

Alabama State Department of Education



**Request for Proposal
RFP ALSDE 2023-10
DUE PROCESS HEARING OFFICER
Alabama State Department of Education
Special Education Services**

Note: FAXED OR E-MAILED PROPOSALS WILL NOT BE ACCEPTED.

Inquiries and response submissions related to this RFP are to be addressed to:

Cindy Gillespie
Office of Operations
Alabama State Department of Education
50 North Ripley Street, Room P305
Gordon Persons Building
Montgomery, AL 36104
Email: cgillespie@alsde.edu

Deadline:

Proposals must be received no later than 4:00 p.m. on July 25, 2023.

It is required that each vendor clearly mark the envelope **RFP ALSDE 2023-10 in the lower left corner of the envelope (Response packages that are not marked will be rejected).**

The proposal package must contain the following:

1. **Original proposal plus four copies** with original signatures (The proposal must be signed by an official authorized to legally bind the vendor to the information provided). **One (1) electronic copy** on a USB flash drive in MS Word format.
2. Must be currently registered with the Alabama Department of Finance, Division of Purchasing as a State Vendor and provide vendor number. <http://www.purchasing.alabama.gov>
3. The vendor must complete the affidavit for business entity/employer/vendor. Verification of enrollment in E-verify should be presented on the form found in Appendix A.

Proposal Opening

July 28, 2023

9:00 am

**Gordon Persons Building, Personnel Training Conference Room
50 North Ripley Street
Montgomery, AL 36104**

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

Table of Contents

Section 1.00 Administrative Overview

- 1.1 Purpose and Background
- 1.2 Anticipated Timetable
- 1.3 Proposal Evaluation
- 1.4 Conditions and Terms

Section 2.00 Scope

- 2.1 Scope of Vendor's Work and Responsibilities
- 2.2 Scope of ALSDE Work and Responsibilities

Section 3.00 General Requirements

- 3.1 Requirements of Proposal

Section 4.00 General Terms and Conditions

- 4.1 Governance
- 4.2 Immigration
- 4.3 Conflict of Interest
- 4.4 Discrimination

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

Section 1.00 Administrative Overview

1.1 Purpose and Background

Purpose:

The Alabama State Department of Education (ALSDE) is seeking proposals from eligible applicants to contract as independent due process hearing officers for special education due process hearings under Part B of the *Individuals with Disabilities Education Act* (IDEA). The purpose of these contracts is to fulfill the ALSDE's responsibility to provide this IDEA procedural safeguard in accordance with 20 U. S. C 1400, et. seq., (IDEA, P. L. 108-446) CFDA 84.027A, 34 *Code of Federal Regulations* (C.F.R.) Part 300 and *Alabama Administrative Code* (AAC) 290-8-9.08(9)(c) Impartial Due Process Hearing Procedures.

Background:

The ALSDE requires qualified and impartial due process hearing officers who do not have a personal or professional interest that would conflict with his or her objectivity in implementing the process. Due process hearing officers independently resolve special education disputes under the IDEA through accessible, fair, prompt processes; and sound decisions. Due process hearing officers are expected to demonstrate integrity, impartiality, and professional competence.

Those eligible to apply must:

- Not be a person, who is an employee of the ALSDE, or an employee or board member of a local education agency (LEA) in the state of Alabama while serving as an impartial due process hearing officer.
- Not be a person having a personal or professional interest that would conflict with his or her objectivity.
- Be licensed to practice law and be in good standing with the Alabama State Bar or another State Bar.
- Not be an attorney who has represented parties in any IDEA dispute, educational dispute, student discipline, and/or student activity in the three years preceding the proposal submission deadline and must not do so while serving as an impartial due process hearing officer.
- If the attorney is a member of a firm, the attorney must apply in his/her individual capacity, not as a member of the firm, and must not use the resources of the firm in the performance of the vendor's work and responsibilities under this RFP.
- Possess knowledge of, and the ability to understand, the provisions of the IDEA, federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts.
- Possess the ability to work effectively under pressure and strict deadlines.
- Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice.
- Possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
- Have a primary or secondary residence in the state of Alabama that can serve as base for travel purposes.

Compensation is based upon the following fee schedule, which is subject to periodic revision:

Flat Rate Fee Per Case	\$3,850.00

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

1.2 Anticipated Time Table

July 25, 2023	Proposal Submission Deadline
July 28, 2023	Bid Opening

1.3 Proposal Evaluation

An Evaluation Team will review the proposals and make a recommendation. The criteria listed below will be used to evaluate the proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP.

Each member of the evaluation team will review and score each proposal, using the following evaluation criteria:

Proposal Evaluation Criteria:

50%	Description of how vendor will fulfill work and responsibilities.
40%	Vendor qualifications and experience.

Writing Sample:

10%	Evaluation of the legal writing sample by up to two individuals as determined by and selected by the ALSDE.
-----	-------------------------------------------------------------------------------------------------------------

Additional factors and considerations that may be used in determining awards:

- Past Performance (if available)
- Regional Representation

Best and Final Offers:

The ALSDE may either accept a vendor's initial proposal by award of a contract or enter into discussions with vendors whose proposals are deemed to be reasonably acceptable consideration for award. After discussions are concluded, a vendor may be allowed to submit a "Best and Final Offer" for consideration in a manner and method prescribed by the ALSDE. By submitting a proposal each vendor accepts and agrees to all conditions and requirements herein.

The ALSDE will make all decisions regarding evaluation of the proposal. The ALSDE reserves the right to judge and determine whether a request is compliant with and has satisfactorily met the requirements of the RFP. The ALSDE reserves the right to waive technical and other defects if, in its judgment, the interest of the ALSDE so requires. Any further information disclosed about the RFP during this process will be provided to all vendors in a manner and method prescribed by the ALSDE.

Rejection of Proposal:

The ALSDE reserves the right to reject any or all proposals which are deemed to be non-responsive, late in submission, or unsatisfactory in any way. The ALSDE shall have no obligation to award a contract for work, goods and/or services as a result of this RFP.

Qualified bidders aggrieved in connection with the with the solicitation of a contract may protest to the Chief Procurement Officer. See generally State of Alabama Department of Finance *Administrative Code Regulations* at <https://finance.alabama.gov/media/rnii4ga1/administrative-code-355-4-1-01-thru-06.pdf>.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

Confidentiality:

All information contained in the RFP is considered to be the exclusive property of the ALSDE. Recipients of this RFP are not to disclose any information contained within the RFP unless such information is publicly available. This RFP is provided for the sole purpose of allowing vendors to respond to these specifications.

Selection Process:

The number of grants awarded depends on the number of proposals submitted and the quality of the proposed projects, funding availability and the best interests of the Agency.

The ALSDE will select the vendor(s) that provides the most technically sound and cost-effective proposal that best fits the needs of the ALSDE. Final selection of the successful vendor(s) will not be based solely on cost. The vendor product will be evaluated primarily on the scope of the activities linked to associated costs as detailed in the RFP. RFPs will be reviewed to ascertain that minimum requirements have been met. The ALSDE reserves the right to conduct discussions with potential vendors in order to clarify information contained in their proposals, but the ALSDE has no obligation to do so.

Subcontracting the work and responsibilities outlined in this RFP is prohibited. Awards from this RFP will result in individual service contracts. This does not limit a hearing officer's use of clerical services provided to him/her as an individual.

Unless provided by law, nothing in this RFP shall be construed to create any legal obligation on the part of the ALSDE or any respondents. The ALSDE reserves the right, in its sole discretion, to amend, suspend, terminate, or reissue the RFP in whole or in part, at any stage. In no event shall the ALSDE be liable to respondents for any cost or damages incurred in connection with the RFP process, including, but not limited to, any and all costs of preparing a response to this RFP or any other costs incurred in reliance on this RFP. No respondent shall be entitled to repayment from the ALSDE for any costs, expenses, or fees related to the RFP. All supporting documentation submitted in response to the RFP will become the property of the ALSDE. Respondents may also withdraw their interest in the RFP, in writing, at any point in time, as more information becomes known. If, within the confines of this RFP, the vendor provides intellectual property be it understood that all RFP contents are subject to *Open Records Act* laws and thus are subsequently in the public domain.

Only the final results of the ALSDE Evaluation Committee may be considered public. Any work papers, individual evaluator or consultant comments, notes, or score will not be considered public. The final results of the ALSDE Evaluation Committee will not be publicly available until a final contract has received all necessary approvals.

Open Records Act requests can be made at the following website:

[https://alsde.mycusthelp.com/WEBAPP/_rs/\(S\(f5sv2dmcmpb2aknppsajshwn\)\)/supporthome.aspx](https://alsde.mycusthelp.com/WEBAPP/_rs/(S(f5sv2dmcmpb2aknppsajshwn))/supporthome.aspx)

Disclaimer Notice:

The ALSDE shall not be liable for any costs associated with the preparation of proposals or negotiations of a contract incurred by any party.

Availability of Funds:

It is expressly understood and agreed that the obligations of the ALSDE to proceed is conditioned upon the continued availability of funds that may be expended for these purposes.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

1.4 Conditions and Terms

Contract Terms:

The contract resulting from this RFP may be renewable for four (4) additional years pending written agreement of the vendor and the ALSDE, dependent upon required state approvals, availability of funds, performance evaluations of the project, at the full discretion of the ALSDE. The contract will commence pending Legislative Review Committee approval and Governor's signature.

The vendor shall be fully prepared to commence work after full execution of the contract by parties and the receipt of required governmental approvals.

Proposals should reference each element in the RFP by number on the cover of each copy and be arranged in the same sequence. All fees and costs are to be stated in United States currency. Vendors must reply to each element of the RFP.

Section 2.00 Scope

2.1 Scope of Vendor's Work and Responsibilities

Due process hearing officers must adhere to the *Individuals with Disabilities Education Act*, 20 U.S.C. § 1400 (2004); Code of Federal Regulations, 34 C.F.R. § 300; and the *Alabama Administrative Code*, Chapter 290-8-9. Failure to comply with the IDEA, federal regulations, and state code may be the basis for removal as an ALSDE due process hearing officer. Work as a due process hearing officer on this contract is sporadic and not guaranteed.

Specific responsibilities of the qualified due process hearing officers include:

- Stay informed of—and abide by all statutes, rules, and administrative orders relevant to—special education and related services.
- Provide services in compliance with, but not limited to the *Individuals with Disabilities Education Act*, 20 U.S.C. § 1400 (2004); Code of Federal Regulations, 34 C.F.R. § 300; and the *Alabama Administrative Code*, Chapter 290-8-9.
- Maintain good character and report in writing to the ALSDE a change in State Bar licensing status or conviction of a felony or misdemeanor within 30 days of such conviction.
- Disclose any personal or professional interest that would conflict with objectivity.
- Engage in educational activities that promote professional growth and attend mandatory trainings.
- Demonstrate integrity, impartiality, and professional competence.
- Conduct high-quality and timely administrative hearings and provide decisions under applicable laws consistent with the requirements of due process.
- Ensure a clear and complete hearing record.
- Preside and rule on pre-hearing, hearing, and post-hearing matters.
- Take testimony and rule on exhibits. Determine the relevancy of testimony as it is occurring; rule on admissibility of evidence.
- Maintain control of the hearing, which may include parties who are upset or are having difficulty understanding the proceeding.
- Analyze legal problems, some of which may be difficult and complex; and apply legal principles and precedents with a commitment to making an unbiased and legally correct decision.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

- Issue well-written decisions, containing necessary findings of fact and conclusions of law, disposing of all legal issues.
- Issue decisions within strict timelines required by the governing federal and state laws.
- Develop and maintain current and accurate knowledge of administrative rules, policies and procedures, and other substantive law for caseloads.
- Maintain confidentiality, including deleting any personally identifiable information in findings and fact and decisions as directed by ALSDE.
- Communicate with parties to the case, ALSDE employees, and other relevant individuals.
- Comply with the ALSDE due process policies and procedures, including providing case updates and completing and submitting required paperwork in a timely manner.

2.2 Scope of Alabama State Department of Education's Work and Responsibilities

Specific responsibilities of the ALSDE include:

- Maintain a list of qualified individuals who serve as due process hearing officers.
- Bear the cost of due process hearings.
- Appoint a qualified hearing officer when a due process complaint is received.
- Provide for a qualified court reporter to make an official transcript of the hearing.
- Arrange for an interpreter, as needed, when requested.
- Maintain comprehensive tracking and filing regarding each impartial due process hearing to include, but not be limited to, all written correspondence, evidence, decisions, and transcripts.
- Provide professional development for independent due process hearing officers.
- Provide an annual review of the independent due process hearing officer work and responsibilities.
- Provide payment to due process hearing officer according to state rules and regulations, upon receipt of an approvable signed claim.

Section 3.00 General Requirements

3.1 Requirements of Proposal

The vendor must provide the following mandatory information. **Failure to provide this information may be cause for the proposal to be rejected.** Qualifications, experience, and cost will be evaluated for contract award. The proposal may be submitted under the same cover with Vendor Requirements and Cost Proposal in two distinct sections. E-verify information is required to be submitted for all employees to include contractors of the vendors if necessary and applicable.

Part I

Signed Cover Letter:

The cover letter shall serve as the first page of the vendor's proposal. The vendor shall complete the cover letter and attach it to the proposal in response to the RFP. The cover letter must be signed by an official authorized to legally bind the vendor. It will state that the vendor is a legal entity that will meet the specifications. The cover letter must accompany the submitted proposal. The letter accompanying the proposal must have original signatures and must include contact numbers and e-mail addresses for the authorized official signing the letters.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

Part II

Vendor Qualifications and Experience:

Vendor shall provide satisfactory evidence of the vendor's capability to coordinate the types of activities and to provide the services described in the RFP in a timely manner. Special attention should be given to the discussion of qualifications. The discussion shall include a description of the vendor's background and relevant experience as related to the required activities in the RFP.

Qualifications

(e.g., teaching or educational administration certification in addition to Juris Doctor, additional or specialized legal certification or endorsement, additional earned doctorate, membership in professional organizations).

Experience

(e.g., number of years as an attorney, arbitrator, hearing officer, administrative law judge, other type of judge).

Part III

Management Plan:

Vendor shall provide a detailed plan describing how the services will be performed to meet the requirements of the RFP. The description shall encompass the requirements of this RFP. The response must be prepared and organized in a clear and concise manner that is easily understandable.

Vendor Organization:

Describe your organizational structure and explain how your organization qualifies to be responsive to the requirements of this RFP.

References:

The vendor shall provide a minimum of three (3) references that can support and validate projects and outcomes, including names or persons who may be contacted, position of person, addresses, and telephone numbers where similar projects and/or to that described in this RFP have been conducted.

Writing Sample:

The vendor shall provide a legal writing sample. The preferred sample is an authored judicial or administrative law decision that include findings of facts and application of the law to the facts and, preferably, an order. In the absence of an authored decision, an authored legal brief or memorandum on one or more dispositive issues in a contested case before a tribunal will be accepted. (Any review of the vendor's authored writing sample prior to issuance must be disclosed.)

Executive Summary:

An executive summary is required. This summary will condense and highlight the contents of the vendor's proposal.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

Section 4.00 General Terms and Conditions

4.1 Governance

This RFP and its terms shall be governed and construed according to the laws of the state of Alabama. Any dispute arising out of this RFP shall be brought in the state of Alabama, with venue in Montgomery County, Alabama. Vendors agree to comply with all applicable federal and state laws and regulations.

4.2 Immigration

The proposal must contain a statement that the firm is aware of and in compliance with the requirements of the *Beason-Hammon Alabama Taxpayer and Citizen Protection Act*; a statement that the vendor is enrolled in the E-Verify as required by Section 31-13-9 (b), *Code of Alabama 1975*, as amended.

BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT

COMPLIANCE

The *Beason-Hammon Alabama Taxpayer and Citizen Protection Act* (31-13-1 et seq, *Code of Alabama, 1975* as amended by Act 2012-491) regulates illegal immigration in the state of Alabama. All contracts with the state or political subdivision thereof must fully comply with each provision as provided by law.

A proposal must include a statement that the vendor has knowledge of this law and is in compliance. Before a contract is signed, the vendor awarded the contract must submit a Certificate of Compliance using the form at Appendix A. E-Verify enrollment can be accomplished at the website of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 10 for additional language required by Section 10(k) of the Act to be included in the contract.
Rev.5-24-13

4.3 Conflict of Interest

The vendor attests that no employee, officer, or agent of the vendor shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest may be involved. A conflict would arise when the employee, officer, agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in the organization selected for an award. The officers, employees, and agents of the vendor, if selected as the career planning system vendor, shall neither award nor offer gratuities, favors, nor anything of monetary value from vendors or subcontractors.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

4.4 Discrimination

Alabama Non-Discrimination Statement:

No person shall be denied employment, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity on the basis of disability, gender, race, religion, national origin, color, age, genetic information, or any other category protected under the law. Ref: Sec. 1983, Civil Rights Act, 42 U.S.C.; Title VI and VII, Civil Rights Act of 1964; Rehabilitation Act of 1973, Sec. 504; Age Discrimination in Employment Act; the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008; Equal Pay Act of 1963; Title IX of the Education Amendment of 1972; Title II of the Genetic Information Nondiscrimination Act of 2008. Title IX Coordinator, P.O. Box 302101, Montgomery, Alabama 36130-2101 or call (334) 694-4717.

Request for Proposal (RFP)
RFP ALSDE 2023-10
Alabama State Department of Education,
Special Education Services

APPENDIX "A"

State of _____)
County of _____)

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by ACT 2012-491)

DATE: _____

RE Contract/Grant/Incentive (describe by number or subject): _____
by and between _____ (Contractor/Grantee) and
_____ (State Agency, Department or Public Entity)

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of _____ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by ACT 2012-491) which is described herein as "the Act."
2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.

a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, and foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.

b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

____ (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

____ (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, the Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;
4. The Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this _____ day of _____ 20____.

Name of Contractor/Grantee/Recipient
By: _____
Its _____

The above Certification was signed in my presence by the person whose name appears above, on
this _____ day of _____ 20____.

WITNESS: _____

Printed Name of Witness