

The State Bar of California

# REQUEST FOR INFORMATION



This document is a Request for Information (“RFI”) for vendor services to develop California-specific Essay and Performance Test questions modeled after the current version of the CA Bar Exam) and multiple-choice items modeled after the National Conference of Bar Examiners’ Multistate Bar Examination (MBE).

## I. INTRODUCTION

The State Bar of California (“State Bar”) is a public agency established by Article VI, Section 9 of the California Constitution, and serves as an administrative arm of the California Supreme Court for the purpose of assisting in matters of attorney licensing and discipline. The protection of the public is the State Bar’s highest priority in carrying out the Supreme Court of California’s attorney licensing and disciplinary functions. More information about the State Bar can be found online: [www.calbar.ca.gov/About-Us](http://www.calbar.ca.gov/About-Us).

Those wishing to become licensed to practice law in California must, in addition to satisfying other requirements, pass the California Bar Examination (the “Bar Exam”). Under normal circumstances, the Bar Exam is administered in-person, two times per year, to approximately 13,500 test-takers at conference centers across the State.

The Bar Exam is generally a two-day examination made up of three parts: a series of essay questions, a performance test, and the Multistate Bar Examination (MBE) multiple-choice test. All exam components (essay, Performance Test, and Multiple-choice items) cover thirteen legal topic areas, which include: Business Associations, Civil Procedure, Community Property, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Professional Responsibility, Real Property, Remedies, Torts, Trusts, and Wills and Succession.

Currently the Essay and Performance Test portions of the exam are developed in-house with the support of contractors hired by the State Bar of California. The MBE is procured from the National Conference of Bar Examiners. Because the Bar Exam relies on use of the MBE, the Bar Exam administration dates and modalities are governed by the NCBE, which dictates that the bar exam be held twice a year, on the last week of July and February and as an in-person examination. The State Bar seeks to administer the exam either in test center locations operated by a third party, or remotely, thus, a vendor that could develop a Bar Exam modeled after the current version of the exam is being

sought. More specifically, the written and multiple-choice questions need to cover the same legal topic areas covered by the current exam. The vendor should be prepared to develop an appropriate quantity of essays, Performance Test, inclusive of model answers and grading rubric, and multiple-choice items that would sufficiently facilitate multiple exam administrations, beyond the current two annual exam administrations.

## **II. BACKGROUND**

The rising costs to administer the Bar Exam has led to the exploration of alternative, cost-effective methods for administration. The State Bar remains committed to ensuring that any changes to the exam uphold the current exam standards of reliability, integrity, and security, and that the exam provides a level playing field for all applicants, including those with testing accommodations.

As part of its cost-savings measure, the State Bar seeks change the Bar Exam format from the traditional in-person format to either a test center approach or a remotely proctored exam. The current MBE consists of 200 multiple-choice questions, where two forms/versions of the exam are given during each exam administration. To implement this change for the February 2025 Bar Exam, it was determined that the State Bar would need to quickly develop their own multiple-choice exam, including multiple forms and bankable questions, while preserving the Bar Exam’s reliability and validity. The State Bar seeks to find a vendor to develop exam items that mirror the current CA Bar Exam; which includes multiple-choice questions testing the same law areas as the current MBE<sup>1</sup>, and 60-minute essays and a 90-minute Performance Tests covering the thirteen legal topics currently tested on the CA Bar Exam<sup>2</sup>.

The State Bar endeavors to use the newly developed multiple-choice questions to “equate” the bar exam; that is, the multiple-choice questions will be used to control for differing proficiency and difficulty levels over each exam administration. For this reason, it is critical that the developer adhere to the Standards for Educational and Psychological Testing<sup>3</sup>. The guidance provided in these standards are the gold standards of testing and represent the standards that the CA State Bar seeks to continue meeting. The multiple-choice questions developed for the Bar Exam must conform to the State Bar’s security measures; the items should be developed with the understanding that the State Bar will be the sole proprietor of those items. A development and pretesting plan should incorporate this understanding, specifically

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<sup>1</sup> A description of the seven MBE topic areas and format can be found here: <https://www.ncbex.org/exams/mbe/preparing-mbe>.

<sup>2</sup> The legal topics covered on the California Bar Exam can be found here: <https://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/California-Bar-Examination-Scope>

<sup>3</sup> The most recent publication of the Standards for Educational and Psychological Testing can be found here: <https://www.apa.org/science/programs/testing/standards>. The CA State Bar seeks to continue meeting these standards.

that the items cannot be accessed or utilized by any individuals or entities other than the State Bar.

### **III. INFORMATION REQUEST**

The State Bar wishes to engage the services of a vendor with significant expertise and experience in high-stakes exam development. The scope of the project, as currently envisioned, is to develop a Bar Exam that includes essays and Performance Test questions, and a multiple-choice exam that will enable the State Bar to securely and effectively administer a California-specific, non-MBE version of the Bar Exam (having all questions solely owned by the State Bar) without compromising the security and integrity of the Bar Exam.

With respect to procedural and methodological considerations of the project, the State Bar requests information about the following items:

- Methods for developing, drafting, pre-testing, and deploying sufficient numbers of multiple-choice items to meet the needs of the State Bar;
- Methods for developing, drafting, including model answers and grading rubric, pre-testing, and deploying sufficient numbers of Essay and Performance Test questions to meet the needs of the State Bar;
- Methods for the secure delivery, retrieval and/or destruction of questions;
- Methods for retention and enforcing the confidentiality of questions;
- Methods for collecting questions and delivering those physical and/or electronic files timely and securely to the State Bar; and
- Feasibility of customization of question topics to account for varying amounts of question performance and varying banks.
- For vendors who currently provide bar exam preparation services, methods for ensuring that multiple-choice items have not been and will not be in circulation of the bar exam preparation work provided by that vendor.
- Vendors who provide bar exam preparation services should include narrative describing measures it will take to eliminate the conflict with preparing Essay and Performance Test questions and multiple-choice items exclusively for the State Bar by divesting from the development and provision Essay and Performance Test questions and of multiple-choice item for bar exam preparation purposes.

### **IV. RESPONSE INSTRUCTIONS**

The submission requirements for this RFI are set forth below. Respondents are solely responsible for all expenses associated with responding to this RFI.

**A. Submission Requirements**

1. A brief description of your organization's history and position in the licensing, exam development, or other related markets.
2. Qualifications, background, and experience of the project director and other staff proposed to work on the project.
3. Provide a description of any history of work previously performed for licensing or other government entities that certify or license applicants via testing.
4. A description of at least three (3) similar projects completed within the past five (5) years. Descriptions should include: a summary of the goal and result; start and end dates; methods and tools used; any subcontractors or external parties that assisted with the project and their roles.
5. A general description of the techniques, approaches, and methods to be used in meeting the objectives described in this RFI.
6. A description of the chronology for completing the work for implementation for the February 2025 CA Bar Exam, including a timeline and deadlines for each task. Timelines should be designed in weeks, in series starting from Week 1; include named project phases; descriptions of activities in those phases; required parties and responsibilities; any and all concurrent services should be clearly noted as such.
7. A total cost estimate, and a cost breakdown for the various phases of the project, including the method and cost for development, testing, and deployment, if deemed feasible; and
8. Any other information or suggestions you may have in providing services designed to meet stated project goals.

**B. Questions Regarding This RFI**

Questions regarding the RFI should be addressed in writing, by email, to both:

Audrey Ching, Program Director III of Admissions, at [Audrey.Ching@calbar.ca.gov](mailto:Audrey.Ching@calbar.ca.gov); and

Amy Nuñez, Program Director I, at [Amy.Nunez@calbar.ca.gov](mailto:Amy.Nunez@calbar.ca.gov).

**C. Addenda**

The State Bar may modify the RFI prior to the date fixed for submission by posting, mailing, emailing or faxing an addendum to the bidders known to be interested in submitting a response.

**D. Responses Due**

Please email your response by no later than 5 p.m. on February 9, 2024, to both Audrey Ching and Amy Nuñez, at the emails listed in Section IV.B, above.

**E. Disposition of Materials**

All materials submitted in response to an RFI will become the property of the State Bar of California and will be returned only at the State Bar's option and at the expense of the vendor. One copy of each proposal will be retained for the State Bar's official files and become a public record pursuant to the California Public Records Act. By submitting a proposal, a vendor agrees to these terms and waives any right to pursue a cause of action for damages incurred as a result of the release of any information contained in a proposal.