



The State Bar of California

OPEN SESSION AGENDA ITEM 50-1 NOVEMBER 2021

DATE: November 18, 2021

TO: Members, Board of Trustees

FROM: Steve Mazer, Chief Administrative Officer

SUBJECT: Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

EXECUTIVE SUMMARY

This item requests approval to execute contracts for goods or services with a value in excess of \$50,000; or, for information technology (IT) goods and services, in excess of \$100,000.

BACKGROUND

Pursuant to Business and Professions Code section 6008.6, the State Bar shall award no contract for goods, services, or both, for an aggregate amount in excess of \$50,000, or for information technology (IT) goods, services, or both, for an aggregate amount in excess of \$100,000, except pursuant to the standards established in Article 4 (commencing with section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code and approval of the Board of Trustees.

DISCUSSION

The contracts listed below are in excess of \$50,000 (or, for IT goods and services, in excess of \$100,000), and have met the standards established by Article 4 of the Public Contract Code, as implemented through the State Bar's Procurement Policy. These contracts require approval by the Board of Trustees in order to be executed.

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
1	Admissions	8313	Admissions Fund	Pasadena Convention Center	\$95,241	February 2022 Bar Exam Testing Site
2	Admissions	8313	Admissions Fund	Town & Country Resort	\$149,500	February 2022 Bar Exam Testing Site
3	Admissions	8313	Admissions Fund	SAFE Credit Union Convention Center	\$102,260	February 2022 Bar Exam Testing Site
4	Admissions	8313	Admissions Fund	Hilton Los Angeles, Culver City	\$138,020	February 2022 Bar Exam Testing Site
5	Admissions	8313	Admissions Fund	Hilton Sacramento Arden West	\$99,890	February 2022 Bar Exam Testing Site
6	Admissions	8313	Admissions Fund	Crowne Plaza SF Airport Hotel	\$129,616	February 2022 Bar Exam Testing Site
7	Admissions	8313	Admissions Fund	Research Solutions Group	\$60,000	Psychometric and Statistical Analytic Projects
8	Admissions	8313	Admissions Fund	Research Solutions Group	\$144,000	Calculation of Data and Production of Reports
9	Admissions	8313	Admissions Fund	MD Psychiatric Forensics	\$40,000	Additional 2021 Testing Accommodation Consulting Services
10	Admissions	8313	Admissions Fund	MD Psychiatric Forensics	\$50,000	Testing Accommodation Consultant
11	Admissions	8313	Admissions Fund	Michael D. Shore, PhD	\$50,000	Testing Accommodation Consultant
12	Admissions	8313	Admissions Fund	PSI Online	\$3,919,000	Bar Exam Proctoring Management and Reengineering and Facilities Services for 2022 Bar Exams

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
13	General Services	5220	General Fund	Thomson Reuters	\$174,684	Online Legal Research Services
14	Information Technology	5310	General Fund	File & ServeXpress, LLC	\$395,440	Cloud-Based Electronic Filing Platform
15	Information Technology	5310	General Fund	AST, LLC	\$1,185,800	Oracle Cloud Application Support
16	Information Technology	5480	General Fund	Slalom, LLC	\$425,000	System Analysis and Requirements Documentation Project

1. **Pasadena Convention Center**
2. **Town & Country Resort**
3. **SAFE Credit Union Convention Center**
4. **Hilton Los Angeles, Culver City**
5. **Hilton Sacramento Arden West**
6. **Crowne Plaza SF Airport Hotel**

Vendors provide testing space for the February 2022 Bar Exam. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget. Due to the requirement to return to in person testing, the space needs are increasing substantially over space needed for the October 2020, and both 2021 bar exams. Beginning in July 2022, costs for hotel and convention center space will be included in the contract with PSI Online, which will be providing site procurement and site management services in addition to proctor recruitment, onboarding, and management, and business process reengineering.

7. Research Solutions Group

Vendor provides psychometric and statistical analytic projects for the California Bar Exams and the First-Year Law Student' Exams. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

8. Research Solutions Group

Vendor provides calculation of data and production of reports relative to the grading of the California Bar Exams and First-Year Law Students' Exams. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

9. MD Psychiatric Forensics

Vendor provides evaluations and reports related to Testing Accommodation Petitions for the California Bar Exam. The cost is for additional 2021 services. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

10. MD Psychiatric Forensics

Vendor provides evaluations and reports related to Testing Accommodation Petitions for the California Bar Exam. The contract is for a one-year term. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget. Planned revisions to internal testing accommodation processes are intended to limit the usage of external review of Testing Accommodation Petitions. Because this process change is yet to begin, we cannot estimate the amount of external services that will still be required. This will be a “not to exceed” amount and will not obligate the State Bar to pay for services not delivered.

11. Michael D. Shore, PhD

Vendor provides evaluations and reports related to Testing Accommodation Petitions for the California Bar Exam. The contract is for a one-year term. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget. Planned revisions to internal testing accommodation processes are intended to limit the usage of external review of Testing Accommodation Petitions. Because this process change is yet to begin, we cannot estimate the amount of external services that will still be required. This will be a “not to exceed” amount and will not obligate the State Bar to pay for services not delivered.

12. PSI Online

Vendor will recruit, onboard, and deploy 500 of the 1000 proctors needed for bar exam testing sites for the February 2022 bar exam. Beginning with the July 2022 bar exam the vendor will recruit, onboard, and deploy 100 percent of proctors needed and will also take over the process of identifying, contracting with exam sites, and assuming responsibility for site management. The vendor will provide business process reengineering to streamline processes that increase the numbers of proctors required and thus increase costs. This business process reengineering could significantly reduce future proctor costs and needs on an ongoing basis. The contract amount includes the costs previously funded through the Admissions budget for proctors and test sites which are part of core business operations. Based on the market, the per hour rate for proctors would have increased regardless of whether acquiring proctors was performed by the State Bar or a vendor. The contract price also assumes a 10 percent increase in the cost of test sites over the costs experienced in July 2019 due to changes in the market. Additional costs for professionalizing the process and investing in business process reengineering, which result in the PSI Online contract being more in the aggregate than a solely State Bar administered exam by an estimated \$1.1 million in 2022, will be funded by Admissions Fund reserves which are currently projected at 42 percent.

Feb and July Exams	# of Proctors	Proctor Hourly Rate	Exam Sites	Admissions Staffing Assigned to Proctor and Facilities Support	Human Resources Staffing Assigned to Proctor Recruitment
Pre-COVID	2,500	\$15	\$1.3m	1.5 FTE plus 60 staff at exam sites leading up to and during the exam.	1.0 FTE
2022, no PSI Online	2500	Minimum of \$25/hour required given tight labor market	\$1.43m estimated	1.5 FTE plus 60 staff at exam sites leading up to and during the exam.	1.0 FTE
2022 w/PSI Online	10% reduction or more expected	\$25–\$35/hour based on proctor level	\$1.53m includes finding fees, 4 sites already acquired, and other general and administrative work	Less than 1 FTE year round upon full realization of PSI Online contract	0 upon full realization of PSI Online contract

13. Thomson Reuters

Vendor provides online legal research services. The contract is for a one-year term. These recurring services are part of core business operations in the Office of General Services and are included in the annual budget.

14. File & ServeXpress, LLC

Vendor will implement e-Filing solution for the State Bar Court to allow users to submit their court filings electronically, to allow the Court to receive and process the filings, and electronically serve participants associated with cases. The contract is for a three-year term beginning in 2022. Year one costs for implementation and licensing will be included in the 2022 budget, and licensing costs will be included in the budget for future years.

15. AST, LLC

Vendor will provide proactive monitoring, support, defect research and resolution, and maintenance for the State Bar's Oracle Cloud Finance and Human Resources system. Additionally, vendor will provide support for system enhancements as needed. The contract is for a three-year term. The cost of the contract is included in the 2021 budget and will be included in the budget for future years.

16. Slalom, LLC

Vendor will conduct a detailed system analysis and document requirements in preparation for the acquisition of a new Attorney Regulation Information System, to replace the current AS400 system. This is one of the Information Technology projects funded by the 2020 licensing fee increase.

FISCAL/PERSONNEL IMPACT

The expenses above are included in the 2021 budget for the cost centers noted, or will be included in the budget for future years, per the normal budget planning process.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

ATTACHMENT LIST

None