Summary of Request for Proposals

(This page is NOT the actual RFP)

Management of Day-to-Day Administration of No-Fault Arbitration Process

 The Standing Committee for Minnesota No-Fault Arbitration is seeking a qualified organization to serve as administrator for the day-to-day operations of the Minnesota No-Fault Insurance Arbitration Program.

**Costs:** The cost of operating the administrative support for the Standing Committee and the No-Fault Arbitration Process will be financed solely from fees proposed, assessed, and collected by the successful applicant from persons or organizations using the services provided. This proposal does not obligate the State of Minnesota or the Standing Committee for Minnesota No-Fault Arbitration to spend any estimated dollar amount.

Submissions must meet all requirements of a Proposal as set out in the Request for Proposal (RFP). Incomplete proposals or proposals sent anywhere other than the address indicated in the RFP will not be considered.

This is a multi-year exclusive designation of an arbitration organization to manage the administration of the No-Fault Arbitration Process under Minnesota Statutes and Rules by the Standing Committee for Minnesota No-Fault Arbitration. Proposals must be postmarked no later than June 4, 2012 and if not sent by U.S. mail, must be received no later than noon on June 7, 2012. An electronic file, together with one paper copy shall be sent to Carla Heyl, 125 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155-1500 and by e-mail at carla.heyl@courts.state.mn.us.

You may view the entire RFP on the court website, <http://www.courts.state.mn.us> or request the complete RFP from Carla Heyl as follows. Questions about the RFP or the selection process must be in writing and directed to Carla Heyl, 125 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155-1500 or by e-mail at carla.heyl@courts.state.mn.us. Other court or Standing Committee personnel are not allowed to discuss the Request for Proposal with any one including responders before the proposal submission deadline.

REQUEST FOR PROPOSAL

**FOR AN ARBITRATION ORGANIZATION FOR THE NO-FAULT ARBITRATION PROCESS UNDER MINNESOTA STATUTES 65B.525**

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 Statutes 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.

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.

This is not a bid but a request for a proposal that could become the basis for negotiations leading to an exclusive designation of an arbitration organization to administer the Minnesota No-Fault Arbitration as an independent contractor

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.

**PROPOSAL TO PROVIDE ARBITRATION ADMINISTRATION SERVICES FOR NO-FAULT INSURANCE**

1. SCOPE OF EFFORT. The organization selected as the arbitration administrator will provide for the day-to day administrative operation of the No-Fault Arbitration Process under Minnesota Statutes 65B.525 and provide administrative support for the Standing Committee on No-Fault Arbitration.
2. OBJECTIVES. 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.
3. 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 case.
* recruitment and training of arbitrators
* processing appeals on arbitrator selections
* providing administrative support to the Standing No-Fault Arbitration Committee
1. DEPARTMENT CONTACT. Questions regarding this Request for Proposal must be submitted in writing or by e-mail and directed to:

Carla Heyl

Director, Legal Counsel Division

125 Minnesota Judicial Center

25 Rev. Dr. Martin Luther King Jr. Blvd.

Saint Paul, MN. 55155-1500

carla.heyl@courts.state.mn.us

Please note that other Judicial Branch or Standing Committee personnel are not allowed to discuss the project with responders before the deadline for submitting proposals.

1. SUBMISSION OF PROPOSALS. A proposal must be submitted in writing in a sealed envelope to:

Carla Heyl

Director, Legal Counsel Division

125 Minnesota Judicial Center

25 Rev. Dr. Martin Luther King Jr. Blvd.

Saint Paul, MN. 55155-1500

The proposal must be signed by, 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.

Proposals must be postmarked no later than June 4, 2012 and if not sent by U.S. mail, must be received no later than noon, on June 7, 2012. An electronic file, together with one paper copy shall be sent to Carla Heyl, 125 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155-1500 and by email at carla.heyl@courts.state.mn.us. Proposals will be opened the following business day and once opened become accessible to the public. Do not place any information in the proposal that cannot be revealed to the public.

**LATE PROPOSALS WILL NOT BE ACCEPTED.**

1. PAYMENT. Arbitration administrative support will be paid for through a fee imposed on parties using the No-Fault Arbitration process. Proposers must estimate the cost of the service they propose to provide and determine a fee structure, which will support the cost of the administrative support proposed. The Standing Committee anticipates, absent unforeseen or unusual increases in the volume of business, that the rate proposed will remain in effect throughout the duration of the designation

.

**Neither the Supreme Court nor the State of Minnesota** **is under any obligation to provide financial support for the arbitration organization selected.**

 Designation as the arbitration organization is contemplated for a period of four years from July 1, 2012. Thereafter, the designation of the arbitration administrator will again be subject to competitive selection. In the event that the Standing Committee is not satisfied with the services of the arbitration organization, the Standing Committee may cancel this designation by the giving of sixty (60) days (if available) written notice. In the event of any such cancellation, no penalty in any form shall be levied against the State of Minnesota, the Supreme Court, the Standing Committee or any agencies or employee thereof as a result of such cancellation.

1. SERVICE COMPLETION DATE. This designation will run for the period beginning July 1, 2012, and ending June 30, 2016. The terms of the proposal as stated will be valid for the length of the designation.

###### PROPOSAL CONTENTS. The proposal must include a description of the manner in which the organization proposes to provide organizational support for the arbitration process, resumes of the principle individuals who would perform the services of the outlined in this request for proposal. The proposal should include a description of the number and type of staff who would be involved, the proposed location of the principle office, the manner in which arbitrators would be selected for the panel and trained, the estimated cost of the operation and the proposed fee structure to be assessed against system users. The resumes must be up‑to‑date, 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, and 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. The proposal should outline an initial implementation plan and timetable should your organization be designated the arbitration administrator. The proposal should also include the criteria by which the effectiveness of the organization can be measured on an annual or biennial basis.

#### ADDITIONAL PROPOSAL CONTENTS.

###### CERTIFICATE OF INSURANCE.Because the arbitration organization will operate as an independent contractor, each proposal shall contain acceptable evidence of compliance with the workers' compensation coverage requirements of § 176.181, subd. 2. The proposal 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 Minn. Stat. §§ 176.011, subd. 10; 176.031; and 176.041.

###### AFFIRMATIVE ACTION CERTIFICATION. If the proposal exceeds $100,000.00, the proposal must include a completed Affirmative Action Data Page, which is attached as Appendix I.

###### Noncollusion. You must complete the Affidavit of Noncollusion (Appendix II) and include it with your proposal.

1. EVALUATION.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 of presentation may be part of the evaluation process. Factors upon which the proposals will be judged include, but are not limited to, the following:

###### Knowledge of proposed staff of the No-Fault Arbitration system in Minnesota

###### Experience of proposed staff in the field of arbitration administration

###### Experience managing the fiscal and human resources of an organization

###### Experience in coordinating or scheduling hearings

###### Experience resolving scheduling, ethical or process complaints

###### Financial stability of the organization as an indicator of its ability to provide services irrespective of uneven cash flow

###### Availability of sufficient staff to ensure the efficient and effective administration of the arbitration process

###### Ability to recruit and retain sufficient qualified arbitrators to resolve disputes in a timely fashion

###### Ability to implement a new program in a short timeframe

###### Ability to communicate readily with the Bar and insurance companies

**APPENDIX I**

**Affirmative Action Statement**

**and**

**Certification of Compliance**

STATE OF MINNESOTA - AFFIRMATIVE ACTION STATEMENT

If your response to the RFP is estimated to exceed $100,000, you must complete the information requested:

**BOX A:**

1. Have you employed more than 40 full-time employees within Minnesota on a single working day during the previous 12 months?

 YES [ ]  NO [ ]

If your answer is **“NO**,” proceed to BOX B. If your answer is **“YES,” your response will be rejected unless your firm or business has a Certificate of Compliance issued by the State of Minnesota, Commissioner of Human Rights, or has submitted an affirmative action plan** to the Commissioner of Human Rights for approval **by the time the responses are due** for any proposal estimated to exceed $100,000.

2. Please check one of the following statements:

**[ ]  YE**S, we have a **current** Certificate of Compliance that has been issued by the State of Minnesota, Commissioner of Human Rights. (Include a copy of your certificate with your response.)

**[ ]  N**O, we **do not have** a Certificate of Compliance; however, **we submitted an affirmative Action plan** to the Commissioner of Human Rights for approval on . The plan must be approved by the Commissioner of Human Rights before any designation or agreement can be executed.

**[ ]  N**O, we **have not submitted** a plan. If your plan is not submitted by the time the responses are due, your response will be rejected.

**NOTE:** Minnesota designationers must have a certificate issued by the Minnesota Department of Human Rights. Affirmative Action plans approved by the federal government, a county, or a municipality must still be reviewed and approved by the Minnesota Department of Human Rights for a certificate to be issued.

**BOX B:**

1. Have you employed more than 40 full-time employees on a single working day during the previous 12 months in a state in which you have your primary place of business and that primary place of business is outside of the State of Minnesota, but inside the United States?

YES [ ]  NO [ ]

If your answer is **“NO**,” proceed to BOX C. If your answer is **“YES**,” **the state cannot execute a designation with your firm or business unless it is in compliance with the Minnesota Human Rights certification requirements. It is the sole responsibility of the firm or business to apply for and obtain a human rights certification prior to execution of a designation as applicable.** You may achieve compliance with the Human Rights Act by having either a current Certificate of Compliance issued by the State of Minnesota, Commissioner of Human Rights, or by certifying that you are in compliance with federal Affirmative Action requirements.

2. Please check one of the following statements:

**[ ]  YES,** we have a current Certificate of Compliance issued by the Minnesota Department of Human Rights. (Include a copy of your certificate with your response.)

**[ ]  YES,** we are in compliance with federal Affirmative Action requirements.

[ ]  **NO,** we do not have a current Certificate of Compliance and we cannot certify that we are in compliance with federal Affirmative Action requirements.

**BOX C:**

1. If your answers to BOX A (Question 1) and Box B (Question 1) were “NO,” you are not subject to the Minnesota Human Rights Act certification requirement. Please, however, check one of the following:

**[ ]  N**O, we have not employed more than 40 full-time employees within Minnesota on a single working day during the previous 12 months and we have not employed more than 40 full-time employees on a single working day during the previous 12 months in the state in which our primary place of business is located.

[ ]  We are a business with our primary place of business outside of the United States that has not employed more than 40 full-time employees within Minnesota on a single working day during the previous 12 months.

For further information regarding Minnesota Human Rights requirements, contact the Department of Human Rights, Compliance Services, Freeman Building, 625 Robert Street North, Saint Paul, MN 55155; Voice: 651.539.1100; Toll Free: 800-657-3704; or TTY: 651-296-1283. For further information regarding federal Affirmative Action requirements, call 800.669.4000 or visit its web site at http://www.eeoc.gov/.

**By signing this statement, the Proposer certifies that the information provided is accurate.**

**NAME OF FIRM:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**AUTHORIZED SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# NOTICE TO PROPOSERS

# AFFIRMATIVE ACTION CERTIFICATION OF COMPLIANCE

The Minnesota Human Rights Act (Minn. Stat. § 363.073) divides the designation compliance program into two categories. Both categories apply to any designations for goods or services in excess of $100,000.

The first category applies to businesses that have had more than 40 full-time employees within Minnesota on a single working day during the previous 12 months. The businesses in this category must have submitted an Affirmative Action plan to the Commissioner of the Department of Human Rights prior to the due date of the response and must have received a Certificate of Compliance prior to the execution of a designation.

The second category applies to businesses that have had more than 40 full-time employees on a single working day in the previous 12 months in the state in which they have their primary place of business. The businesses in this category must have either a current Certificate of Compliance previously issued by the Department of Human Rights or certify to the STATE that they are in compliance with federal Affirmative Action requirements before execution of a designation. For further information, contact the Department of Human Rights, Freeman Building, 625 Robert Street North, Saint Paul, MN 55155; Voice: 651.539.1100; Toll Free: 800-657-3704; or TTY: 651-296-1283.

Minnesota businesses must have a current Certificate of Compliance or submitted an affirmative action plan by the time proposals are due, or their proposal will be rejected.

The STATE is under no obligation to delay the execution of a designation until a business has completed the Human Rights certification process. It is the sole responsibility of the business to apply for and obtain a Human Rights certificate prior to execution of a designation, as applicable.

**APPENDIX II**

STATE OF MINNESOTA

AFFIDAVIT OF NONCOLLUSION

I swear (or affirm) under the penalty of perjury:

1. That I am the Proposer (if the Proposer is an individual), a partner in the company (if the Proposer is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Proposer is a corporation);
2. That the attached proposal submitted in response to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Request for Proposals has been arrived at by the Proposer independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Proposer of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or agent (including a partner) of the Proposer and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Proposer’s Firm Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Authorized Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_

Notary Public