



## **Request for Proposals—May 3, 2023 Individualized Guidance**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to produce a report on written guidance that agencies provide in response to requests for advice from individual members of the public.

### **Project Description and Consultant Responsibilities**

ACUS has undertaken several projects related to the use and public availability of guidance documents. Those projects focused, in large part, on general statements of policy and interpretations of general applicability. In addition to issuing generally applicable guidance documents, some agencies also issue written guidance in response to requests for advice from members of the public.

ACUS is undertaking a project to study such individualized guidance. The project will address, among other relevant topics:

- Processes for members of the public to request guidance from agencies;
- Agency practices for drafting responses to guidance requests, including the personnel involved and mechanisms to ensure accuracy and consistency;
- The public availability of individualized guidance documents; and
- The extent to which members of the public can rely on legal interpretations and policy statements made in individualized guidance documents.

The project will not address the deference courts give to interpretations of statutes or agency rules made in individualized guidance documents.

The study and resulting recommendations will identify best practices to promote fairness, accuracy, and efficiency in agency processes for providing written guidance in response to requests for advice from members of the public.

The consultant(s) will complete a draft report by February 2024 and will thereafter be expected to work with Conference staff and committees as the Conference develops recommendations from the report in time for the Conference's June 2024 plenary session. 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 Jeremy Graboyes (jgraboyes@acus.gov) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short (ideally no more than one page) statement identifying what you see as the primary issues that the report should address. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on June 5, 2023, 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 the public availability of agency legal materials.