multiple awards, negotiate the award, make no award and/or proceed with whatever Proposal the AOC deems to be in its best interest.

PART F: SELECTION CRITERIA

All competitive Proposals shall be evaluated with respect to the completeness of data provided, support for all claims made, and the overall approach taken. In addition to proposer's responsiveness to the RFP, the following critical factors will be used to evaluate the Proposals:

- a. Management and time keeping system to be used to schedule and coordinate mediation conferences, within designated time limits.
- b. Financial history of proposing entity, including the current state of solvency (via providing current balance sheet report, and for past two fiscal years).
- c. Communication technology that proposer will possess, including capability to use a secure dedicated e-mail address or a web-enabled information platform with XML data elements.
- d. Schedule for division of fees between mediators, managers and others.
- e. Performance standards used to assess the quality of mediator and counselor services, including under what conditions, and through what method, roster disqualifications would occur.
- f. Facilities that proposer will use, including the number of locations and thresholds for quality and scheduling availability. Presence of a local office within the circuit.
- g. The manner in which mediators and counselors would be assigned to specific cases, including what system would be used to recruit and vet mediators.

PART G: REVIEW COMMITTEE

A Review Committee will be appointed by the chief judge of the Twentieth Judicial Circuit Court to evaluate all Proposals. The Review Committee reserves the right to request interviews of any or all proposers, as necessary, toward a fair and equitable Proposal evaluation. The Chief Judge or his designee will make the award.

PART H: DEADLINES

This project should begin no later than July 1, 2010, and may renew annually. Listed below are the dates and times by which stated actions must be taken or completed. If the Twentieth Judicial Circuit Court determines, in its sole discretion, that it is necessary to change any of these dates and times, notice of any such change shall be given to those who have received RFP/Q documents and posted on the website.

Advertisement of RFP	February 10, 2010
Deadline for Receipt of Questions	February 24, 2010
Deadline for Written Responses to Questions	March 3, 2010
Deadline for Receipt of RFP	March 10, 2010
RFP Committee Meetings	March 10-April 6, 2010
Posting of Intent to Award	April 7, 2010

PART I: REPRESENTATIONS AND AUTHORIZATIONS

In submitting a proposal, each proposer understands, represents, and acknowledges the following (if the proposer cannot so certify to any of the following, the proposer shall submit with its proposal a written explanation of why it cannot do so).

- a. The proposer is not currently under suspension or debarment by the State or any other governmental authority.
- b. To the best of the knowledge of the person signing the proposal, the proposer, its affiliates, subsidiaries, directors, officers, and employees are not currently under investigation by any governmental authority and have not in the last ten (10) years been convicted or found liable for any act prohibited by law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract.
- c. To the best of the knowledge of the person signing the proposal, the proposer has no delinquent obligations to the State, including a claim by the State for liquidated damages under any other contract.
- d. The submission is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.
- e. The proposer has fully informed the AOC in writing of all convictions of the firm, its affiliates (as defined in section 287.133 (1)(a) of the Florida Statutes), and all directors, officers, and employees of the firm and its affiliates for violation of state or federal antitrust laws with respect to a public contract for violation of any state or federal law involving fraud, bribery, collusion, conspiracy or material misrepresentation with respect to a public contract. This includes disclosure of the names of current employees who were convicted of contract crimes while in the employ of another company.
- f. Neither the proposer nor any person associated with it in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, or position involving the administration of federal funds:
 - i. Has within the preceding three years been convicted of or had a civil judgment rendered against them or is presently indicted for or otherwise criminally or civilly charged for: commission of fraud or a criminal offense in connection with obtaining, attempting, to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

- ii. Has within a three-year period preceding this certification had one or more federal, state, or local government contracts terminated for cause or default.
- g. If an award is made to the proposer, the proposer agrees that it intends to be legally bound to the Contract that is formed with the AOC.
- h. The proposer has made a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting the proposal, and has been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in the Proposal.
- i. The proposer shall indemnify, defend, and hold harmless the AOC and its employees against any cost, damage, or expense which may be incurred or be caused by any error in the proposer's preparation of its bid.
- j. All information provided by, and representations made by, the proposer are material and important and will be relied upon by the AOC in awarding the Contract. Any misstatement shall be treated as fraudulent concealment from the AOC of the true facts relating to submission of the bid. A misrepresentation shall be punishable under law, including, but not limited to, Chapter 817 of the Florida Statutes.
- k. This solicitation is subject to chapter 112 of the Florida Statutes. Proposers must disclose with their Proposal the name of any officer, director, employee or other agent who is also an employee of the State, or employee of a county within the Twentieth Judicial Circuit. Proposers must also disclose the name of any employee of the State, or employee of a county within the Twentieth Judicial Circuit who owns, directly or indirectly, an interest of five percent (5%) or more in the respondent or its affiliates.

PART J: CONTRACT FORMATION

The AOC shall issue a notice of award, if any, to successful proposer(s), however, no contract shall be formed between proposer and the AOC until the AOC signs the Contract. The AOC shall not be liable for any costs incurred by a proposer in preparing or producing its proposal or for any work performed before the Contract is effective. Before award, the AOC reserves the right to seek clarifications or request any information deemed necessary for proper evaluation of submissions from all proposers deemed eligible for Contract award. Failure to provide requested information may result in rejection of the proposal. The AOC reserves the right to accept or reject any and all bids, or separable portions thereof, and to waive any minor irregularity, technicality, or omission if the AOC determines that doing so will serve the State's best interests. The AOC may reject any Proposal not submitted in the manner specified by the solicitation documents.

PART K: BOND REQUIREMENT

Upon commencing the project (on or about July 1, 2010), the program manager may be required to file a bond with surety as prescribed in Florida Statutes s. 45.011 to be approved by the clerk (the bond will be payable to the Governor/successors in office, in a sum to be specified by the AOC, conditioned on the faithful performance of all contractual duties by the program manager). The bond must be purchased from the funds of the office of the program manager.

Appendix A

SWORN STATEMENT UNDER SECTION 287.133(3)(A), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the Twentieth Judicial Circuit, Administrative Office of the Court by _____ (print individual's name and title) for _____ (print name of entity submitting sworn statement) whose business address is _____ and (if applicable) its Federal Employer Identification Number (FEIN) is _____ (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____.)
2. I understand that a "public entity crime" as defined in paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid, proposal, reply or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in paragraph 287.133(1)(a), Florida Statutes, means:
 - (A) A predecessor or successor of a person convicted of public entity crime; or,
 - (B) An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate"; includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in paragraph 287.133(1)(e), Florida Statute, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

_____ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer by the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

THE UNDERSIGNED PROPOSER, BY THE SIGNATURE BELOW, REPRESENTS THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

IN WITNESS WHEREOF, this Request of Proposal/Qualifications is hereby signed as of the _____ day of _____, 2010.

ATTEST:

Witness

Printed Name of Corporation or Individual (Party)

Witness

Signature of Authorized Corporate Officer or Individual

Sworn to and subscribed before me this _____ day of _____. Personally known to me or who has produced _____ as identification.

Notary Public

Type or Print Name

My Commission expires: _____



**Appendix B
Twentieth Judicial Circuit
Mandatory Cover Sheet for Proposals**



Name of Proposer: _____

Federal ID: _____

Address: _____

E-mail Address: _____

Telephone/Fax: _____

I. Indicate the locations that you seek to manage:	Lee	Collier	Charlotte	Hendry	Glades

II. Program narrative may address all topics listed under RFP, but must include the following:

- A.** Describe management and time keeping system to be used to schedule and coordinate mediation conferences, within designated time limits. Indicate technology to be used and experience managing such systems. Preference will be given to systems with ability to best measure deadline performance.
- B.** Describe the financial history of proposing entity, including the current state of solvency (via providing current balance sheet report, and for past two fiscal years). Indicate the methods and technology used to maintain financial books, prepare financial statements, and manage mediation fees and refunds. Preference will be given to proposers that possess sufficient level of capitalization.
- C.** Describe the nature of the communication technology that proposer will possess, including capability to use a secure dedicated e-mail address or a web-enabled information platform with XML data elements. Detail method that proposer will use to answer inquiries from parties, coordinate referrals, communicate with *pro se* litigants, refer unrepresented parties to legal aid, and comply with confidentiality rules. Preference will be given to proposers that provide technical specifications with regard to communications technologies.
- D.** Describe the proposer's schedule for division of fees between mediators, managers and others. Indicate how due-process considerations (unrepresented parties, interpreters, etc.) will be managed. Preference will be given to proposers demonstrating economic efficiency and effectiveness.
- E.** Describe the manner in which performance standards will be used to assess the quality of mediator and counselor services, including under what conditions, and through what method, roster disqualifications would occur. Preference will be given to proposals that provide specialized training related to workout options and assess the quality of service provided at each event (including complaint resolution).
- F.** Describe the facilities that proposer will use, including the number of locations and thresholds for quality and scheduling availability. Indicate if there will be a local office, and if not, where the closest office will be located. Preference will be given to proposals with a local office and multiple facilities throughout the circuit.
- G.** Describe the manner in which mediators and counselors would be assigned to specific cases, including what system would be used to recruit and vet mediators; in addition, what method would be used to create and maintain a current roster of mediators. Preference will be given to proposals that grant priority to mediators residing within the Twentieth Judicial Circuit.
- H.** Indicate the time required for the proposer to be fully operational. If additional time beyond the estimated begin date of July 1, 2010 is required, explain why.
- I.** Describe the type and nature of specialized training of mediators that proposer plans to offer. In addition, detail the selection process use to select all trainers to be used for mandatory mediator training.