

From: **Lori Shellenberger** <[REDACTED]>

Date: Wed, Dec 2, 2020 at 12:52 PM

Subject: Initial Feedback on Partial Draft of Line Drawer RFP

To: Jane Andersen <[REDACTED]>, Sadhwani, Sara <[REDACTED]>

Cc: Rosalind Gold <[REDACTED]>, Steven Ochoa <[REDACTED]>, Jonathan Mehta Stein

<[REDACTED]>, James Woodson <[REDACTED]>, Julia Marks <[REDACTED]

<[REDACTED]>, Marshall, Kary <[REDACTED]>

Dear Commissioners Andersen and Sadhwani – below is initial feedback I just submitted thru the public comment portal. Sending directly to you to inform this afternoon’s discussion just in case there is a lag time in it getting to you. Please feel free to forward to the remaining commissioners as well.

Thanks,

Lori Shellenberger

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Dear Commissioners,

As promised during yesterday’s public comment, below my signature is a compilation of high level, **initial** feedback on the **Partial Draft of Line Drawing RFP** that was posted to your website late Monday, November 30th. Organizations will be spending more time this week reviewing the RFP in depth and providing more formal feedback. We would be happy to meet with the subcommittee, at their convenience, to discuss more detailed recommendations as they finalize a second draft.

We understand the pressure you feel to move a draft of the RFP to the next phase of approval, and we appreciate the considerable time that Commissioners Andersen and Sadhwani have put into their analysis of the mapping landscape and their work on this first draft. Again, we would like to provide thorough and thoughtful feedback that we think will help assist the Commission and benefit the community at large. The late posting of the draft on the eve of this week’s meeting makes it difficult for the public, including organizations with redistricting and mapping expertise, to effectively do so. This critical RFP merits thoughtful review and time to engage the Commission to understand the intent behind certain provisions so that meaningful and helpful suggestions can be provided to help the Commission to achieve those goals.

We therefore strongly urge you to refrain from taking any action today on this partial draft or any unposted portions of the draft that would preclude further public feedback and the substantive revisions that are needed to ensure you attract proposals from the strongest candidates, and that will allow you to make an informed decision about who has the qualifications and experience you seek. And again, we would welcome the opportunity to answer questions and engage in a discussion with the subcommittee as they continue to revise the RFP.

Thank you again for the tremendous time you are putting into building a transparent and fair redistricting process, and we look forward to working with you as you finalize the line drawer RFP.

Kindest regards,

Lori Shellenberger
Redistricting Consultant
Common Cause
[REDACTED] (m)

Initial Feedback on Partial Draft of Line Drawing RFP

The following reflects the initial reactions and feedback from Asian Americans Advancing Justice – Asian Law Caucus, Asian Americans Advancing Justice—Los Angeles, Black Census and Redistricting Hub, California Common Cause, Disability Rights California, Inland Empire United, League of Women Voters of California, MALDEF, Mi Familia Vota, and NALEO Educational Fund. While this may look lengthy, we’d like to emphasize that this is just initial, high level feedback compiled in a short turnaround window, and we welcome the opportunity to discuss these and additional recommendations with the subcommittee or the full Commission.

Section I. Purpose and Description of Services

Generally, the RFP should have a maximum bid amount

- Item B (Statement of Work):
 - In the introductory sentence, what does “meeting services” mean? That should be defined.
 - The SOW lacks enough specificity to craft a bid because it does not indicate the timeline or estimated number of hearings and Commission business meetings the line drawer would be expected to attend – the specificity needed here could be incorporated into a list of anticipated deliverables that would eventually be amended to become the final agreed upon set of deliverable (NOTE: the Deliverables section on p. 7 of 73, does not appear to clearly cover all of the anticipated deliverables)
 - The approach plan is critical and a 5-page limit may be too restrictive. We understand wanting to avoid lengthy proposals, but perhaps there are ways to streamline the information provided by allowing for attachments with additional materials and examples the proposers may wish to provide
 - Under subsection 1.a. (Software Capability), add CDF files to file types since many submissions may come from Maptitude
 - Subsection 1.c.1.ii. (Data Requirements) is confusing and likely just overly complicated. It seems the point here is that they should use Census data provided Statewide Database. It’s unclear what is intended by the last sentence regarding “adjusted 2020 census data” and what data sets that might be referencing. The Statewide Database has the data on inmate population home residence and can adjust accordingly, so reference to use of Statewide Database census data should be sufficient. The Commission should consult its legal counsel as to the steps it should take to formalize the adjustment and of the state’s incarcerated population to their home addresses for redistricting purposes.
 - Subsection 1.c.1.iii. (VRA Compliance) is confusing as drafted and should reference the relevant demographic data needed to comply with the VRA.
 - Subsection 1.c.3. (Post Map Approval) should not be a part of the bid. We did not have time to look at the Q & A from 10 years ago, but we believe that bidders were not asked to include the costs of post-map activities in their bid. While the line drawer should of course commit to being available for any post-map approval issues and litigation, there is too much uncertainty about the related costs to ask bidders to include them in their bid.
 - Subsection 1.d. (Professionalism and Collaboration) should be more clearly defined, perhaps referencing one of the codes of conduct that
 - In subsection 1.e. (Staff Support), the phrase “overall staff support” is unclear and seems unnecessary. The support provided should be clear from other provisions and deliverables, or this section should be more clearly and narrowly defined.
 - Subsection 1.g. (Progress Reports):

- It's unclear what the goal is for these reports, particularly given the transparent nature of the line-drawing process.
 - If progress reports are needed, the number and timing should be clearly and narrowly defined.
 - The Statement of Work and the GANTT chart indicate the line drawer works under the direction of the Commission, and thus we recommend against giving the Executive Director or other staff the authority to request, in the first instance, reports from or meetings with the line drawer.
- For subsection 1.h. (Final Map Report), we suggest this be changed to clarify that while the line drawer will provide supporting documentation and may collaborate on the drafting of the final report, it is the Commission's responsibility to produce the final map report, not the line drawer's. Similarly, subsection 1.j.i. should be modified to make it clear it is not the sole responsibility of the line drawer to incorporate public testimony into the final map report.
 - Subsection 1.j.ii. (Public Meeting Participation), regarding documenting the Commission's instructions, seems onerous and potentially redundant. Clarification and specificity may be needed, but the Commission's communications with the line drawer will happen during public and recorded meetings, with staff potentially posting notes of those meetings, including the Commission's instructions to the line drawer.
 - In subsection 1.j.iii. (Public Meeting Participation), it should be the responsibility of commission staff to print maps; and while the line drawer will need the capability to project maps and live line-drawing, the logistics will involve the videographer and potentially other contractors to ensure it is successfully projected to the public through the mediums the Commission uses for its meetings.
 - In subsection 1.j.iv (Public Meeting Participation), we recommend deleting "gather and" since it is our understanding that the data manager will be responsible for compiling and organizing public testimony. As currently written, this would be a significant amount of work that could be unnecessarily incorporated into the bid amount.
 - In subsection 1.k.ii. (Remote Meeting Participation), clarify "simultaneous" meetings. How many meetings would occur simultaneously and how often?
 - In subsection 2.a. (Commission Responsibilities), what is the role of the Project Manager and who would that person be reporting to? Is the Project Manager a liaison between the line drawer and the Commission?
 - Subsection 3 (Deliverables) does not seem to fully encompass the deliverables, including the draft and final maps. Again, we recommend an initial list of anticipated deliverables that includes timelines, an approximate number or range of hearings and meetings, and the numbers and timelines for draft and final maps.

Section II. Minimum Qualifications for Proposers

Generally, we'd recommend making clearer distinctions between the qualifications and experience you seek, and what information and disclosure you are asking the proposers to submit as part of the bid.

- In the qualifications section, we recommend adding a section on expert witness experience. In the disclosure section, you should require disclosure of all expert witness testimony and reports from the past 20 years. This is certainly something you'd want to evaluate in terms of the types of expert testimony line drawers have provided and on behalf of whom or in defense of or against what types of maps, i.e. incumbency protection, VRA compliance, racial or partisan gerrymandering.

- We recommend that among the qualifications and experience you seek, that you include experience 1) drawing maps that are compliant with the federal VRA, and 2) drawing maps that are consistent with the constitutional criteria that the Commission must apply, including communities of interest and non-partisanship .
- Consider adding a conflict of interest section, including disclosure of any lobbying activity.
- In subsection 1.b., add “districting” experience, since initial districting experience is relevant
- In subsection 1.f.:
 - add “districting” and identify a time frame, i.e. the last 20 years.
 - require proposers to identify, for each project, who directed the line drawing (an independent commission, a legislative body or agency, or court ordered) and whether incumbency protection was a criteria that was applied
 - require that for any maps that were subject to a legal challenge, the proposer disclose whether the maps were adopted and all changes that were made; “substantially” is too subjective
 - require that they disclose if they testified in defense of the challenged map
- In subsection 1.g.1, consider asking for more reference projects
- In subsection 10.c. (Evaluation Process), under scoring for Qualifications and Experience, specify experience applying the constitutional criteria that the Commission must apply.