



Request for Proposals—March 24, 2021

Quality Assurance Systems in Agency Adjudication

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant to produce a report on quality assurance systems in agency adjudication.

Project Description and Consultant Responsibilities

In 1973, ACUS recommended that federal agencies consider adopting statistical and non-statistical quality assurance techniques to evaluate the accuracy, timeliness, and fairness of public benefits adjudication.¹ Since then, many agencies have implemented systems to enhance the quality of their adjudicative decisions. Agencies assess decisional quality in different ways, such as the extent to which individual decisions accord with published agency policies or are consistent with one another. Agencies also use different techniques to improve decisional quality, such as peer review, internal and external audits, performance incentives, individualized feedback, targeted training, and coordination with policymaking components to clarify or improve policies. There are practical issues associated with each of these techniques, including costs, staffing, and technological capacity. Quality assurance programs may also raise legal issues related to due process, impartiality, and decisional independence.

ACUS is now undertaking a project to study the legal and practical issues associated with the use and design of quality assurance systems in agency adjudication. The project will address issues such as:

- the types of adjudicative programs that may benefit from quality assurance;
- how agencies define, measure, assess, and enhance decisional quality;
- how agencies capture data and use technology to support quality assurance, particularly as it relates to automation, data analytics, and artificial intelligence;
- the relationship between quality assurance systems and other agency programs, including appellate review and policymaking;
- the practical problems associated with quality assurance systems, including those relating to cost, staffing, and technological capacity; and

¹ Admin. Conf. of the U.S., Recommendation 73-3, *Quality Assurance Systems in the Adjudication of Claims of Entitlement to Benefits or Compensation*, 38 Fed. Reg. 16,840 (June 27, 1973); Jerry L. Mashaw, *Quality Assurance Systems in the Adjudication of Claims of Entitlement to Benefits or Compensation* (1973) (report to the Admin. Conf. of the U.S.).

- the legal issues associated with quality assurance systems, particularly as related to due process, impartiality, and decisional independence.

The study and resulting recommendations will identify best practices for improving existing quality assurance systems and establishing new ones where appropriate.

The draft report will be completed by August 2021, and the consultant(s) will thereafter be expected to work with ACUS staff and committees as ACUS develops recommendations from the report in time for its December 2021 plenary session. ACUS may select a single consultant or assemble a team of consultants depending on the proposals it receives. Each consultant will receive between \$12,000–\$20,000 depending on the number of consultants and allocation of responsibilities, plus a budget related to travel and research assistant expenses (not to exceed \$3,000 for each consultant). The total award value of consulting fees for this project will not exceed \$36,000, 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 this project, please send an email to Danielle Schulkin (dschulkin@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 explaining your proposed methodology for addressing the key topics identified above as well as any others that you see as relevant. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on April 2, 2021, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. ACUS has a strong preference for consultants who have previously authored scholarly work on the use of quality assurance techniques in government decision-making, especially the use of technology for quality assurance.