



MEMO

Administrative Office of the Courts

Monday, March 17, 2009

RE: Digital Court Reporting Monitoring Service ITN

ITN Q&A

Please find listed below the 13th Judicial Circuit's responses to the questions submitted by potential respondents to the ITN for Digital Court Reporting Monitoring Service. All future questions and responses to the ITN for Digital Court Reporting Monitoring Service will be added to this list and posted under the announcement section of the 13th Judicial Circuit's web site at www.fljud13.org by March 20, 2009.

1. **Q Is the Court able to provide any statistical information in relation to Court sitting hours, either in total for the year, month or week, by Court location (5), and if possible by one-to-one ratio and remote connection?**
A Operations of the court for all divisions are scheduled Monday through Friday, from 8:00 A.M. to 5:00 P.M. However, court sitting hours vary by division of the court and are dependent upon the type of proceedings scheduled during any given week (jury trial week, hearing docket week, etc.). The amount of sitting hours will be off-set on a day-to-day basis depending on the type of scheduled proceedings.
2. **Q Is the Court able to provide any statistical information in relation to Court sitting hours outside normal Court sitting times, i.e. after hours weekdays, weekends, by Court location (5), and if possible by one-to-one ratio and remote connection?**
A After hours and weekend sitting hours is totally dependent upon the type of proceeding scheduled in a specific division of the court. The amount of sitting hours will be off-set on a day-to-day basis depending on the scheduled proceeding.
Digital Court Reporting Monitoring Service in the video courtroom is required 52 weekends (Saturday & Sunday) a year and on all holidays throughout the year. Depending upon the length of the docket in the video courtroom, on any given weekend or holiday, will dictate the number of court sitting hours. Past experience indicates that depending upon the length of the docket; these proceedings take 3 to 6 hours of digital court reporting monitoring coverage, but may upon the rare occasion exceed that time frame.
3. **Q Are there other locations where the Court sits that are not specified/mentioned in the ITN?**
A In the case of a catastrophic event, the Contractor or Contractor Personnel will be required to provide the digital court reporting monitoring service in accordance with and at the locations designated in the 13th Judicial Circuit's Disaster Recovery Plan.
4. **Q Are we able to visit/view the sites at a convenient date/time to the Court?**
A The 13th Judicial Circuit will accommodate site visits on March 11, 12, 13, 16 and 17, 2009. If you are interested in setting up a site visit, please contact Janice Albury at (813)272-6881 or alburyjr@fljud13.org.
5. **Q Thank you for sending this information to AAERT, but I am at a loss as to why we are receiving it. Would you be in a position to explain?**
A As a recipient of the 13th Circuit's Invitation to Negotiate (ITN) for Digital Court Reporting Monitoring Service (DCRMS), we are required to send Questions and Answers (Q&A) to all potential respondents to the ITN. However, you will no longer receive the Q&A directly via email. Please note that all future Q&A will be posted on our web site (www.fljud13.org) for those who are interested in submitting a response to the ITN.
6. **Q When is the deadline?**

A March 31, 2009, 5:00 p.m., EST.

7. **Q Do you know how many agencies are fighting for this contract?**
A No.
8. **Q Page 8, Section G: Training and Certification states that " personnel will be required to satisfactory complete a training and instructional course specifically designed and approved by the 13th Judicial Circuit". Will the training and instructional course to the DCR be given by the 13th Judicial Circuit or the Contractor?**
A Neither.
9. **Q If the Contractor is to provide the training and instructional course to the DCR, how will the certification be issued by the 13th Judicial Circuit?**
A The 13th Judicial Circuit will not be issuing the digital court reporters certification.
10. **Q If the 13th Judicial Circuit is to provide the course, who will bear the cost for the training hours?**
A Either Contractor will be responsible for bearing the cost for the training hours of Contractor personnel or each DCRM will be responsible on their own for the costs of the training.
11. **Q How many courtrooms will be monitored at the outset of this new contract? I can see that the divisions are listed, but it would be helpful to have a count.**
A Based on a one-to-one monitoring ratio, the number of courtrooms is 27. Based on a variable monitoring ratio utilizing a remote connection from a central operating center, the number of courtrooms is 13.
12. **Q The ITN indicates that the court will be providing the technology for operations of this contract in the following statement.
"The 13th Judicial Circuit will provide the infrastructure which consists of all elements necessary to interconnect and operate the integrated digital court reporting system to capture, maintain, manage and store the multi-media court record for all designated proceedings. These elements include, but are not limited to: hardware, software and associated peripheral systems to operate the digital court reporting monitoring service in all designated divisions."**
- Does this include all court reporting software and hardware including the actual recording stations?**
A Yes.
13. **Q Is the contractor required to provide any technology (software or hardware) under this contract?**
A No.
14. **Q Under this ITN will the contractor be responsible for providing all transcription services? What the ITN seems to indicate is that this service will be up for designation to any "independent transcriptionist certified by the 13th Judicial Circuit."**
A No, the contractor will not be responsible for providing all transcription services under this ITN.
15. **Q I would like to arrange a site visit on the 16th or 17th for myself and my business partners. What times are available so I can coordinate with my team and yours?**
A Please contact Janice Albury at (813) 272-6881 or alburyjr@fjud13.org to arrange a site visit.
16. **Q Currently, what is the average number of hours per week used for sitting in the digital courtrooms?**
A The average is unknown. However, operations of the court for all divisions are scheduled Monday through Friday, from 8:00 a.m. to 5:00 p.m.
17. **Q In the answers provided on March 9 – what does off-set mean in questions 1 and 2; what is answer referring that you will off-set from?**
A Court sitting hours vary depending on the type of proceeding scheduled. Digital court reporter (DCR) sitting hours will be offset on a day-to-day basis. For example, court sitting hours may be 8+ hours one day, 6 hours or less another day, or cancelled altogether.
18. **Q How much does the initial certification training costs?**
A The educational group within USF indicates that the initial certification training costs will be approximately \$1,500.00 per digital court reporter.

19. **Q What is the training structure? Is the training 4 weeks 40 hours or can personnel go on weekends or nights to get trained?**

A The educational group within USF will determine the training structure and schedule.

20. **Q How many personnel can be trained at one time?**

A The educational group within USF will determine and set the number of personnel allowed to train at one time.

21. **Q What date will be the first class for training?**

A Undetermined at this time.

22. **Q Once certified is there any re-occurring costs for recertification or additional training? If so, how often and how much?**

A Reoccurring costs for recertification are not anticipated. However, additional training and certification costs may be incurred by contractor and contractor personnel if the State of Florida, Florida Supreme Court, the Chief Judge of the 13th Judicial Circuit, Trial Court Performance and Accountability Court Reporting Workgroup, Trial Court Budget Commission and Florida Courts Technology Commission mandates contractor and contractor personnel to do so.

23. **Q Does the Court realize that if the multiple courtrooms per DCRM model is implemented that the expectation of the DCRM as listed on page 7 and 8 will not be the same attention to detail as in the one to one model? Meaning not all conversation transitions can be captured.**

A Regardless of the DCRM (one-to-one or variable monitoring ratio) model, the 13th Judicial Circuit's expectation is that the complete verbatim multimedia court record will be captured during all court proceedings.

24. **Q Regarding payments to contractors, the State is saying that the Courts failure to pay or any delay in payment will not constitute a breach of the Contract and will not relieve the Contractor of its obligations to the Court for the service, however, this must be tied to the obligation of the State to pay and only for cause, i.e., error of invoice on the part of the contractor, that will allow for a delay in payment. If there are no funds appropriated or a freeze in budget, then there must be a way for the contractor to terminate services as no funds would be available for payment. Please advise as to language that is acceptable to a contractor, due to the economy we are in.**

A Section 215.422, Florida Statutes, provides relief if the State of Florida fails to pay or is delayed in paying invoices.

25. **Q We want to confirm based on mutual agreement that we may propose changes in the Contract for instance under section for Termination of Convenience (page 29 #7) can we add a notification timeframe. Page 21, paragraph 1 states "The Court objects to and will not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response." And on page 32 number 25 it states "Modifications of Terms. The Contract contains all the terms and conditions agreed upon by the Contractor and the Court. The Contract may only be modified or amended upon mutual written agreement of the Court and the Contractor. No alteration or modification of the Contract terms, including substitution of the Service will be valid or binding against the Court."**

A For purposes of responding to this ITN solicitation, respondents must comply with Appendix A, Section 3, of the Instructions to Respondents. Any proposed contract changes may come into play if a negotiation process is initiated.

26. **Q If transcription is not part of the DCRM ITN then why does the uniform invoice break items down into appearances and transcribed proceedings? Requested pricing is based on a flat monthly rate based upon two different models; should we anticipate the invoice would model the pricing structure that is chosen?**

A Part I of the Uniform Invoice for Court Reporting Services is the only pertinent part of the invoice which relates to the service requested in this ITN. No.

27. **Q What is the reason for the 13th Judicial Circuit's desire to contract the digital court reporting monitoring service out and to solicit the local court reporting agencies for bids?**

**Was it a lack of personnel to "man" the system? A cost-saving measure for the County?
A quality assurance issue? Transcript production issue?**

A The 13th Judicial Circuit's current digital court reporting transcription services and court technologist services subagreement will end on June 30, 2009. Solicitation notices of the ITN for Digital Court Reporting Monitoring Service were sent to both stenographic and digital court reporting firms. No. No. No. No.

28. Q In section G, the ITN calls for training and certification. Who will administer that training and certification?

A The training and certification will be administered by an educational group within the University of South Florida (USF).

29. Q What is the length of the course?

A Length of the course is four (4) weeks.

30. Q Are there any prerequisites?

A An assessment will be administered by the educational group within USF as a prerequisite.

31. Q What is the cost of the training?

A The educational group within USF indicates that the initial certification training costs will be approximately \$1,500.00 per digital court reporter.

32. Q What is the cycle of registration?

A The educational group within USF will be establishing the cycle of registration.

33. Q How many days will it take to receive payment from the state on appearances?

A All payments made by the State of Florida are governed by Section 215.422, Florida Statutes.

34. Q Will we have a net 15-30?

A All payments made by the State of Florida are governed by Section 215.422, Florida Statutes.

35. Q What are the penalties for non-compliance?

A Question requires clarification.

36. Q What are the background and drug testing requirements?

A The Court will conduct, and the Contractor must cooperate in, a security background check on any and all employees, independent contractors, subcontractor, agents or assigns furnished by the Contractor to perform the Service.

At this time, drug testing is not required of contractor/contractor personnel.

37. Q Please explain more in detail the Limitation of Liability. Pg. 29

A The 13th Judicial Circuit is not authorized to provide a legal opinion to respondent. For a legal opinion, you may wish to seek independent legal advice.

38. Q Who purchases the digital recording equipment?

A The 13th Judicial Circuit.

39. Q Who is responsible for faulty recording equipment?

A The 13th Judicial Circuit.

40. Q How many reporters will you need at each specific location?

A Based on a one-to-one ratio, the number of DCR(s) required is 27, plus backup DCR(s) to ensure coverage.

Based on a variable monitoring ratio utilizing a remote connection from a central operating center, the number of DCR(s) required is 13, plus backup DCR(s) to ensure coverage.

41. Q How many managers will you need at each location?

A Based on respondent's understanding of the Service, it is respondent's responsibility to determine the requisite management structure needed to manage the DCRM service.

42. Q Must the DCR's be FL. State notaries?

A No.

43. Q Where is the training location for DCR's?

A The educational group within USF will determine the training locations.

44. Q Who pays the cost for DCR training?

A Either Contractor will be responsible for bearing the cost for the training hours of

Contractor personnel or each DCRM will be responsible on their own for the costs of the training.

45. **Q What will the costs be to train the DCR's?**

A The educational group within USF indicates that the initial certification training costs will be approximately \$1,500.00 per digital court reporter.

46. **Q Would this be considered a conflict of interest in regards to our contract with the Office of the Attorney General?**

A The 13th Judicial Circuit is not privy to the contract between you and the Office of the Attorney General, and is unable to respond.

47. **Q Overtime?**

A The contractual relationship between the 13th Judicial Circuit and the awarded contractor(s) does not contemplate overtime.

48. **Q Estimated number of sitting hours to be scheduled during the first six months of the contract?**

A Operations of the court for all divisions are scheduled Monday through Friday, from 8:00 A.M. to 5:00 P.M. However, court sitting hours vary by division of the court and are dependent upon the type of proceedings scheduled during any given week (jury trial week, hearing docket week, etc.). The amount of sitting hours will be off-set on a day-to-day basis depending on the type of scheduled proceedings.

49. **Q Please list a 3 year average for 2006-2007-2008 of hours & weekend hours scheduled and number of weekends by the division of the 13th Judicial Circuit Court.**

A Operations of the court for all divisions are scheduled Monday through Friday, from 8:00 A.M. to 5:00 P.M. However, court sitting hours vary by division of the court and are dependent upon the type of proceedings scheduled during any given week (jury trial week, hearing docket week, etc.). The amount of sitting hours will be off-set on a day-to-day basis depending on the type of scheduled proceedings.

After hours and weekend sitting hours is totally dependent upon the type of proceeding scheduled in a specific division of the court. The amount of sitting hours will be off-set on a day-to-day basis depending on the scheduled proceeding.

Digital Court Reporting Monitoring Service in the video courtroom is required 52 weekends (Saturday & Sunday) a year and on all holidays throughout the year. Depending upon the length of the docket in the video courtroom, on any given weekend or holiday, will dictate the number of court sitting hours. Past experience indicates that depending upon the length of the docket; these proceedings take 3 to 6 hours of digital court reporting monitoring coverage, but may upon the rare occasion exceed that time frame.

50. **Q In the solicitation section M subsection 2 there is a further subsection entitled "Digital Court Reporting Monitoring Service Qualifications". Could you please clarify the requirements of that section? Is that merely a heading and explanation for the sections that follow or is this where an actual list of qualifications is to be included?**

A Section M.2. is the heading which identifies the proposal requirements and must contain the information and documentation specified in each sub-heading.

51. **Q In the solicitation section M subsection 2 there is a further subsection entitled "Financial Information" and the requirement states that the Contractor must "...detail the service(s) provided by the Contractor." Is that to be details of the current services offered by the Contractor or the proposed services that will be offered under the contract with the 13th Circuit?**

A Section M.2., financial information references current information detailing service(s) provided by contractor for the company, its partners, subsidiaries and any proposed subcontractors expected to perform more than five percent of the services.

52. **Q In the solicitation section M subsection 2 there is a further subsection entitled "Contractor and Contractor Personnel". Does that refer to the use of subcontractors in the performance of the Service?**

A Yes.