

SOLICITATION, OFFER, AND AWARD			1. Caption			Page of Pages				
			Chief Hearing Officer			1	10			
2. Contract Number		3. Solicitation Number		4. Type of Solicitation		5. Date Issued		6. Type of Market		
		DCGD-2010-R-0048		<input type="checkbox"/> Sealed Bid (IFB) <input checked="" type="checkbox"/> Sealed Response (RFQ) <input type="checkbox"/> Sole Source <input type="checkbox"/> Human Care Agreements <input type="checkbox"/> Emergency		8/18/2010		<input checked="" type="checkbox"/> Open <input type="checkbox"/> Set Aside <input type="checkbox"/> Open with Sub-Contracting Set Aside		
7. Issued By:				8. Address Offer to:						
Office of Contracting and Procurement Office of the State Superintendent of Education (OSSE) 441 4th Street, NW, STE 700 S Washington, DC 20001				Office of Contracting and Procurement 441 4th Street NW BID ROOM Ste 703 South Washington, DC 20001						
NOTE: In sealed bid solicitations "offer" and offeror" means "bid" and "bidder"										
SOLICITATION										
9. Sealed offers in original and <u>1+1</u> copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if hand carried to the bid counter located at <u>810 1st Street NE, 9th Floor, Washington, DC 20002</u> until <u>2:00PM</u> local time <u>8-Sep-10</u> (Hour) (Date)										
CAUTION: Late Submissions, Modifications and Withdrawals: See 27 DCMR chapters 15 & 16 as applicable. All offers are subject to all terms & conditions contained in this solicitation.										
10. For Information Contact		A. Name			B. Telephone			C. E-mail Address		
		Janet Spevak			(Area Code)	(Number)	(Ext)	janet.spevak2@dc.gov		
		202			741-5937					
11. Table of Contents - See Sections I - VIII of the RFQ										
(X)	Section	Description	Page No.	(X)	Section	Description	Page No.			
PART I - THE SCHEDULE										
	A	Solicitation/Contract Form			I	Contract Clauses				
	B	Supplies or Services and Price/Cost		PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS						
	C	Specifications/Work Statement			J	List of Attachments				
	D	Packaging and Marking		PART IV - REPRESENTATIONS AND INSTRUCTIONS						
	E	Inspection and Acceptance			K	Representations, certifications and other statements of offerors				
	F	Deliveries or Performance			L	Instructions, conditions & notices to offerors				
	G	Contract Administration Data			M	Evaluation factors for award				
	H	Special Contract Requirements								
OFFER										
12. In compliance with the above, the undersigned agrees, if this offer is accepted within <u>90</u> calendar days from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified herein.										
13. Discount for Prompt Payment		10 Calendar days %		20 Calendar days %		30 Calendar days %		___ Calendar days %		
				Amendment Number		Date		Amendment Number		
14. Acknowledgement of Amendments (The offeror acknowledges receipt of amendments to the SOLICITATION):										
15A. Name and Address of Offeror				16. Name and Title of Person Authorized to Sign Offer/Contract						
15B. Telephone			15 C. Check if remittance address is different from above - Refer to Section G			17. Signature		18. Offer Date		
(Area Code)	(Number)	(Ext)								
AWARD (TO BE COMPLETED BY GOVERNMENT)										
19. Accepted as to Items Numbered			20. Amount			21. Accounting and Appropriation				
22. Name of Contracting Officer (Type or Print)			23. Signature of Contracting Officer (District of Columbia)				24. Award Date			
Carole Lee										
 Government of the District of Columbia					Office of Contracting & Procurement					

REQUEST FOR QUALIFICATIONS (RFQ)

SOLICITATION NO.: RFQ DCGD-2010-R-0048

CAPTION: Chief Hearing Officer

ISSUE DATE: August 18, 2010

CLOSING DATE: September 8, 2010

CLOSING TIME: 2:00 P.M. EST

CONTRACT SPECIALIST: Janet Spevak

**Office of the State superintendent of education
810 1st. Street NE, 9th Floor, Washington, D.C. 20002**

PHONE NO.: (202) 741-5937

Email: janet.spevak2@dc.gov

**REQUEST FOR QUOTATION (RFQ) DCGD-2010-R-0048
CHIEF HEARING OFFICER¹**

Dear Prospective Applicant:

The Office of the State Superintendent of Education (OSSE), Government of the District of Columbia is seeking applicants to become the Independent Chief Hearing Officer for the District of Columbia's Special Education Due Process Hearing System established pursuant to the Individuals with Disabilities Education Act ("IDEA") (20 U.S.C. Section 1400 et seq; 34 C.F.R. Part 300).

The OSSE has been engaged in an intensive three year transformation of the District's Special Education Hearing System and the Student Hearing Office (SHO), consistent with standard and best practices for special education hearing systems. The position of Independent Chief Hearing Officer was a newly established position in 2009 and is vital to sustaining the system in a manner that is independent, fair, and impartial and to ensure continuous improvement.

The transformation of the Student Hearing Office and this hearing system is a key part of special education reform in the District of Columbia. The OSSE is looking for a strong and committed individual able to make an impact by establishing the highest standards for administrative law practice and effectively managing continuing improvement in the hearing system.

Special education hearings are conducted pursuant to the Individuals with Disabilities Education Act (IDEA: 20 U.S.C. §1400 et. seq. and 34 C.F.R. Part 300, including 20 U.S.C. §1415; 34 C.F.R. §§300.507 – 300.515 and 300.530 – 300.534; and Title 5 D.C. Municipal Regulations (D.C.M.R.), Chapter 30, including §§3030-3033, and the Blackman-Jones Consent Decree.²

An average of 120-150 due process hearing complaints are filed every month which currently necessitates a cadre of 16 contract Hearing Officers. Impartial Special Education Hearing Officers are not employees of the OSSE, the District of Columbia

¹ This [RFQ] is made in accordance with paragraph 139 of the August 24, 2006 Consent Decree entered in *Blackman-Jones v. The District of Columbia*, Nos. 97-1629 and 97-2402 (D.D.C.) ("Blackman-Jones") which provides that the District of Columbia "[is] not bound by the D.C. Procurement Practices Act, D.C. Code Section 2-301.01 et seq., any other District or federal law relating to procurement, and any regulations thereunder."

² The District of Columbia is a defendant in *Blackman-Jones*, which is a class action law suit in which the plaintiffs alleged and the Court found that the District of Columbia Public Schools ("DCPS") was liable for failing to provide due process hearings and issue final determinations within the timeframe prescribed by the IDEA and failing to timely implement Hearing Officer determinations and settlement agreements. *The Links to referenced laws, regulations, the Consent Decree and policies:* Links to the IDEA law and regulations can be found at <http://idea.ed.gov/> Regulations. Links to the District of Columbia Municipal Regulations (DCMR) can be found at <http://www.dcregs.dc.gov/Gateway/Agencyhome.aspx?SearchType=DCMRAgency&AgencyID=42>. The Blackman/Jones Consent Decree contains certain provisions governing the handling of administrative due process hearings and can be found at: <http://www.bazelon.org/pdf/blackman-CD.pdf>

Public Schools (DCPS), or the District's local educational agency charter schools. They are private attorneys with at least five years of legal experience who have qualified to serve as Hearing Officers and who have executed a contract with the OSSE for that purpose.

The position of Independent Chief Hearing Officer will be a contractual full-time position at a fixed price of \$222,000 per year to be paid on a monthly basis and an allocation of \$3000.00 for the CHO's attendance at an annual training, including reimbursable expenses. The term of the contract shall be for a period of 1 year from the date of award, with the option to extend the contract for a period of one additional year or a successive fraction thereof. (See Base and Option Year Price Schedule in Section V(B).)

I. QUALIFICATIONS

MANDATORY QUALIFICATIONS

An Applicant for Independent Chief Hearing Officer must meet the qualifications of a D.C. Special Education Hearing Officer, including being either a current member in good standing of the District of Columbia Bar or a current member in good standing of another State Bar and eligible for waiver into the District of Columbia Bar. (See Section V.) In addition, a Chief Hearing Officer must possess experience and expertise consistent with standard and best legal practices in the conduct of pre-hearing conferences, administrative hearings, case management, and decision writing.

PREFERRED QUALIFICATIONS

In addition to the above mandatory qualifications, it is desirable that the Applicants (ranked in order of preference):

- 1.** Possess expertise and experience in the management of an administrative hearing system, including monitoring and supervising the quality of administrative hearings; providing continuing education to Hearing Officers, including technical assistance; and evaluating Hearing Officers.
- 2.** Possess experience and expertise regarding the conduct of special education pre-hearings and hearings and decision writing in multiple jurisdictions consistent with standard and best legal practices.
- 3.** A minimum of 2 years of practice in the areas of special education, disability law, administrative law, or civil rights and/or experience with court, administrative, or arbitration litigation, including as a Judge, Administrative Law Judge, or Hearing Officer.
- 4.** Possess experience and expertise regarding substantive and procedural special education law and programs.

5. Have experience with change management, institutional reform or otherwise building an administrative hearing office or other operation.
6. Possess experience using electronic docketing or case management systems and/or demonstrated ability to master technology generally.

If you believe that you meet the qualifications described above, you are encouraged to submit an application with the appropriate attachments. You must provide the OSSE:

1. With a full disclosure of your professional background and work experience, including a Resume and/or a narrative description of how you meet the mandatory qualifications and, if pertinent, the preferred qualifications set forth in this RFQ;
2. Your general approach in the performance of the functions and responsibilities as a Chief Hearing Officer set forth in this RFQ.
3. A legal writing sample demonstrating the ability to render and write decisions in accordance with appropriate standard, legal practices. The sample must be an authored decision or legal brief or memorandum on one or more dispositive issues in a contested case.

Failure to include to any of the foregoing components identified will disqualify the applicant for further consideration.

Completed applications titled “**CHIEF HEARING OFFICER**” DCGD-2010-R-0048 shall be sent to:

Janet Spevak
Office of the State Superintendent of Education
810 1st. Street, N.E., 9th Floor
Washington, DC 20002
((202)-741-5937

Completed applications must be received by no later than 2:00 pm EST on September 8, 2010.

One original and a compact disc with an electronic copy of the application must be submitted. Telephonic, telegraphic, and facsimile proposals will not be accepted. Each proposal shall be submitted in a sealed envelope conspicuously marked: "Request for Qualifications – Chief Hearing Officer”.

Incomplete applications will not be considered without exception. OSSE reserves the right to consider but does not guarantee consideration of applications received after September 8, 2010. You may download a copy of this RFQ from:

<http://app.ocp.dc.gov/RUI/information/scf/SolNumRespond.asp>

II. FUNCTIONS AND RESPONSIBILITIES OF THE INDEPENDENT CHIEF HEARING OFFICER

The functions and responsibilities of the Independent Chief Hearing Officer will include the following functions and responsibilities:

1. To protect and ensure the decisional independence of each Hearing Officer;
2. To monitor and supervise the timeliness and quality of the special education hearing process and decisions through the provision of training, observation, review of decisions and administrative records, and feedback; provided, that no such review shall require that a ruling or outcome in any case be altered;
3. To establish standard and specialized training programs for Hearing Officers;
4. To provide and coordinate continuing education programs and services for Hearing Officers, both individually and as a group; including research, technical assistance, technical and professional publications, compilation and dissemination of information, and advising of changes in the law relative to their duties;
5. To evaluate the performance of individual Hearing Officers over the period of appointment consistent with established performance criteria and standards and, when appropriate, recommend discipline for an individual Hearing Officer who does not meet appropriate standards of conduct and competence in accordance with established directives. Such evaluation will include the review and consideration of party questionnaires, including the conduct of an investigation as appropriate.
6. To recommend to the OSSE any revisions to District of Columbia law or regulation or procedures necessary or desirable to enhance the operation of the SHO and/or the fairness, impartiality, and independence of the Special Education Hearing System;
7. To develop and implement procedures and practices for cases before the SHO that do not require adoption as regulation or policy in accordance with the IDEA and/or District of Columbia law and regulation and approve the use of forms and documents that will assist in managing cases coming before the SHO;
8. To the extent appropriate and consistent with SHO procedures and in consultation with the Chief Administrative Officer, to oversee the assignment of Hearing Officers to adjudicated cases and to establish internal classifications for case assignment and management on the basis of subject matter, expertise, case complexity, and other appropriate criteria;
9. To establish and implement a code of professional responsibility for Hearing Officers; and

10. To serve as a Hearing Officer in any case as time allows and as appropriate.

III. EVALUATION CRITERIA

Applicants will be evaluated overall. Priority will be given to Applicants who demonstrate expertise in the mandatory and preferred qualifications, with extra weight given to Applicants who have demonstrated expertise and experience in the preferred qualifications in the rank order set forth above.

IV. SELECTION PROCESS

Initial Selection Process. The OSSE shall review all responses received by 2:00 P.M. on September 8, 2010.

The District may award a contract on the basis of initial offers received, without discussion. Therefore, each initial offer should contain the Applicant's best terms from a standpoint of qualifications, experience and other factors.

An Applicant whose application for Chief Hearing Officer does not demonstrate that the Applicant meets the mandatory requirements will be rejected. All completed and timely applications will be evaluated on the basis of the Applicant's qualifications, knowledge, skills, and ability as described in the application. If an Applicant is a current or former Hearing Officer for the OSSE SHO, any prior evaluations during any such contract periods will be considered with regard to the mandatory and preferred qualifications.

Those Applicants whose applications meet the mandatory components and highest levels of available points after the evaluation of the application, will be invited to be interviewed. Those interviews will be conducted by a Review Panel which will consist of individuals appointed by the OSSE State Superintendent of Education ("Superintendent") or the Superintendent's designee. Interviews are expected to take place during the period of September 14-16, 2010 in the District of Columbia (specific location to be determined), but may be moved at the OSSE's discretion.

At the conclusion of the interview process, the recommendations of the Review Panel will be compiled and the recommended Applicants will be presented to the Superintendent or the Superintendent's designee. After review of the recommended Applicants by the Superintendent, the OSSE will either (1) select an Applicant (2) disapprove the recommended Applicants, or (3) defer action on the recommended Applicants for further consideration.

The OSSE reserves the right to offer a qualified Applicant who is not selected as the Chief Hearing Officer a contract to serve as a part time or full time Hearing Officer if he/she also submits a proposal under RFQ DCGD-2008-R-0014. This RFQ can be viewed or downloaded from www.ocp.dc.gov/solicitation.

If not already well-versed in special education law and programs and/or experienced as a Chief Administrative Law Judge/Hearing Officer, a Chief Hearing Officer must receive training on special education laws, regulations, and programs and on conducting special education due process hearings, and/or engage in required mentoring before he/she assumes all duties as a Chief Hearing Officer.

The OSSE reserves the right to withdraw the RFQ at any point in time without notice.

V. ADDITIONAL INFORMATION

MANDATORY QUALIFICATIONS FOR HEARING OFFICER

- 1.** As required by the IDEA (34 C.F.R. §300.511(c)) Hearing Officers in a special education due process hearing must be independent and impartial:
 - i** A Hearing Officer shall not be an employee of the OSSE or the Local Education Agency (LEA) as defined by 34 C.F.R. §300.28 that is involved in the education or care of the child. LEAs include both the District of Columbia Public Schools (DCPS) and public charter schools in the District who have elected to be their own LEA for purposes of the IDEA, pursuant to D.C. Code §38-1802.02(19).. A Hearing Officer must not have a personal or professional interest that conflicts with the Hearing Officer's objectivity in the hearing;
 - ii.** A Hearing Officer:
 - Must 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;
 - Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
 - Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
 - iii** A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.
- 2.** Possess judicial temperament;
- 3.** Have legal experience as an attorney for at least five (5) years;
- 4.** In the District, a Hearing Officer must be an attorney in good standing with the District of Columbia Bar or be a current member in good standing of another State Bar and eligible for waiver into the District of Columbia Bar.

All Applicants shall provide a certificate of good standing for all bars of which he/she is a member, as well as, proof of length of membership when submitting response. If an Applicant is selected and is not a current member of the District of Columbia Bar, he/she must file a petition to waive into the District of Columbia Bar as soon as possible and no later than 30 days of the notice of intent to award and provide proof of submission of application to the SHO to demonstrate he/she is awaiting action on a petition to waive into the District of Columbia Bar;³ and

5. Demonstrate “Good” or “Excellent” writing skills.

VI. PRICE SCHEDULE

A. Base Year

Item No.	Description	Monthly Rate	Estimated Total for 12 months
1.	Student Hearing Officer Services	\$18,500.00	\$222,000.00
2.	Training and Reimbursable expenses		\$3,000.00
	Total Projected Budget		\$225,000.00

B. Option Year 1

Item No.	Description	Monthly Rate	Estimated Total for 12 months
1.	Student Hearing Officer Services	\$18,500.00	\$222,000.00
2.	Training and Reimbursable		\$3,000.00
	Total Projected Budget		\$225,000.00

³ <http://www.dcapeals.gov/dccourts/appeals/coa/index.jsp>

VII. RESPONSE PROTESTS

Any actual or prospective applicant or contractor, who is aggrieved in connection with the solicitation or award of a contract, must file with the Contracting Officer a protest no later than 10 business days after the basis of protest is known or should have been known, whichever is earlier. A protest based on alleged improprieties in a solicitation which are apparent at the time set for receipt of initial responses shall be filed with the Contracting Officer prior to the time set for receipt of initial responses.

In procurements in which responses are requested, alleged improprieties which do not exist in the initial solicitation, but which are subsequently incorporated into the solicitation, must be protested no later than the next closing time for receipt of responses following the incorporation. The protest shall be filed in writing, with the Contracting Officer, 810 1st Street, N.E., 9th Floor, Washington, D.C. 20002.

The Contracting Officer shall render a decision within 10 days of receiving a protest.

The decision of the Contracting Officer is appealable to the State Superintendent of Education. The decision of the State Superintendent shall be final with no further right of appeal to the Contract Appeals Board or any other courts. Please refer to Footnote 1 on page 3 of the RFQ.

VIII. SAMPLE CHO CONTRACT

A sample Chief Hearing Officer contract will be provided at the time of final selection.