



## Office of the Administrative Director – Financial Services Department

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Date: May 17, 2022

To: All Interested Providers

From: Terri Gearon, Financial Services Director /s/ Terri Gearon  
The Judiciary, State of Hawaii

Subject: **Request for Information for Health & Human Services (103F, HRS) for  
The Judiciary, Administration  
RFI J24000**

The Judiciary, State of Hawaii issues this Request for Information (RFI) pursuant to Chapter 103F, Hawaii Revised Statutes, to seek information and recommendations from interested providers for the planned purchase of Health and Human Services for The Judiciary, Administration. The following draft service specifications are attached to this RFI for your review:

- 2.23 Statewide Mediation and Related Dispute Resolution Services

Written comments in response to the RFI shall be emailed to the program contact person specified within each service specification.

The deadline for the receipt of comments is 12:00 p.m., HST, on Friday, June 17, 2022.

Input received in response to this RFI may be incorporated into the specifications and be used in a formal Request for Proposals, tentatively scheduled for October 2022.

Note: Participation in this RFI is optional, and is not required to respond to any subsequent procurement announcements. Neither Judiciary nor any interested parties responding has any obligations under this RFI. Contracts resulting from the RFP will be for the periods indicated in the service specifications.

## SECTION TWO – SERVICE SPECIFICATIONS

### 2.0.1 Introduction

#### A. Background

The Judiciary, State of Hawaii, provides support, intervention, and/or rehabilitative services to juveniles, adults and families through its Adult Client Services (aka Adult Probation Divisions), Juvenile Client and Family Services (aka Family Courts), Children’s Justice Centers, and Drug Courts in each judicial circuit. It also provides mediation services through its Center for Alternative Resolution. In carrying out their goals for these areas, all circuits utilize community resources on a purchase Health and Human Services basis.

The following provides the specifications for organizations wishing to provide services to the Judiciary for the period July 1, 2023 through June 30, 2027. Upon evaluation and acceptance of proposals, when practicable and upon mutual agreement, contracts may be negotiated on a statewide basis, making services available to children, youth, adults and families in all circuits. **The initial contract term will be for the period July 1, 2023 through June 30, 2025, and may be extended for the period July 1, 2025 through June 30, 2027.**

#### 1. Juvenile Services

The Family Courts in Hawaii believe that there is promise in all youth and families who are involved in our system. Beginning with the Juvenile Detention Alternative Initiative (JDAI) in 2009, juvenile justice reform efforts have been underway for several years in Hawaii, using current research and information on best practices for justice involved youth and their families. Holding youth accountable for their actions is important. In doing so, we must also increase community capacity to provide youth opportunities to heal, develop pro-social skills, and build on their strengths.

Research shows the unnecessary use of detention/incarceration to be harmful to youth. Through collaborative community effort there has been a reduction in the use of detention and incarceration for non-violent youth in Hawaii, without an increase in youth crime, demonstrating that community safety has not been compromised. Efforts to create meaningful alternatives to detention are ongoing and continue to be needed.

Most youth in our juvenile justice system are non-violent offenders who are best served in the community. Recent studies have found that youth who do not pose a public safety risk have better outcomes in nonresidential programs using evidence based practices, close to their own neighborhoods, and integrated into generally pro-social groups (U.S Attorney General. National Task Force on Children Exposed to Violence: Rethinking Our Juvenile Justice System, December 2012). By connecting justice involved youth with their communities, while holding them accountable for their behavior, we hope to divert them from deeper involvement in the justice system, and thereby promote better long-term life outcomes. Youth involved in the deeper end of the justice system tend to have poorer outcomes.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports a meta-analysis of community-based programs found that effective programs: 1) concentrate on changing behavior and improving prosocial skills, 2) focus on problem solving with both juveniles and their families, 3) have multiple modes of intervention, and 4) are highly structured and intensive.

We know and understand that exposure to violence and trauma is pervasive in the population we serve. Compelling research conducted in the past twenty years informs us that trauma is more prevalent than previously known, and that complex and multiple exposure to traumatic events is closely linked to detrimental medical, psychological, and social outcomes. Research on brain development now reveals that the human brain is not fully developed until a person is in their mid twenties, and that exposure to childhood traumatic violence can delay and derail brain development. Fortunately, youth are resilient and evidence based effective treatments and approaches have been developed. People heal and transformation occurs. In order for this to happen, environments conducive to healing, and people committed to being part of the healing process are needed. The courts cannot do this alone and need the support of our community.

The Judiciary is seeking qualified community providers to be part of our reform efforts, by creating places of healing for youth and families, through a continuum of care, using evidence based practices.

Consideration will be given to proposals that reflect an alignment with:

- **JDAI:** Juvenile Detention Alternatives Initiative (JDAI): provides the framework for Hawaii's juvenile justice reform effort. JDAI is driven by a vision that seeks to change the odds for court-involved youth, and increases their chances of growing out of their delinquent behavior and leading productive lives. If juvenile justice reform can improve the life chances of court-involved youth, then we all benefit. Public safety will be

improved, families will remain intact, and fewer tax payer dollars will be spent on secure confinement and corrections. For more information on JDAI go to [jdaihelpdesk.org](http://jdaihelpdesk.org)

- **Family Strengthening Youth Development:** Family involvement in juvenile justice is a central principle of Hawaii’s juvenile justice system reform. Research shows that family strengthening programs can curb crime and delinquency, and that family-focused approaches have demonstrated outcomes that are positive and enduring. The family strengthening youth development framework presents an evolution of positive youth development approaches that recognizes the importance of grounding work with youth within the context of family and community. Its basic premises include; the family plays a critical role in youth development and various community resources are needed to assist the family as it endeavors to provide supports and opportunities for its young people. Proposals need to include strategies to outreach, engage, and involve parents/caregivers.
- **Trauma Informed Care:** The Substance Abuse and Mental Health Services Administration (SAMHSA) defines a trauma informed organization as: A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for healing; recognizes the signs and symptoms of trauma in staff, clients, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, practices, and settings.
- **Prison Rape Elimination Act (PREA):** The PREA prohibits sexual violence and abuse in all custodial correctional facilities operated by Federal, State or local governments and their contracted providers of residential services. It also established a set of standards to prevent, reduce, and sanction sexual violence in a custodial and/or residential setting. All organizations providing residential services to court involved youth must demonstrate a commitment to be compliant with the PREA Juvenile Facility Standards. The standards are available at: <https://www.bja.gov/Programs/PREA-JuvenileFacilityStandards.pdf>
- **Motivational Interviewing (MI):** Prospective youth serving agencies should be familiar with and practice MI skills in their interaction with youth. MI is a collaborative, goal-oriented method of communication that pays attention to the language of change. It is designed to strengthen personal motivation and commitment to a specific goal by eliciting and exploring one’s reasons for change within an environment of acceptance and compassion (Miller and Rolnick, 2012). Enhancing behavioral change through MI is vital to our juvenile justice reform efforts. It is recognized as an evidence based practice by the National Institute of

Corrections and SAMHSA. MI is recognized for its ability to lessen resistance, increase offender motivation, and promote positive behavioral change.

- **Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ) Support:** Providers must demonstrate an understanding of the factors contributing to the disproportionate numbers of LGBTQ youth in the system and adopt policies to improve the quality of care provided to these youth. Like all young people, they have the right to be safe and protected. Environments of care must be safe, accepting, and affirming for all youth
- **Cultural and Linguistic Competency:** The extent to which services and treatments are culturally sensitive may determine a youth and family's acceptance or rejection of those services. Culturally sensitive services need to be individually tailored with voice and input from the youth and family. Service providers must be conscious of the dynamics involved when cultures interact and must have strategies to effectively communicate with a diverse client population.
- **Gender Responsive Services:** Prospective providers should demonstrate an understanding of gender responsive principles as it applies to youth they propose to serve. In Hawaii and nationally, there is a growing number of justice involved girls. Proposals should include a description of gender responsive considerations for services that will be provided.
- **Youth Assessment and Screening Instrument (YASI):**  
All adjudicated youth are assessed using the Youth Assessment and Screening Instrument (YASI) by the Family Court. Criminogenic risk and need areas assessed include the following domains: Legal History, Family, School, Community and Peers, Substance Abuse, Mental Health, Aggression, Attitudes, Skills, and Employment/Free time. Proposals shall demonstrate applicant's capacity to individualize services based on identified needs. Proposals must include capacity to provide cognitive behavioral interventions to target criminogenic needs identified in the YASI assessment (as appropriate).
- **Commitment to Professional Development:** Prospective providers shall support and demonstrate an understanding of our juvenile justice reform efforts as it relates to the youth we service. Providers shall commit to ensure their staff are provided the necessary training needed to effectively work with our juvenile justice population.

B. Purpose or Need

The Judiciary purchases services in compliance with statutory mandates and orders from the courts. The greater public purpose in obtaining the

services is to: enhance public and victim safety; provide rehabilitative or intervention services to offenders; promote the welfare of families and children by protecting them from physical and psychological harm; and maintain a judicial process that helps to reduce the courts' workload while promoting fairness and prompt action.

Planning activities related to this RFP involved the issuance of Requests for Information (RFI). Tentative specifications and funding allocations were included with the RFIs, and comments and inputs on aspects of the specifications, such as objectives, target group(s), services and costs, were welcomed. Meetings and discussions were also offered. The views of service recipients and community organizations were considered on conditions affecting the achievement of mandated goals.

**2.23 SVC SPEC TITLE: Center for Alternative Dispute Resolution  
ADRMS - Mediation and Related Dispute Resolution Services**

**2.23.1 Introduction**

**A. & B. – (SEE SECTION 2.0.1)**

**C. Description of the goals of the service**

Provide Hawaii residents and court users with neutral, alternative dispute resolution (ADR) processes that provide opportunities for early, party-driven, efficient and fair resolution of conflicts, and promote the use of ADR as an effective means of resolving appropriate disputes without litigation.

**D. Description of the target population to be served**

Hawaii residents and court users.

**E. Geographic coverage of service**

Service areas consist of, at a minimum, the islands of Kauai, Oahu, Lanai, Molokai, Maui and Hawaii.

**F. Probable funding amounts, source and period of availability**

Probable funding amounts:

<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
\$400,000	\$400,000	\$400,000	\$400,000

Funding source: State general funds, Federal funds, Special funds

Period of availability: The Judiciary intends to award multi-term contracts. The aggregate term of the contract shall not exceed four (4) years, e.g., July 1, 2023 to June 30, 2027, subject to the appropriation and availability of funds, the fiscal soundness of the Applicant, and the Applicant's history with contract service performance. All State funds are contingent on appropriation, and all Federal funds are contingent on the awarding of grant applications. Funds are available for only the initial term of the contract which is for two (2) years.

**2.23.2 General Requirements**

**A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

1. The applicant shall have licenses and certificates, as applicable, in accordance with federal, state and county regulations, and comply with all applicable Hawaii Administrative Rules.
2. The applicant must have demonstrated competence or qualifications to perform the required services.
3. The applicant shall have an accounting system in compliance with generally acceptable accounting principles.
4. The proposed service must meet all required state licensing or certification standards, provide assurances of fair grievance procedures for clientele, civil rights compliance, information safeguarding practices, and provide proof of insurance coverages as applicable.
5. The applicant shall submit in a timely manner upon request by the Judiciary, any additional information needed by the Judiciary to make a decision on the applicant's proposal. The Judiciary may request an oral discussion or presentation in support of the proposal. On-site visits may be made.
6. The applicant shall comply with the Chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPO-H-201 (Effective 10/01/98), which can be found on the SPO website (See Section 5, POS Application Checklist, for the website address).

**B. Secondary purchaser participation**  
(Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

**C. Multiple or alternate proposals**  
(Refer to §3-143-605, HAR)

Allowed             Not allowed

**D. Single or multiple contracts to be awarded**  
(Refer to §3-143-206, HAR)

Single     Multiple     Single & Multiple

**E. Single or multi-term contracts to be awarded**  
(Refer to §3-149-302, HAR)



Single term (<2 years)       Multi-term (>2 years)

A multi-term contract will be awarded if such awards are deemed to be in the best interests of the Judiciary. The initial term of the contract shall be for two (2) years. Funds are available for only the initial term of the contract. The contract may be extended for another two (2) years, subject to appropriation and availability of funds and the satisfactory performance of services by the provider. Execution of a contract amendment is required to extend the contract for another term. The aggregate term of the contract shall not exceed four (4) years, e.g. July 1, 2019 to June 30, 2023. If it is determined that a multi-term contract is not in the best interest of the Judiciary, a single term contract will be awarded.

**F. RFP Contact persons**

The individuals listed below are the points of contact from the date of release of this RFP until the selection of the winning provider or providers. Written questions should be submitted to the RFP contact person(s) and received on or before the day and time specified in Section 1.1 (Procurement Timetable) of this RFP.

For technical questions related to the Request for Proposal process, please contact the following individual:

Judiciary Purchasing Office  
Kelly Kimura at (808) 538-5805      Fax: (808) 538-5802  
Email: [Kelly.Y.Kimura@courts.hawaii.gov](mailto:Kelly.Y.Kimura@courts.hawaii.gov)

If you have any programmatic questions regarding the requested services, please call the following individual:

Center for Alternative Dispute Resolution  
Becky Sugawa at (808) 539-4239      Fax: (808) 539-4416  
Email: [cadr@courts.hawaii.gov](mailto:cadr@courts.hawaii.gov)

**2.23.3 Scope of Work**

The scope of work encompasses the following tasks and responsibilities:

**A. Service Activities (Minimum and/or mandatory tasks and responsibilities)**

1. Applicant will provide mediation and related dispute resolution services (“mediation services”), and administration of mediation services for appropriate cases in judicial circuits in the State of Hawaii as described below.

- a. Applicant will establish and maintain effective referral and intake services.
  - b. Applicant will have a statewide training program that allows for uniformity in the training of mediators who provide the mediation services.
  - c. Applicant will have a sufficient number of trained and qualified mediators.
  - d. Applicant will maintain an active program of outreach and education.
  - e. Applicant will provide administration and assistance to the courts in connection with mediation services for court matters.
2. Applicant will provide mediation services for cases that are pending in Hawaii's State Courts as follows:
- a. **Where JUDICIARY facilities are adequate to allow for it, the provision of on-site mediation services at no cost to participants for small claims and residential landlord/tenant cases, and where JUDICIARY facilities do not provide adequate space for mediators on-site at court, the provision of mediation services at no cost for these cases in a timely manner at a facility off-site of the JUDICIARY facility;**
  - b. Mediation of mortgage foreclosure cases shall be provided by mediators that have received specific training in mediating mortgage foreclosure cases, and will be provided for a reasonable cost; and
  - c. Mediation for other cases that are pending in Hawaii's State Courts will be provided for at a reasonable cost, or at reduced cost or no cost for participants who cannot afford to pay the full rate.
3. Applicant shall provide services to the Family Court of the First Judicial Circuit in connection with the coordination and oversight of the Volunteer Settlement Master process.
4. Applicant will provide mediation services for cases in the community that are not pending in Hawaii's State Courts.

Mediation for these cases will be provided for at a reasonable cost, at a reduced cost, or no cost for participants who cannot afford to pay the full rate.

**B. Management Requirements (minimum and/or mandatory requirements)**

**1. Personnel**

- a. The applicant shall possess and document knowledge, capacity, skills and experience in working with the targeted population.
- b. The applicant shall conduct a State and Federal fingerprint-based criminal history record check for any person, including, but not limited to any officer, employee, volunteer or subcontractor, who performs work or services which necessitates close proximity to or unsupervised access to vulnerable clients such as children, disabled, and/or the elderly , or other program related vulnerable clients . In addition, the applicant will conduct a search of the State and National Sex Offender Registries, <http://sexoffenders.hawaii.gov> (State Sex Offender Registry) and the [www.nsopr.gov](http://www.nsopr.gov) (National Sex Offender Public Registry). The minimum record check will be conducted once every four years for each person, and/or at the outset of the contract period if such checks have never been conducted. Further, the applicant will ensure the continued suitability of any officer, employee, volunteer or subcontractor to work or provide services to vulnerable clients. Results of all criminal history record inquiries conducted shall be placed in the employee's or volunteer's personnel file and shall be available to Judiciary for review. The applicant further shall have a written plan for addressing any findings that result from a criminal history record check that may affect the treatment milieu (e.g. actively under the supervision of any criminal justice agency, convicted sex offenders). Prior to commencing any work or services on the contract, the applicant shall ensure that any officer, employee, volunteer or subcontractor is suitable to be performing work or services in close proximity to or with unsupervised access to children, disabled, and/or elderly clients will be of reputable and responsible character and will not pose a risk to the health, safety, security, or well-being of clients, staff and the general public.

- c. The applicant shall have on the premises at least one person currently certified in First Aid and CPR.
- d. The staff and volunteers, if used by the applicant, shall be under the supervision of the program director or his or her designee and shall be trained in client confidentiality issues and program quality assurance requirements.
- e. The applicant must have sufficient and relevant training and staff development.

**2. Administrative**

- a. The applicant shall establish and implement policies and procedures that clearly identify the target population for each type of service, the program content, and methods of service delivery.
- b. The applicant and all its subcontractors, if any, must have the ability to electronically communicate (i.e., e-mail) with the Judiciary in order to transmit reports and other correspondence.

**3. Quality assurance and evaluation specifications**

- a. The applicant shall have a quality assurance plan which identifies the mission of the organization, what services will be provided, how they are delivered, who is qualified to deliver the services, who is eligible to receive the services, and what standards are used to assess or evaluate the quality and utilization of services.
- b. Program evaluation should reflect the documentation of the achievement of the stated goals, using tools and measures consistent with the professional standards of the disciplines involved in the delivery of services.
- c. Applicants shall agree, by contract, to be willing to undergo a program assessment and audit as designated by the contracting agency. Based on the assessment/audit report, the vendor will develop, in concert with the contracting agency, an action plan to address areas which need improvement.

**4. Output and performance/outcome measures**

- a. Output: The applicant shall record unduplicated clients served. The unduplicated client count shall be recorded in the applicant's quarterly reports, culminating in a final unduplicated client count on the applicant's final report.
- b. Outcome: The applicant shall propose measurement tools by which effectiveness of the services may be determined, as well as utilize any provided by the Judiciary.

**5. Reporting requirements for program and fiscal data**

- a. The Applicant shall submit written Quarterly and Year-End reports summarizing output and outcome data, performance accomplishments, challenges, and actual expenditures. Quarterly reports are due thirty (30) days after the end of the quarter. Year-End reports are due forty-five (45) days after the end of each fiscal year and/or at the end of the contract period, as applicable.
- b. Reports shall consist of a statement by the Applicant relating to the work accomplished during the reporting period and shall include statements of the nature of the work performed, identification of persons served by the Applicant during the reporting period, identification of any immediate problems encountered during the reporting period, and any recommendations deemed pertinent by the Applicant, as well as a statement of what activities are proposed to be accomplished during the next reporting period. In addition to the written progress reports, the Applicant, upon request, shall be required to meet with representatives of the Judiciary to discuss the progress of the work required.
- c. The Applicant shall, at the completion of the contract period, submit a final written report to the Judiciary. The report shall include documentation of the provider's overall effort towards meeting the program goals and objectives. Furthermore, the Applicant shall furnish any additional reports or information that the Judiciary may from time to time require or request.

**6. Pricing or pricing methodology to be used**

Fixed price.

**7. Units of service and unit rate**

Not applicable.

**END OF SECTION TWO**