



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

## **Request for Proposals—August 14, 2024**

### **Organization, Management, and Operation of Agency Adjudication Offices**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to conduct a study of the organization, management, and operation of agency adjudication offices. The study will support the development of a recommendation for action by federal agencies.

#### **About ACUS**

ACUS is an independent federal agency in the executive branch charged with identifying and promoting improvements in the efficiency, adequacy, and fairness of the procedures by which federal agencies conduct administrative processes.

Many of the hundreds of recommendations ACUS has issued since 1968 have resulted in reforms by federal agencies, the President, Congress, and the Judicial Conference of the United States. All are available at [acus.gov/recommendations](https://acus.gov/recommendations).

Recommendations are issued by the Conference, which consists of a Chair appointed by the President and confirmed by the Senate; ten presidential appointees; 50 senior federal officials designated by the heads of participating agencies; and 40 leading academics, practitioners, and other private-sector experts. Except for the Chair, all members are unpaid.

Recommendations are typically informed by a report prepared by one or more consultants. Consultants also work closely with committees of Conference members and the full Conference membership to develop the recommendations. Previous consultant reports are available at [acus.gov/reports](https://acus.gov/reports).

#### **Project Description**

Most major agencies have specific components, below the agency-head level, that are responsible primarily for conducting hearings or reviewing the decisions of lower-level adjudicators.<sup>1</sup> Such offices are commonly designated “Office of Hearings and Appeals,” “Office of Hearings,” or “Office of Administrative Law Judges.” Recent ACUS projects identifying best

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<sup>1</sup> This project will not address adjudication by agency heads, which was the subject of a previous recommendation. See Admin. Conf. of the U.S., Recommendation 2024-3, *Senate-Confirmed Officials and Administrative Adjudication*, 89 Fed. Reg. 56,276 (July 9, 2024). Nor will the project address components that issue orders subject to further review in a de novo agency proceeding—such as a front-line decision—before an administrative law judge or administrative judge.

practices regarding evidentiary hearings,<sup>2</sup> appellate systems,<sup>3</sup> technology use,<sup>4</sup> and the quality and timeliness of agency adjudication<sup>5</sup> have raised important questions about the effective organization, management, and operation of adjudication offices.

ACUS is undertaking a project to study how agency adjudication offices are organized and managed and recommend best practices that promote fair, accurate, consistent, efficient, and timely decision making. Among other relevant topics, the project will address:

- Placement of adjudication offices within agency hierarchies;
- Internal organization and management of adjudication offices, including the role of chief judges and reporting structures;
- Interactions with other agency components, including those responsible for enforcement and policymaking;
- Interactions with other agencies, the Executive Office of the President, and Congress;
- Development of procedural rules and business practices; and
- Access to human, financial, technological, and other resources.

The project will consist of a report prepared by a consultant(s) and, it is expected, a recommendation adopted by the Conference. Both the report and recommendation will identify agency best practices for the organization, management, and operation of agency adjudication offices.

### **Consultant Responsibilities**

The consultant(s) will complete a draft report by February 2025. The consultant(s) will work with Conference staff to finalize the draft report, which will be provided to a committee of Conference members and made publicly available on the ACUS website.

During spring 2025, the consultant(s) will work with Conference staff and the committee to develop a proposed recommendation. Committees typically meet two to three times per project; meetings are conducted virtually and typically last about three hours.

The consultant(s) will work with Conference staff to complete a final report by May 2025, which will be provided to the full Conference and made publicly available on the ACUS website. The

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<sup>2</sup> Admin. Conf. of the U.S., Recommendation 2016-4, *Evidentiary Hearings Not Required by the Administrative Procedure Act*, 81 Fed. Reg. 94314 (Dec. 23, 2016).

<sup>3</sup> Admin. Conf. of the U.S., Recommendation 2022-4, *Precedential Decision Making in Agency Adjudication*, 88 Fed. Reg. 2312 (Jan. 13, 2023); Admin. Conf. of the U.S., Recommendation 2020-3, *Agency Appellate Systems*, 86 Fed. Reg. 6618 (Jan. 22, 2021).

<sup>4</sup> Admin. Conf. of the U.S., Recommendation 2023-4, *Online Processes in Agency Adjudication*, 88 Fed. Reg. 42,681 (July 3, 2023); Admin. Conf. of the U.S., Recommendation 2018-3, *Electronic Case Management in Federal Administrative Adjudication*, 83 Fed. Reg. 30,686 (June 29, 2018).

<sup>5</sup> Admin. Conf. of the U.S., Recommendation 2021-10, *Quality Assurance Systems in Agency Adjudication*, 87 Fed. Reg. 1722 (Jan. 12, 2022); Admin. Conf. of the U.S., Recommendation 2023-7, *Improving Timeliness in Agency Adjudication*, 89 Fed. Reg. 1513 (Jan. 10, 2024).

consultant(s) will also work with Conference staff and the full Conference membership to consider the committee-proposed recommendation at a plenary session of the Conference, likely in June 2025.

The Conference may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

### **Submitting a Proposal and Evaluation Criteria**

If you are interested in serving as a consultant for the report, send an email to Lea Robbins ([lrobbins@acus.gov](mailto:lrobbins@acus.gov)) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short statement (ideally no more than two pages) that:

- Addresses your interest in this study,
- Describes specific topics you would be interested in researching,
- Describes the methodologies you might employ to researching these topics, and
- Identifies any relevant scholarship you have published.

**All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on September 15, 2024, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on administrative adjudication and capacity building within administrative agencies.