

STATE OF FLORIDA

**DEPARTMENT OF LEGAL AFFAIRS
OFFICE OF THE ATTORNEY GENERAL**



REQUEST FOR PROPOSAL

RFP DLA-2019.03

COURT REPORTING SERVICES

ADDENDUM NO. 1

April 25, 2019

This Addendum 1 revises certain portions of RFP DLA 2019.03, Court Reporting Services (RFP) and provides answers to written questions submitted to the OAG as allowed under the RFP terms. This Addendum amends the RFP. In the event of a conflict between the RFP terms and the information contained herein, this Addendum controls. The information included in this addendum incorporated and made part of this solicitation. Changes made are highlighted in yellow.

FAILURE TO FILE A PROTEST WITHIN THE TIME PRESCRIBED IN SECTION 120.57(3), FLORIDA STATUTES, OR FAILURE TO FILE A BOND OR OTHER SECURITY WITHIN THE TIME ALLOWED FOR FILING A BOND SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120, FLORIDA STATUTES.

The following revisions are made to the RFP:

1. Section 1.2, Definitions is amended to add the following definition for “calendar days”.

CALENDAR DAYS: All days, including weekends and holidays

2. Section 1.7, Accessibility for Disabled Persons is deleted in its entirety and replaced with the following:

1.7 Accessibility for Disabled Persons

If a special accommodation is needed, please advise no later than five **business days** prior to the event for which the accommodation may be needed. Contact the Procurement Officer named in Section 1.4 of the RFP.

3. Attachment B, Price Sheet is deleted in its entirety and replaced with **REVISED ATTACHMENT B, PRICE SHEET**. Respondent’s must submit the Revised Price Sheet with their proposal.
4. Pursuant to Section 2.3 of the RFP, an **Addendum Acknowledgment Form** is attached to the Addendum. All Respondents must execute the Addendum Acknowledgement Form and return it with their Proposal.
5. The OAG received the following questions from the Respondent and answers are provided in the following table:

#	QUESTION	OAG’S ANSWER
1	Are all of the RFP Amendments routed to Edward R. Gardner at	No, amendments to the RFP are posted on the VBS website http://vbs.dms.state.fl.us/vbs/main_menu .

	valuems@comcast.net?	
2	Has the delivery date of the proposal changed to May 16, 2019 or what is the current delivery date?	Proposals are due on April 30, 2019 by 2:30 p.m, Eastern Time. See Section 1.5 of the RFP – Schedule of Events
3	Narrative Response addressing 4.3 through 4.7, Do Respondent address all items listed as requested for each title and subtitle?	Is up to the Respondent to address in the requirements of Section 4 of the RFP to reflect compliance.
4	<p>2.9 Non-Exclusive Rights: Does this mean that a Customer does not have to use the Respondent, they can use any vendor on My Florida Marketplace if they wish, or are there exceptions to the non-exclusive rights? If there are exceptions, what are they?</p> <p>I ask this because later on in the RFP it says all Customers must use the contractor.</p>	Section 2.9 allows the OAG to award multiple contracts for court reporter services to provide adequate services for all 20 Judicial Circuits. See also Section 6.4. If the Contractor cannot accept a job, then the OAG or the Customer may obtain services from a non-contracted company. See Section 4.5a, General Conditions.
5	<p>How many hours of a DOAH hearing, Trials, or Depositions are required to have a final transcript produced within the 10-day deadline?</p> <p>Need more clarification on the above requirement, as some DOAH Hearings, Trials can last for hours, days, weeks, months. And the RFP only addresses a 10-day turnaround on DOAH Hearings and Trials.</p>	<p>There is no limit on hours for a 10-day delivery of a transcript. The 10-day requirement would apply to most hearings and trials.</p> <p>Extraordinary circumstances will be handled on a case-by-case basis, as they typically are at the end of the hearing.</p> <p>All transcripts from any proceedings fall into the same category, including arbitrations.</p>

	<p>Also, arbitrations may need to be added to the contract as a service and can be very lengthy as well.</p> <p>Will arbitrations also fall within the 10-day deadline?</p>	
6	<p>Are state holidays and weekends included in the 10 working day delivery and the 4 to 5 working day delivery as listed on the RFP?</p> <p>As definitions uses the words “Business Days,” but the language for transcripts uses the words, “Working Days.”</p>	<p>Yes – state holidays and weekends are included. (see the clear language on the Price Sheet).</p> <p>See revised definitions Section 1 and Revised Attachment B – Price Sheet.</p>
7	<p>Scenario: There are three different parties, representing three different clients. One party orders a copy of the transcript and shares the copy with the other 2 parties on the case. Is that permissible?</p>	<p>The OAG cannot answer this hypothetical question or control the practices of Customers throughout the state. However, state agencies are bound by public records laws and would be required to produce copies of transcripts if requested.</p>
8	<p>Is the 18th Judicial Circuit going to be split in two sections again?</p>	<p>Unknown – Award of contracts is dependent on the Responses received.</p>
9	<p>If “business days” are defined as “Monday through Friday, excluding state holidays” (1.2), then why are weekends and holidays included and counted as business days in the expedited delivery time (4.5 e)? Only “business days” should be counted in the expedited delivery time.</p>	<p>Section 4.5 e clearly states: “When a 24 or 72 hour expedited delivery (includes weekend and holidays) is requested. Expedited in the context includes weekend and holiday days and 24 or 72 hours means the OAG or Customer should have the transcripts in their possession within that number of hours.</p>

10	Can proposals for different judicial circuits be submitted in one package?	Yes – however each circuit must have its own Price Sheet. See Revised Attachment B.
11	<p>I notice in the proposal that there is no indication of whether or not digital court reporting is applicable for this. I do however see that no "tape recording" can be used, but we do not use tape recordings.</p> <p>By utilizing our digital reporters, we can provide a higher quality of service at a lower price... as well as free video (which saves literally 3/4 of the cost of a traditional video deposition).</p> <p>This is a unique service that our company has brought to the industry throughout Florida and several other states. This is not the recording taken by a webcam, but a recording that follows all of the CLVS and the AGCV.</p>	<p>See Section 4.4 – “Tape recording is strictly prohibited as a primary source of reporting.” Respondents may provide a price for digital transcription on the Price Sheet (Optional Services Page).</p>
12	Good afternoon. The bid ad that was put out for court reporting services, I just want to make sure it is for the coverage areas of Tallahassee...we are located in Gainesville...thank you for your time.	The RFP is for services in all 20 circuits. See Section 1.1 and definition of circuit in 1.2.
13	2.10 - Can the Contract be in the name of Respondent's business versus personal, if RFP was received personally?	Any qualified entity may respond to the RFP

14	5.5.3, Tab 3, number 3 - Would ten years of reporting experience as an "approved" court reporter under the current and prior court reporting contract satisfy this requirement?	The OAG will not predetermine whether an entity is qualified. See Section 2.9, Minimum Qualifications. It is up to the Respondent to provide sufficient documentation to establish it meets the requirements of the RFP.
15	4.4 (3) Is digital reporting acceptable as a primary source of reporting?	See answer to question #11
16	<p><u>Under Section 2, Special Conditions, Section 2.12:</u> Will the OAG and/or its representatives share any deposition transcripts to benefit any third party?</p> <p>If so, the Original transcript costs will need to be adjusted to reflect sharing of transcripts.</p>	See answer to question #7
17	<p><u>Under Section 2, Special Conditions, Section 2.12:</u> Will the OAG and /or it's representatives share any deposition transcripts to benefit any third party who has not paid for transcripts even when those transcripts have been filed with the courts?</p>	See answer to question #7
18	<p><u>Under Section 2, Special Conditions, Section 2.12:</u> Will the OAG and/or its representatives share court hearings, trials and DOAH hearing transcripts to benefit any third party?</p>	See answer to question #17

19	<p><u>Under Section 2, Special Conditions, Section 2.12:</u> Will the OAG and/or it's representatives Board and Public Meeting share any transcripts to benefit any third party?</p> <p>And if so, under what circumstances?</p>	See answer to question #17
20	<p>The prior OAG contract split the 18th Judicial Circuit into two separate contracts as 18A and 18B. Will the 18th Circuit be split into 18A and 18B under this contract?</p>	See answer to question #8
21	<p><u>Under Section 2, Special conditions, Section 2.5:</u> Does the OAG have a standing policy or practice that states identical bids will be randomly selected via coin toss or drawing of numbers?</p> <p>If not, why does the OAG insert it into this contract?</p>	In the unlikely event that two or more Proposals are scored identically, the process set for in Section 2.5 will be followed. This process has been used in other competitive solicitations.
22	<p><u>Under Section 4, Scope of Work, Section 4.1:</u> If there is more than one provider within a circuit with different point scores, how is the contract provider selection determined when scheduling reporting job assignments by the OAG?</p> <p>If there is no preferred tier structure, then how is it determined when</p>	Contracts will specify the area (Circuit) that a Contractor will provide services in and scoring on the RFP will not be referred to after contract award. The OAG or Customers may use any Contractor under contract for a circuit.

	scheduling jobs?	
23	<u>Under Section 4, Scope of Work, General Requirements, Section 4.3:</u> Will the OAG be required to provide microphone/speakers for all Board and Public Meeting members and participants in order for the court reporter to hear and capture the record to perform his/her duties appropriately and as required under the contract?	No – This RFP is for services for all agencies in the state, not just the OAG. Board meetings and Public meetings may and often have microphones, but there is no requirement in the RFP for the OAG or the Customers (agencies) to provide “microphone/speakers for all Board and Public meeting members and participants”.
24	<u>Under Section 4, Scope of Work, General Requirements, Section 4.3:</u> If the microphones/speakers are not provided above, would an additional line item for supplies and equipment and setup fees be added to this contract to ensure the proper audio environment to capture the record?	The OAG declines to add a line item for microphone/speakers.
25	<u>Under Section 4, Scope of work, General Requirements, Section 4.3 within the Table “Job Request Received:”</u> Since time is of the essence, and there is a 2-hours’ response window, will the OAG and/or representatives be required to contact the Respondent via phone directly so there are no delay issues which may include internet lag time, spam or wrong email address,	The OAG declines to make phoning directly mandatory. Contact will be made in the most efficient way by the OAG or Customer.

	thereby ensuring the Respondent has been contacted timely and appropriately?	
26	<u>Under Section 4. Court Reporter Services, Section 4.4(e):</u> Will digital reporters utilizing digital audio recording equipment be allowed as a primary source of reporting?	See answer to question #11
27	<u>Under Section 4. Court Reporter Services, Section 4.4(e):</u> Will digital recording via digital reporters be acceptable as traditional or nontraditional reporting methods?	See answer to question #11
28	<u>Under Section 4, General Conditions, Section 4.4 (e):</u> What is the definition of 24-hour or 72-hour expedited delivery? For example, if a transcript is ordered on Friday afternoon, would it then be required to be emailed the next day which is Saturday?	Section 4.4 e does not reference expedited delivery. Section 4.5 e does, and it clearly states: “When a 24 or 72 hour expedited delivery (includes weekend and holidays) is requested...”. Expedited in this context includes weekend and holiday days and 24 or 72 hours means the OAG or Customer should have the transcripts in their possession within that number of hours.
29	<u>Under Section 4, General Conditions, Section 4.4 (e):</u> Would a 24-hour expedite ordered on a Friday afternoon be due on the following Monday?	No – See answer to question #28
30	What is the definition of a 10-day transcript turnaround?	10 days means 10 calendar days, including weekends and holidays, unless the tenth day falls on a weekend or holiday. In that case, the due date rolls over to the next non-holiday or weekend day. See amended Definition for “calendar day”.

	<p>Is that 10 calendar days (including weekends which would mean only 8 working days for the reporter?</p> <p>Or does it mean 10 business days which does not include weekends?</p>	
31	<p>Within the above definition of 10-day transcript turnaround, would that include receiving an email on the 10th day?</p> <p>Or, within the above definition of 10-day transcript turnaround, would that include receiving a paper copy mailed out on the 10th day and thereby the OAG would receive transcript via USPS mail?</p>	<p>The Customer should receive the transcript no later than the tenth calendar day. See answer to question #30.</p>
32	<p>When a 200-page deposition transcript is requested within 10 days that is prudent and reasonable.</p> <p>When a 600-page, 3-day DOAH hearing transcript is requested within 10 days, that is not prudent and/or reasonable within the reporting industry.</p> <p>Will OAG require the turn-around time be determined between counsel and Respondent's</p>	<p>See answer to question #5</p>
33	<p>5.2 page 16 - Do we have to send in original business license or will a</p>	<p>A copy of the original business license, with the original and each copy of the Proposal. Section 5.2 is not specific to the business license, it concerns how many copies of proposals the Respondent</p>

	copy suffice?	should provide.
34	5.5.3, Tab 3, number 3 - If we don't have a copy of our graduation from a court reporting school or continuing education hours, but have been reporting for thirty + years, will other forms of documentation satisfy this requirement?	See answer to question #14. It is up to Respondent to establish it meets the requirements of the RFP.
35	2.5 page 8 - Will successful bidders be in rank order?	See Section 6, Evaluation of Technical and Price Proposal for an explanation on how Proposals will be evaluated and scored.
36	Definitions 1.2 has business hours listed as 8:00 to 5:00. Yet the rate sheet has 5:30 starting overtime. Should that not be after 5:00 also?	See Revised Attachment B, Price Sheet
37	Court Reporters are generally considered independent contractors, not employees. Are you using, employees, subcontractors and independent contractors synonymously? Or does subcontractor to mean other affiliate court reporting agencies?	Employees are considered the independent court reporters. A sub-contractor would be another court reporting company.
38	when no price is provided for an optional service, to be clear, that does not mean it's free only that we're not giving a contract price for same, but we have the service. Correct?	No – if Respondent does not provide a price for an optional service it will be determined that Respondent cannot provide or is unwilling to provide that service under the Contract. The OAG or Customers will be free to seek that optional service from another Contractor who has a price listed in its contract.
39	General Instructions to Respondent http://dms.myflorida.com/index.php/content/download/2934/1180/version/6/file/1001.pdf . 1.3 This does not work, says no longer	https://www.dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/meeting_materials/archived_meeting_materials/2004_meeting_materials/august_24_2004_rule_revisions_overview

	available.	
40	electronic copy, is a Cd sufficient or do you require a thumb drive?	A CD is sufficient.
41	5.5.3 d Subcontractor, again are you referring to other affiliate court reporting agencies, not individual court reporters?	There is no question posed.
42	Our agency has Service Level agreements with our reporters, do you want copies of those agreements which you may be referencing in 4.107 Again, we consider court reporters independent contractors, not subcontractors. I'm confused.	It is unclear what Section 4.107 refers to. However, see answer to question 37. Section 4.10 requires known or anticipated subcontract agreements be submitted with the Proposal.
43	5.5.2, total number of employees. Are you considering court reporters employees in this requirement? Or strictly employees who are paid hourly or by salary, with taxes taken out? Reporters are paid by job by commission at a certain percentage. No taxes taken out.	Not unless they are employees of the Respondent. Subcontracted Court Reporters are to be identified under 5.5.3.b..
44	1.4 page 5 -When does blackout period start and finish?	See Section 1.4
45	5.2 page 16 -Will a certified copy of the business license satisfy the requirement for the original business license?	See answer to question #33
46	5.5.2 page 17, Tab 2 item B - Does this line item request include number of office staff only or the total of office staff and court reporters?	See answer to question #43
47	5.5.3, Tab 3, number 3 - What if	See answers to questions #14 and 34

	documentation is not available due to school closure or loss of records? Will four-plus years of documented court reporting experience satisfy this requirement? Florida does not have certification requirements For court reporters or continuing education requirements.	
48	2.5 page 8- Will successful bidders be in rank order and will there be multiple bidders awarded per circuit?	See answer to question #35
49	Page 40 “Tape Transcriptions” there is no per page line item for expedited transcript: 24-hour, 48-hour, 72-hour, five day turn around.	There is no question.

Note: This Addendum No. 1 does not need to be returned with the Reply.