

REQUEST FOR PROPOSALS

For an Arbitration Organization for the No-Fault Arbitration Process Under Minnesota Statutes 65B.525

I. REQUEST FOR PROPOSALS

- A. **Defined.** The Supreme Court of Minnesota has required a competitive selection process to select the arbitration administrator responsible for the day to day administration of the No-Fault Arbitration Process under Minnesota Statute 65B.25. A selection committee has been designated to conduct the competitive selection process and make recommendations on the arbitration organization to be designated to the Standing Committee and the Supreme Court. It is anticipated that this will be a four year contract from July 1, 2016 through June 30, 2020.
- B. **Right to Cancel.** Neither the Supreme Court, the Standing Committee, nor the selection committee is obligated to respond to any proposal submitted nor is it legally bound in any manner whatsoever by the submission of a proposal. The selection committee reserves the right to cancel or withdraw the request for proposal at any time if it is considered to be in its best interest. In the event the request for proposals is cancelled or withdrawn for any reason, neither the selection committee, the Standing Committee nor the Supreme Court shall have any liability to any proposer for any costs or expenses incurred in connection with this request for proposals or otherwise. The selection committee also reserves the right to reject any or all proposals, or parts of proposals, to waive any informalities therein, and to extend proposal due dates.

II. PROJECT OVERVIEW

- A. **Standing Committee for Minnesota No-Fault Arbitration.** The arbitration organization shall be responsible for the day to day administration of the No-Fault Arbitration Process under Minnesota Statutes 65B.25 including the provision of administrative support to the Standing Committee and the administration of the arbitration process under statutes and rules governing the No-Fault Arbitration Process. The arbitration organization will manage approximately 5000 requests for arbitration annually.
- B. **Background.** The Standing Committee for Minnesota No-Fault Arbitration is seeking a qualified organization to serve as administrator fo the day to day operations of the Minnesota No-Fault Insurance Arbitration Program. This is a multi-year exclusive designation of an arbitration organization to manage the administration of the No-

Fault Arbitration. It is anticipated that this will be a four year contract from July 1, 2016 through June 30, 2020.

III. Objective

The arbitration administrator for the No-Fault Arbitration process will ensure a fair, orderly, expeditious and cost effective arbitration claims resolution process under Minnesota Statutes and No-Fault Arbitration Rules.

IV. RESPONSIBILITIES

The arbitration administrator organization designated will perform administrative work in support of the program. The program receives in excess of 5000 arbitration requests annually. That work includes:

- Review of the petition and supporting documents to ensure sufficiency;
- Provision of a list of arbitrators for selection by the parties
- Provision of arbitrator disclosures to the parties;
- Scheduling arbitration hearing;
- Confirming administrative details of the hearings;
- Monitoring the timely issuance of the arbitrator award;
- Providing secretarial services for the arbitrators if needed;
- Preparing the arbitration award for signature;
- Distribution of the award for signature;
- Resolution of administrative issues that may arise in the scaw;
- Recruitment and training of arbitrators;
- Processing appeals on arbitrator selections
- Providing administrative support to the Standing No-Fault Arbitration Committee
- Work with State Court Administrator's Office and the Supreme Court on administrative and rule changes necessary;
- Prepare reports as requested by the Supreme Court.

V. SUBMISSION REQUIREMENTS.

A. **General Requirements** – each response must include the following or it may be excluded from moving through to the next phase of response scoring:

1. **Certificate of Insurance.** Each proposal shall contain acceptable evidence of compliance with the workers' compensation coverage requirements of Minnesota Statute § 176.181, subd. 2. Vendor's RFP response must include one of the following: (1) a certificate of insurance, or (2) a written order from the Commissioner of Insurance exempting you from insuring your liability for compensation and permitting him to

self-insure the liability, or (3) an affidavit certifying that you do not have employees and therefore are exempt pursuant to Minnesota Statutes §§ 176.011, subd. 10; 176.031; and 176.041. *See* Section XV of the sample State contract in Appendix III for details on additional insurance requirements that must be provided upon request of the State.

2. **Affirmative Action Certification.** If the vendor's proposal exceeds \$100,000.00, the RFP response must include a completed Affirmative Action Statement and Certificate of Compliance, which are attached as Appendix I.
3. **Non-Collusion Affirmation.** Vendor must complete the Affidavit of Non-Collusion (Appendix II) and include it with its RFP response.
4. **Contract Terms – acknowledgment of a and b.** The State's proposed contract templates are set forth in Appendix III (contract) and Appendix IV (subcontractor participation agreement). No work can be started until a contract (and where necessary a subcontractor participation agreement), in the form approved by the State Court Administrator's Legal Counsel Division, has been signed by all necessary parties in accordance with state court procurement and contract policies. The templates included in the appendices are sample forms and are not to be interpreted as offers.
 - a. By submitting a response to this RFP, Vendor accepts the standard terms and conditions and contract set out in Appendices III and IV, respectively. Much of the language included in the standard terms and conditions and contract reflects requirements of Minnesota law.
 - b. Vendors requesting additions or exceptions to the standard terms and conditions or contract terms shall submit them with their response to the RFP. A request must be accompanied by an explanation why the exception is being sought and what specific effect it will have on the Vendor's ability to respond to the RFP or perform the contract. The State reserves the right to address nonmaterial requests for exceptions to the standard terms and conditions and contract language with the highest scoring Vendor during contract negotiation.
 - c. The State shall identify any revisions to the standard terms and conditions and contract language in a written addendum issued for this RFP. The addendum will apply to all Vendors submitting a response to this RFP. The State will determine any changes to the standard terms and conditions and/or contract.

5. **Evidence of Financial Stability.** Vendor's RFP must provide evidence of Vendor's financial stability as an indicator of Vendor's ability to provide services irrespective of uneven cash flow.
- B. **Project-Related Submission Requirements:** each response must include the following or it may be excluded from moving through to the next phase of response scoring:
1. Description of the manner in which the organization proposes to provide organizational support for the arbitration process,
 2. Resumes of the principle individuals who would perform the services of the outlined in this request for proposal,
 3. Resumes must:
 - a. be up-to-date,
 - b. include the names and telephone numbers of at least three references for both the organization and the principle individuals proposed to be involved in the management of the service,
 - c. demonstrate a familiarity with the arbitration process, an ability to manage a complex, high volume process in a cost effective manner, an ability to manage staff, and an ability to administer the process in a fair and impartial manner.
 4. Description of the number and type of staff who would be involved,
 5. Proposed location of the principle office,
 6. Manner in which arbitrators would be selected for the panel and trained,
 7. Estimated cost of the operation and the proposed fee structure to be assessed against system users,
 8. Outline an initial implementation plan and timetable should your organization be designated the arbitration administrator.
 9. Criteria by which the effectiveness of the organization can be measured on an annual or biennial basis.
 10. Travel, administrative, overhead and other related charges and expenses shall be included in the prices set forth in the proposal.

VI. **PROPOSAL EVALUATION.**

- A. The Selection Committee will evaluate all complete proposals received by the deadline. Incomplete proposals, late proposals, or proposals sent to any other address will not be considered. In some instances, an interview or presentation may be part to the evaluation process. Factors upon which the proposals will be judged included, but are not limited to, the following:
1. Knowledge of proposed staff of the No-Fault Arbitration system in Minnesota.
 2. Experience of proposed staff in the field of arbitration administration.

3. Experience managing the fiscal and human resources of an organization.
 4. Experience in coordinating or scheduling hearings.
 5. Experience resolving scheduling, ethical or process complaints.
 6. Financial stability of the organization as an indicator of its ability to provide services irrespective of uneven cash flow.
 7. Availability of sufficient staff to ensure the efficient and effective administration of the arbitration process.
 8. Ability to recruit and retain sufficient qualified arbitrators to resolve disputes in a timely fashion.
 9. Ability to implement a new program in a short timeframe.
 10. Ability to communicate readily with the Bar and insurance companies.
- B. The State reserves the right to determine, at its sole and absolute discretion, whether any aspect of a proposal satisfactorily meets the criteria established in this RFP.
- C. The State reserves the right to request additional information from Vendors during any phase of the proposal evaluation process. During the evaluation and selection process, the State may require the presence of Vendor's representatives at a vendor conference. During a vendor conference, a vendor may be asked to provide a demonstration of the product and/or to answer specific questions. Vendors are required to travel at their own expense to for the demonstration of the product and answer questions. Notification of any such requirements will be given as necessary.
- D. The State may elect not to award a contract solely on the basis of this RFP, and will not pay for the information solicited or obtained. The information obtained will be used in determining the alternative that best meets the needs of the State.

VII. SUBMISSION OF PROPOSALS.

A. Proposal Timeline.

1. Posting Date on State MJB Website [MJB Court Public Website - Public Notice](#) : April 20, 2016.
2. Questions Due: May 6, 2016.
3. Answers Posted: May 13, 2016.
4. Proposal Submission Deadline: 4:00 p.m., May 20, 2016.
5. Vendor conferences will be scheduled if needed.
6. Subsequent selection as soon thereafter as possible.

B. Amendments. Any amendments to this RFP will be posted on the MJB website.

- C. **Questions.** All questions about this RFP must be submitted in writing via email to the State's sole point of contact identified in this paragraph no later than 4:00 p.m. May 6, 2016. Other court personnel are not allowed to discuss the Request for Proposals with anyone, including responders, before the proposal submission deadline.

Carla Heyl
Director, Legal Counsel Division
State Court Administrator's Office
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155
Carla.Heyl@courts.state.mn.us

- D. **Answers to Questions.** Timely submitted questions and answers will be posted on the Judicial MJB website by the end of the day on May 13, 2016, by 4:00 p.m., and will be accessible to the public and other proposers.

- E. **Sealed Proposal and Submittal Address.** Your proposal must be submitted in writing by 4:00 p.m. May 20, 2016, in a sealed envelope to:

Carla Heyl, Director
Legal Counsel Division
125 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155
Carla.Heyl@courts.state.mn.us

The submission must include both four (4) paper copy and one (1) electronic PDF copy either on disc or flash drive. No facsimile submissions will be accepted. Proposals delivered in person to State Court Administration should be presented to the First Floor receptionist and date/time stamped by the receptionist.

- F. **Signatures.** Your proposal must be signed, in the case of an individual, by that individual, and in the case of an individual employed by a firm, by the individual and an individual authorized to bind the firm. This can be done on vendor informational cover sheet as stated in Project Related Submission Requirements.
- G. **Ink.** Prices and notations must be typed or printed in ink. No erasures are permitted. Mistakes may be crossed out and corrections must be initialed in ink by the person signing the proposal.
- H. **Deadline; Opening; Public Access.** Proposals must be received no later than 4:00 p.m. May 20, 2016. Proposals will be opened the following business day

and once opened become accessible to the public. All documentation shipped with the proposal, including the proposal, will become the property of the State.

- I. **Late Proposals.** Late proposals will not be accepted or considered.
- J. **Selection Timeline.** Vendor selection will be as soon as possible after the proposal submission deadline.