

# ADMINISTRATIVE OFFICE OF THE COURTS

## QUESTIONS AND ANSWERS FROM THE PRE-PROPOSAL CONFERENCE AND THE SOLICITATION MAILBOX

**RFP Number:** ITSO-2013-01-DCA

### *CALIFORNIA APPELLATE COURTS - E-FILING*

**REVISED** 3/19/13

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#### Question and Answers from Solicitation Mailbox

1. [RFP Section] 2.1 “The solution includes but is not limited to: ... hosting” & next item: “Vendor provided requirements for the network infrastructure necessary to implement the solution (for the Court and AOC to satisfy)” - Question: Is the AOC requiring the solution be hosted in the AOC data center or vendor data center?

**Answer:** The vendor e-filing solution would be hosted at the vendor data center. The ACCMS related components will be hosted at the AOC data center.

2. [Response Template] 2.2 “Provide at least three references of customers with comparable service.” - Question: Will the AOC consider other electronic filing services with several 3<sup>rd</sup> party interface integrations in extremely high volume environments as “comparable services”?

**Answer:** Yes, the court would consider other e-filing references. A vendor would be expected to gain a high level of understanding of the court filing process.

3. [Response Template] Question: Section 1 references 5-7 pages. Any such requirement/preference for the remaining sections aside from the excessive graphics?

**Answer:** All responses should clearly answer the questions and give evaluators enough information to thoroughly understand the solution. There are no requirements on length.

4. [Response Template] Question: Section 7.0. Please confirm pricing gets submitted “as is”. Same proposal and NOT separated?

**Answer:** Title of section 7.0 was updated to match the RFP, see Response Template Revision 1. The request is that a vendor submits their model to recover costs, at no cost to the CA Judicial Branch. This does not have to be submitted separately.

5. [Response Template] : Section 7.0 – What type of fee structure would the AOC prefer? Percentage, fixed rate, hybrid, anything?

**Answer:** The AOC is open to all viable cost recovery proposals and fee structures.

6. [Requirements Document - Documents]: 4.4 & 4.4.1 “Document size” – Would 20MB be an AOC limit or is this just a minimum/general number?

**Answer:** This requirement was modified to remove the 20MB limit and add support for FTP. See Attachment 4 Revision 1, requirement T300.1.1.3. The 20MB limit we experienced in the past would not be an issue if an FTP solution is implemented.

7. [Requirements Document - Documents]: 4.5 “Vendor shall ensure that all submitted documents are PDF” – Question: Would AOC accept a solution that converted a word/other text document into PDF?

**Answer:** Yes. It is the vendor responsibility to convert documents to PDF prior to sending to the Court. How the vendor does the conversion is the vendors decision.

8. [Requirements Document - Fees]: 6.2 “Vendor shall collect all applicable filing and response fees.” – Question: What does the AOC consider a response fee?

**Answer:** This refers only to statutory filing fees. Responding parties also have filing fees due. The required fees are listed in Govt. Code §§ 68926, 68926.1, 68926.3 and 68927 (see Rule of Court 8.25)

9. [Requirements Document - Fees]: 6.4 “Vendor shall forward the Court Filing Fees and Court Service Fees to the court” – Question: Would this be going into a single account or multiple accounts per court?

**Answer:** Only delivery to a single account is required. The fees that require special allocation under Govt. Code §§ 68926.1 and 68926.3 are handled internally, and the vendor does not need to do any allocation.

10. [Requirements Document - E-Services & E-Notice]: 7.1.2 “When E-Service is initiated the Vendor shall support sending a hyperlink to the documents, not the documents themselves” – Question: Would the AOC prefer a solution that kept a “local” copy of a filing for a period of time and acted as almost a L2 cache? Or should the documents always be retrieved from the ACCMS?

**Answer:** There is no preference, but either a hyperlink or the documents must be sent to the filer. The requirements have been modified. See Attachment 4 Revision #1.

Service through hyperlink is only one of the methods authorized under Rule of Court 8.71. Rule 8.70(d)((5) defines hyperlink service as “electronic notification.” Rule of Court 8.71(e) outlines the requirements *if* this method is used, but requires that the hyperlink must be maintained until the case is final.

11. [Requirements Document – Security]: T300.1.1.2 “All automated exchanges of data between the Portal and ACCMS will require authentication and authorization processing” – Question: What type of auth does the AOC envision between the applications?

**Answer:** The authentication mechanism we currently support is username/password.

12. [Requirements Document – Integration]: T100.1 - "The system shall support integration and/or interfaces between or among other systems" – Question: Can you touch on some other possible systems? Would this be external services such as validating attorney #s?

**Answer:** The e-filing solution will integrate with ACCMS. Other examples would include interfaces with trial courts and/or Justice Partners. Other systems may be defined by vendor, and may include systems such as a credit card clearing house. Validating attorney’s bar number is not a requirement of this RFP.

13. [Requirements Document – Phase 2 Fees]: 200 - "Vendor shall support Fee Waiver processing" - Question: How would this process be defined? During registration? Manual verification?

**Answer:** Not at registration and not manually. Vendor would have to identify when an e-filing is a *Request for Fee Waiver* and not charge a fee or “hold fee” collected for refund, if court grants waiver. Vendor would also need to know that a Filer on a case has been granted a Fee Waiver and that the Fee Waiver has not expired and not charge a fee.

14. Is the[re] any plans at the county or state level to mandate e-filing?

**Answer:** For the pilot project and the First District our intention is to mandate e-filing with the exception of the pro-se and fee exempt filers.

15. I just wanted to make sure that I'm reading the RFP correctly in that the AOC is not willing to pay anything, at all, ever, for this project? If that is the case, how does the AOC expect to find a willing vendor?

**Answer:** The AOC would like to take part in a partnership where vendors earn a return on their investments, while not passing the costs to the Judicial Branch. There are models of this partnership in play in the country today.

16. During the Pre-Proposal Conference, Justice Bruiniers made a reference to a draft rule being introduced in May that would require e-Delivery of Filings. Is the draft rule available to the bidders? If so, where do we get a copy? Please clarify what this rule is intended to accomplish and why it is important to this effort.

**Answer:** The reference is to a draft order that will soon be issued for the First District, to be effective May 1. This order will require e-delivery to the existing website ( <http://www.courts.ca.gov/9261.htm> ) of virtually all record documents. It is similar to what several other Districts are doing, but more comprehensive. It is intended to be an interim order, until the vendor portal is up and running. It cannot be distributed until it has the proper signature, but it will be publicly posted once it is issued.

17. Section 1.4, Appellate Court Case Management System (ACCMS) says that “The AOC intends to design, develop, and implement e-filing capabilities into ACCMS in parallel and in conjunction with the solution requested herein”. Please explain why the AOC would want to do this. If the vendor builds a solution for the Court and the AOC builds a solution for the Court will the AOC’s solution be deployed and thus compete with the vendor’s solution? Please clarify.

**Answer:** The AOC is prepared to build the complementary e-filing components for their appellate case management system (ACCMS) system. These components may include a clerk review module and some of the web services for integration between the vendor and ACCMS. What the components the AOC builds will depend on the proposal received. The AOC is not building a competing system. [REVISED]

18. **Section 2.2, Scope** says that the eFiling solution includes “Bi-directional interface between the Portal and ACCMS to enable clerk review and e-service”. Is it expected that the vendor’s solution will include an Electronic Filing Manager (EFM)? Or will the Court be providing the EFM that the vendor will be required to connect to? Please clarify.

**Answer:** The AOC has not developed a separate EFM and anticipates that this be provided by the vendor. However, the AOC is prepared to build the clerk review module of the overall e-filing solution if necessary. The clerk review module can either be proposed as a vendor EFM component or as an element of ACCMS.

[REVISED]

19. Section 4.0, Vendor Proposed Cost Recovery Model says that “The solution shall be at no cost to the Judicial Branch for both Phase 1 and Phase 2”. In order to completely vet the opportunity it would be helpful if the Court could provide some additional metrics. Please provide us with the number of Filers for the last three years by Filer type e.g. Attorney, Self-Represented Litigants, Government Agency/Justice Partners, etc... Please also provide the number of subscribers, users or filers that the Court currently supports for case alerts, copy requests, email notifications and case search information.

**Answer:** The following are the case email notification sign-up counts from the appellate case website (See <http://www.courts.ca.gov/>) for all Appellate Districts and the Supreme Court. Each sign-up is for a single case with one or more notification options.

- Year 2009 – 86673
- Year 2010 - 87328
- Year 2011 – 93650

See Attachment 6 for filing counts. These filing counts use the best available information we have, but are not a warranty. These do not contain break downs by filer type, to do so would be a manual count and will not be available prior to the proposal submission deadline.

20. Attachment 4, Phase 1 Functional Requirements, Section 2.5 says that the “Vendor shall support and maintain registration of all E-Filers (ensuring authorization/authentication)”. Please describe anticipated process that will be used to authorize and authenticate eFilers.

**Answer:** Authentication and authorization will be done using username/password. For registration we need confirmation that an attorney/party filing into a case, and receiving information about it, is authorized to do so. We need names, addresses, phone numbers, e-mail notification addresses, and state bar numbers for attorneys. Financial information required is up to the vendor.

21. Attachment 4, Requirements, Section 4.8.1 says “Upon acceptance by the Clerk, Vendor and ACCMS shall support sending an acceptance notification to the Filer, along with all accepted (endorsed) document(s)”. Is it expected that the vendor will send the Filer the electronic notification and the accepted documents via email with attachments or by electronic notification with a hyperlink to these documents?

**Answer:** Attachment 4 Revision 1 has reworded the requirement: “When E-Service is initiated the Vendor shall support sending a hyperlink to the documents or the documents themselves.” The vendor will store the service documents on behalf of the customer base.

22. **Attachment 4, Requirements, Section 6.4** says “Vendor shall forward the Court Filing Fees and Court Service Fees to the court”. Please define what a “Court Service Fee” is and how is it different than a Court Filing Fee.

**Answer:** The Court Service Fee was added to this requirement to leave open the possibility of collecting court fees that are not filing fees. There are not Court Service Fees currently established.

23. Will the selected vendor be able to include as part of their Cost Recovery Model the number of transactions/filings generated by Government Agencies/Justice Partners and self-represented litigants? Or is it expected that the vendor will support them at no cost?

**Answer:** At least at the outset we do not expect the vendors to handle the exempt agency filers at no cost. Although we would like to see the vendors provide some method to accommodate the exempt filers, it is not initially required.

24. Just as a follow up we would like to receive a copy of the specifications for the web service we would be connecting to your CMS.

**Answer:** These web services are not yet developed. They will be developed once the e-filing solution is determined. Our intention is to follow ECF standards if possible. Here are 5 ECF messages that we intend to deploy during the pilot phase:

- ECF-4.0-CoreFilingMessage
- ECF-4.0-ReviewFilingCallbackMessage
- ECF-4.0-FeesCalculationQueryMessage
- ECF-4.0-FeesCalculationResponseMessage
- ECF-4.0-MessageReceiptMessage

25. Requirements – Integration. Since selected vendor will be responsible for assisting with the integration into Appellate Court Case Management System (ACCMS), can any details with respect to that system be provided, such as architecture, database, programming language, description of other existing integrations?

**Answer:** We have an Integrated Service Bus (ISB), which utilizes TIBCO software, where web services will be hosted. All messages received by the web service will be forward to ACCMS. ACCMS will not be directly exposed to the vendor system. (See also #24)

26. RFP has the following: “The fees charged by the Vendor for E-Filing must be reasonable”. What are reasonable fees in this context?

**Answer:** Rule of Court 8.75(b) states that our contract with any EFSP may allow the provider to charge a “reasonable fee.” That term is not defined in the Rules of Court. We expect that any cost recovery model would provide the vendor with a reasonable rate of return on investment, based on the assumption of a branch-wide deployment in Phase 2.

27. Section 4.4.8: Question: Would the court please explain what is meant by “software support for multiple tests, training and production environments managed by AOC”.

**Answer:** We want to know if a vendor can support multiple simultaneous connections to multiple AOC /Court environments. For example test, training and production environments.

28. Section 4.7.1: Question: Can the court please elaborate on this question? "Describe your tools for system administration; include system in operation versus system down-time."

**Answer:** For example, transaction logging, maintenance, and monitoring. Are these tools provided by a 3rd party or developed in-house? How is fault tolerance implemented, etc?

29. Rules Question: Will the vendor's system be required to display the e-mail addresses for all parties on the case distribution list (i.e., service list) for each case or can alternatives be offered that may require a modification to Rule CRC 8.71(b)?

**Answer:** The court will require the e-mail notification addresses for all parties or their attorneys. An electronic service list is required to be maintained by the EFSP under Rule of Court 8.71(b). Any solution requiring a change to the Rules of Court would not be preferred.

30. Could the Court provide an estimate of the number of attorneys that might be filing in the pilot program per month; and the number post-pilot program?

**Answer:** Any statistics which we would be able to provide from existing databases would be misleading, since several attorneys (including members of the same law firm and/or co-counsel) may be filing into a single case.

31. We understand that e-filing will be mandatory. Will the court mandate e-service as well?

**Answer:** We are currently restricted from doing so under Rule of Court 8.73(a)((2)(B) We will encourage e-service to the extent possible.

32. To evaluate the possibility of transferring case information from lower courts, can the Court provide us with a list of the CMS and DMS applications used by those lower courts by jurisdiction?

**Answer:** Not at this time, data and documents would be shared using a standardized data exchange.

33. We are also having a problem with Attachment 4 of the RFP. The Phase I Technical Requirements tab does not allow us select a Vendor Response from the drop down menus in that column and we are unable to manually enter a response. Please let me know if a replacement document will be provided.

**Answer:** See Attachment 4 has been updated with this correction.

34. Do the California Appellate Courts intend to make E-Filing mandatory throughout all districts and the Supreme Court? If so, what is the approximate target date for making e-filing mandatory (i.e., immediately after implementation, several months after)? If not, what is the anticipated percentage of filing volume that the Courts believe will be e-filed?

**Answer:** Our goal is to develop and implement a system that will enable branch-wide e-filing in all appellate districts and in the Supreme Court. Each District, and the Supreme Court, must decide if e-filing will be mandated in that court. We expect most, if not all, will chose to do so. See also #39.

35. Is the Court seeking a Commercial-Off-The-Shelf (COTS) E-Filing solution?

**Answer:** The Court is seeking a solution that meets its requirements. A COTS solution that meets the requirements will be evaluated.

36. Was the pre-bid conference held on Feb 26 recorded? If so, can the recording be shared?

**Answer:** The conference was recorded for purposes of documenting the questions. All questions are answered in this document. The recording is not intended to be publically shared.

37. Regarding e-Filing, RFP# ITSO-2013-01-DCA, will amendments and Q&A documents be posted online, or will they only be sent via email

**Answer:** This document will be publically posted online.

### **Question and Answers from Vendor Q&A Teleconference held on February 26, 2012 from 2PM-5PM PDT**

38. Will e-filing and e-service be mandatory?

**Answer:** For the pilot project with the First District our intention is to mandate e-filing with the exception of the pro-se and fee exempt filers. Regarding e-service, see #31.

39. Are the current California Rules and procedures going to be used or modified in any way?

**Answer:** See #51.

40. Is there an expectation that the vendor that you choose is going be able to electronically transfer these cases from the lower court in every instance?

**Answer:** The court to court transfers are an optional requirement in Phase 1 and a preferred requirement in Phase 2. These are not mandatory requirements.

41. If a vendor would be able to do that [see #40], do you think the court would [use this functionality]?

**Answer:** If a vendor could facilitate those transfers certainly would be extremely helpful and beneficial.

42. Outside of the pilot phase, do you know which districts are going to participate after the pilot program? Are we just looking at the First District and the Supreme Court?

**Answer:** If we have a successful implementation, the concept is to have the system implemented in all of the Appellate Districts and in the Supreme Court. We don't believe that other districts are anticipating initiating a separate portal. The Appellate Courts and the Supreme Court all work from the same system, ACCMS. The intention is to find a solution that is portable to all the Appellate Courts.

43. Do you plan on making this a multi-vendor project anytime in the future?

**Answer:** For the pilot phase we don't think the system could support more than one vendor with the filing volumes we have in the appellate courts. Whether this is a sole source solution at the end of the day is a policy consideration that we will look at if we expand this solution to the other courts. For the pilot phase this is a single vendor solution.

44. Are there any redaction requirements?

**Answer:** No. In terms of what the vendor may choose to make available, certain case types are confidential. We need some mechanism, not only for restricting access to confidential case types, but also documents filed under seal. We need to accommodate the ability to file documents and cases confidentially.

45. Are there additional security requirements for handling juvenile cases types and documents?

**Answer:** Juvenile case information is not available to the public. The filers themselves would need to have access and user permissions to those cases, however Juvenile cases are confidential.

46. Are we going to be able to submit additional questions after this meeting, if other questions arise?

**Answer:** Yes. The RFP stated we would receive question through March 4, 2013.

47. Information about the existing filing system – 1. How was system built and who built it? 2. Looking at the specification it seem that it would be easier to build a new system from the ground up that supported e-filing, would that be an option or does it have to work with the existing system?

**Answer:** ACCMS is an internally developed case management system (not a document management system) that all of the Appellate Courts and the Supreme Court are using. We don't envision starting over from new code.

48. It is hard to evaluate whether the project is feasible especially with a zero dollar budget without knowing more about the technical details about how the system works now. I took a brief look on line and it looks like it (ACCMS) was based on cold fusion. Different vendor have different tools they are used to working with. It is hazy as far as, is this something our company would want to tackle right now. So to the extent that that information could be provided it would be helpful.

**Answer:** ACCMS expects to communicate via web services utilizing a data exchange or set of data exchanges to communicate with the e-Filing solution.

49. Credit Card processing – if we are collecting funds, is the onus on the vendor to supply the processor or is there a state standard or state processor to integrate with?

**Answer:** Yes, fee collection, either via credit card or pre-paid account is the vendor's responsibility, with the ACH reconciliation to the court on a periodic basis. We have no state integration for credit card processing.

50. Thinking about the funding model for this project, is the expectation on the part of the court that lawyers are going to be paying for use of the e-filing system that they are required to use? It seems like the court is expecting user payment, but I'm not clear who that user would be. Who are the users?



**Answer:** The cost recovery model would be provided by the vendor. A subscription or transaction fee based model are possibilities. The principal user would be the Bar, however other filers (see Attachment 4-Requirements), including self represented litigants, may use the system .

51. Instead of a transaction fee would the court be willing to grant rights to the vendor to resell case information to other parties and obviate the need to charge per transaction fee?

**Answer:** There are trial court rules on privacy and public access to electronic court records (Rules of Court 2.500 – 2.507) that include a limitation on bulk distribution of court records (Rule 2.503(g)). Those rules are not directly applicable to the Appellate Courts, however they do articulate Judicial Council policy. These rules do not apply to the documents as received from the filer by the vendor. Once there is a file stamp on it, the court must control it. Rule of Court 2.505(b) [also technically limited to the trial courts, but applicable] requires that EFSP contracts for public access to trial court records provide that the court is the owner of these records and has the exclusive right to control their use. What the vendor collects, aggregates, or resells from the information provided to them by the filer, however, is a matter between the vendor and the filer.

Proposers should also review Appellate E-filing Rules of Court (Rules 8.70-8.79)

52. Section 4.4.8 in the Response Template: Describe how you will deal with software support for multiple tests, training, and production environments managed by AOC. -What are you looking for - multiple testing sites?

**Answer:** See #27

53. Will this be hosted by the vendor or do we have requirements to host it within your data center?

**Answer:** The filer portal would be hosted by the vendor. The data inside our firewall we host.

54. What about retrieval? Do you envision something with the public and other filers can go in and search cases and retrieve documents?

**Answer:** Yes, that is a value added service the vendor can offer to the filer. We have a limited access public portal (Second District just developed a mobile app that allows access to limited data), but we don't have any significant detail that is available on a public portal. We would want to facilitate vendor access to the information so vendor can provide that service to the filer.

55. Financial Settlements – will that be to one account or several?

**Answer:** Only one account. We don't have the fee allocation issue that the trial courts have.

***END OF DOCUMENT***