



STATE OF MARYLAND JUDICIARY
Administrative Office of the Courts
REQUEST FOR PROPOSALS (RFP)
Trainer for Advanced Mediation in Complex, High-Conflict Civil Litigation
RFP# 9419

This procurement is being conducted as a Small Procurement Request for Proposals (RFP) as described in the Judiciary Procurement Policy, not to exceed \$25,000.

Purpose & Background

The Administrative Office of the Courts (AOC) on behalf of the Court of Special Appeals' Alternative Dispute Resolution (COSA ADR) Division issues this Small Procurement Request for Proposals (RFP) to secure a trainer to design and present a **six-hour**, interactive, advanced mediation skills workshop focusing on understanding the emotional and biological origins of conflict and preventing impasse. Attendees will consist of the Director of the COSA ADR Division, Deputy Director and staff of the COSA ADR Division, and approximately 25 retired, senior judges from Maryland's Circuit and Appellate Courts. This training should address mediation skills required to move beyond polarization and impasse and to successfully mediate complex, highly emotional disputes. The training will also meet the continuing education requirements of Maryland Rule 17-405(b) for all mediators in the COSA ADR Division.

The Court of Special Appeals (COSA) is Maryland's intermediate appellate court. It was created in 1966 in response to the rapidly growing caseload in the Court of Appeals. The ADR Division of the COSA has been in existence since 2010 as a pilot program. The Maryland Rules of Civil Procedure, since 2014, incorporate ADR as a part of the appellate process in Maryland. Litigants are ordered to attend mediation after the ADR Division screens the appeal and makes a recommendation to the court regarding whether mediation or settlement conference should be ordered. Most cases are ordered to mediation rather than settlement conference.

The COSA ADR Division mediates an array of civil appeals, including but not limited to domestic, personal injury, foreclosure, contracts, real property, malpractice, dissolution of corporations, and estates and trust matters. The COSA ADR Division utilizes a co-mediation model with one trained, experienced, retired/recalled, senior judge and the Director, Deputy Director or staff mediators from the COSA ADR Division. The Director, Deputy Director and staff mediators have extensive legal and mediation experience. The goals of the COSA ADR Division are to reduce the cost and time of appeals, improve outcomes for Maryland litigants,

prevent multiple appeals in the same case, and provide an alternative forum for Maryland citizens interested in resolving disputes by leveraging their own self-determination. Every calendar year, mediators with the COSA ADR Division (senior judges and COSA ADR Division staff) are required to complete four (4) hours of continuing mediation-related education in one or more topics as set forth in Maryland Rule 17-104. This advance appellate mediation training fulfills the requirements of the Rules. From its inception as a pilot program to today, the COSA ADR Division has conducted 1,399 mediations and has consistently maintained a 69% settlement rate. The national average is around 40-50%.

1. Scope of Work

It is imperative that the proposal demonstrate the trainer's ability to work with judges from the Circuit Courts and Appellate Courts of Maryland. Litigation experience is a big credibility-builder in this setting. The goal of the trainer should be the following:

1. To design and present an advanced mediation skills workshop
2. To explain the biology of conflict and decision making
3. To include tools and techniques that support mediating complex, highly-emotional matters
4. To include tools to move beyond impasse and entrenchment

2. Contractor Qualifications

The successful candidate will possess the following:

1. Extensive mediation and litigation experience in complex matters, involving multiple parties, highly emotional disputes, and intractable conflicts
2. At least five years of training experience
3. Experience working closely with bar associations and judicial organizations

3. Place/Date of Performance

- a. The training will likely occur at the Judicial College Education and Conference Center, 2011 Commerce Park Drive, Annapolis, MD 21401. The exact location will be confirmed post award.
- b. Optimal training dates will occur on **April 5, 2019**. Exact time to be determined post award.

4. Contract Type

The resulting contract shall be for a Fixed Price.

5. Contract Term

The Contract resulting from this Small Procurement (RFP) shall begin **with contract execution** and extend through the conclusion of the training.

6. Procurement Officer

The sole point-of-contact for purposes of this Small Procurement (RFP) prior to the award of any Contract shall be the Procurement Officer at the address listed below:

Karen Hoang

Maryland Judiciary, Administrative Office of the Courts

Department of Procurement, Contract and Grant Administration

Telephone: 410-260-1582

Email: karen.hoang@mdcourts.gov

7. Form of Response

Proposals must be in writing.

a. **Part I** – Technical proposal must include a written response to the Scope of Work that demonstrates the following:

- A detailed resume of the Contractor’s Resource skills and background- including training experience.
- A brief description of the training
- Materials to be Submitted
- Provide 3 customer references where the customer is similar in size to the RFP scope.

b. **Part II** – Price proposals must include the fully loaded fixed price for the services proposed using Attachment A (Price Proposal Form).

8. Proposal Closing Date

To be considered, all proposals must be received via email to the Procurement Office at the email address listed in Section Number 6, no later than **no later than 2:00pm (local time) on March 7, 2019.**

9. Award Determination

The Contract resulting from this Small Procurement (RFP) will be awarded to the Offeror whose proposal is determined to be the most advantageous to the State, based on the evaluated spectrum of services proposed and price, including the following:

- Skills and Background
- Training Approach
- Training Outline
- Price

Attachment A - Price Proposal Form

Contractor's price proposal must be complete and include all charges. AOC will not pay for any charges not listed in their quote.

Labor Categories-	Price
Training & Materials	\$
Travel Costs	\$
*Total Evaluated Price	\$

***Fully loaded fixed price that includes all direct and indirect costs and profit for the Contractor to perform. Indirect costs shall include all costs that would normally be considered general and administrative costs and/or travel costs, or which in any way are allocated by the Contractor against direct labor hours as a means of calculating profit or recouping costs which cannot be directly attributable to the Contract.**

Submitted by Authorized Signature
Date
Print Name and Title
Company Name
Company Address
Telephone
Federal Tax Identification No.
