

PERFORMANCE STANDARDS AND LIQUIDATED DAMAGES

Topic	Performance Standard	Liquidated Damages
Critical Events	Contractor must receive Acceptance of Critical Events by the scheduled Acceptance Date in the Work Plan	AOC shall assess up to \$1000 per Day from the scheduled Critical Event Acceptance date until the date each Critical Event receives Acceptance from AOC.
System Acceptance	Contractor must receive Acceptance of the System from AOC no later than the Acceptance Date in the Work Plan	<p>AOC shall assess liquidated damages as noted below for each business day from the Acceptance Date in the Work Plan until the System is Operational in accordance with its applicable Specifications and receives Acceptance from AOC:</p> <p>\$1000 per business day for the first 10 business days</p> <p>\$2000 per business day for the next five business days</p> <p>\$3000 per business day for the next five business days</p> <p>\$4000 per business day for each business day thereafter</p>
Acceptance Tests, Warranty Periods and	AOC shall make the determination of the applicable Deficiency Severity Level, as defined below, when it contacts Contractor regarding the Deficiency. AOC shall base the determination on the AOC’s technical knowledge	

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<p>System Maintenance</p>	<p>and the definitions below for these Deficiency Severity Levels.</p> <p>Severity Level 1 - Emergency - A Deficiency that causes: (a) a complete Software application failure or application unavailability; (b) Software application failure or unavailability in one or more AOC remote locations; or (c) loss of multiple System Functions.</p> <ul style="list-style-type: none"> • Performance Standard for responding to inquiry is 30 minutes. • Performance Standard for reporting recommended resolution and estimated fix date/time for all System components is 2 clock hours. • Performance Standard for correction of Deficiency is 16 clock hours. • <p>Severity Level 2 - Major, no Workaround –A Deficiency for which there is no Workaround acceptable to AOC and which causes (a) repeated, consistent failure of Functions, (b) a Deficiency which affects more than one User or (b) loss or corruption of Data.</p> <ul style="list-style-type: none"> • Performance Standard for responding to inquiry is 30 minutes. 	<p>AOC shall assess the following liquidated damages for failure to meet each Level 1 Performance Standard.</p> <p>\$1000/calendar day 1 – 3 days beyond Performance Standard</p> <p>\$2000/calendar day 4 – 7 days beyond Performance Standard</p> <p>\$3000/calendar day 8 – 14 days beyond Performance Standard</p> <p>\$4000/calendar day > 15 days beyond Performance Standard</p> <p>AOC shall assess the following liquidated damages for failure to meet each Level 2 Performance Standard.</p> <p>\$ 600/calendar day 1 – 3 days beyond Performance Standard</p> <p>\$1200/calendar day 4 – 7 days beyond Performance Standard</p>

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	<ul style="list-style-type: none"> • Performance Standard for reporting recommended resolution and estimated fix date/time for all System components is 2 hours. • Performance Standard for correction of Deficiency is 24 clock hours. <p>Severity Level 3 - Minor A Deficiency that has an existing Workaround acceptable to AOC, a Deficiency that impacts a Function, or a Level 2 Deficiency that affects only one User</p> <ul style="list-style-type: none"> • Performance Standard for responding to problem call is 60 minutes. • Performance Standard for reporting recommended resolution and estimated fix date/time for all System components is 4 clock hours. • Performance Standard for correction of Deficiency is 48 clock hours <p>Severity Level 4 - Non-Essential - A Deficiency that doesn't impact Software Functions or that is a cosmetic or other Deficiency that does not qualify as any other Deficiency.</p>	<p>\$1800/calendar day 8 – 14 days beyond Performance Standard</p> <p>\$2400/calendar day > 15 days beyond Performance Standard</p> <p>AOC shall assess the following liquidated damages for failure to meet each Level 3 Performance Standard.</p> <p>\$ 100/calendar day 1 – 3 days beyond Performance Standard</p> <p>\$ 130/calendar day 4 – 7 days beyond Performance Standard</p> <p>\$ 160/calendar day 8 – 14 days beyond Performance Standard</p> <p>\$ 200/calendar day > 15 days beyond Performance Standard</p> <p>AOC shall assess the following liquidated damages for failure to meet each Level 4 Performance Standard.</p> <p>\$ 50/calendar day 1 – 3 days beyond Performance Standard</p>

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	<ul style="list-style-type: none"> • Performance Standard for responding to Deficiency call is 48 clock hours. • Performance Standard for reporting recommended resolution and estimated fix date/time for all System components is 120 clock hours. • Performance Standard for correction of Deficiency shall be to include the correction within the next Version Release. 	<p>\$ 65/calendar day 4 – 7 days beyond Performance Standard</p> <p>\$ 80/calendar day 8 – 14 days beyond Performance Standard</p> <p>\$ 100/calendar day > 15 days beyond Performance Standard</p>
Help Desk	<p>Contractor must provide and staff a toll-free Help Desk for reporting all System Deficiencies. Help Desk must be available 100% of the time. Performance standards for the Help Desk are as follows:</p> <ul style="list-style-type: none"> • At least 99% of the calls answered on or before the fourth ring or a call pick-up system may be used. • No more than 1% of incoming calls ring busy. • Contractor staff must answer at least 80% of the calls within 5 minutes. • No more than 1% of calls placed on hold more than 5 minutes. 	<p>AOC shall assess up to \$100 per hour for each hour the toll-free line is unavailable.</p> <p>AOC shall assess up to \$10,000 for failure to meet any of these Help Desk Performance Standards for a monthly reporting period for any Contractor operated toll-free line.</p>
Emergency Call Response	<p>Contractor must provide emergency “on call” technical support for all hours. Contractor shall provide AOC with procedures for contacting Contractor support staff</p>	<p>AOC shall assess up to \$200 per incident when no response is received by AOC from Contractor within 30 minutes of AOC placing an emergency call.</p>

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Monitoring Reports	<p>Contractor must provide monthly reports to AOC to include agreed upon metrics for monitoring Help Desk performance. Reports will include at a minimum:</p> <ul style="list-style-type: none"> • # of calls. • average # of rings before call answered. • # of calls answered after fourth ring. • # of calls ring busy. • # of calls abandoned. • average hold time per call. • # of calls with hold time > 5 minutes. 	<p>AOC shall assess up to \$200 per calendar day for each day an acceptable Help Desk Statistical Report is not timely received.</p> <p>If the Help Desk Statistical Report is received on time but the information reported is inaccurate or incomplete, AOC shall assess up to \$200 per day until an acceptable report is received.</p>						
Database	<p>Contractor must provide an on-line database of Problem Reports to include entire history that is searchable by date, status, severity level, title. The database must be updated within 24 hours of receipt of a Problem Report or change in status of a Problem Report.</p>	<p>AOC shall assess up to \$200 per business day for each day the database and search capability are not fully available. AOC shall assess up to \$100 per business day per Problem Report for each day a Problem Report is late in being updated in the database.</p>						
System Availability	<p>The System, in whole and in part, must be available for AOC use in accordance with Specifications 99.99% of the time.</p>	<p>AOC shall assess liquidated damages as specified below, per hour for each hour, or portion thereof, if the System fails to meet these Availability Performance Standards.</p> <table border="0" data-bbox="1228 1258 1701 1396"> <tr> <td>\$1,000/hr</td> <td>Less than 24 hours</td> </tr> <tr> <td>\$2,000/hr</td> <td>25 – 48 hours</td> </tr> <tr> <td>\$3,000/hr</td> <td>More than 48 hours</td> </tr> </table>	\$1,000/hr	Less than 24 hours	\$2,000/hr	25 – 48 hours	\$3,000/hr	More than 48 hours
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Change Request Management	Comprehensive and accurate Change Orders from Contractor to all AOC Change Requests including proposed solution, cost and time frames, must be delivered to AOC within [30] days of receipt of a AOC Change Request. Contractor shall promptly notify AOC of when Contractor has received the Change Request, which shall then commence the 30 day response timeframe	AOC shall assess \$200 per day for each day an acceptable Change Order is not timely received by AOC from Contractor. For this section, “acceptable” means that the Change Order from Contractor includes Contractor’s proposed solution, associated solution costs, and applicable timeframes to comply with Change Requests made by AOC.
Change Request Management	Contractor shall provide monthly status reports of System Change Requests identifying the status of all outstanding System Change Requests and resulting Change Orders made or agreed upon by AOC, including those closed since the last report. The Change Request Management status monthly report will include Change Request date, planned completion date, activity priority status, activity status, and actual completion date.	AOC shall assess \$200 per day for each day an acceptable Change Request Management status monthly report is not timely received by AOC. For this section, “acceptable means that the Change Request management status monthly reports include the following elements: Change Request date, planned completion date, activity priority status, activity status, and actual completion date.
System Performance Reports	Contractor must provide to AOC a System Performance Report weekly which includes data regarding all of the Response Time Performance Standards below	AOC shall assess up to \$200 per calendar day for each day an acceptable System Performance Report is not timely received.

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System Turnover	<p>At least 18 months prior to the end of the initial Contract term or any renewal thereof, Contractor must develop and implement an AOC approved Turnover Plan covering the possible turnover of the System and operational activities to either the State or a successor Contractor. The Turnover Plan must be a comprehensive deliverable detailing the proposed schedule, activities, and resource requirements associated with the turnover tasks.</p> <p>Following turnover, Contractor must provide AOC with a Turnover Results Report documenting the completion and results of each step of the Turnover Plan. Turnover will not be considered complete until this document receives Acceptance from AOC.</p>	<p>AOC shall assess up to \$500 per calendar day for each day after the due date that an acceptable Turnover Plan is not submitted.</p> <p>AOC shall assess up to \$500 per calendar day for each day after 30 calendar days from the date of the turnover of System operations that the Turnover Results Report is not submitted.</p>
System Turnover – Documentation	<p>Contractor must provide to AOC or its designee, within 15 business days of any request, all updated computer Software programs, data and reference tables, scripts, and other documentation and records required by the State or its designee to operate the System.</p>	<p>AOC shall assess up to \$5,000 for each calendar day beyond the 15 business days that all required materials are not delivered by Contractor.</p>
System Documentation	<p>Contractor shall provide to AOC complete, accurate and up-to-date documentation of the System.</p>	<p>AOC shall assess up to \$500 per business day for each day from the scheduled Acceptance date until the date it is provided and receives Acceptance from AOC.</p>
Security Management Notice and Mitigation	<p>Contractor shall notify the AOC IT Security Officer within one hour following the identification of any potential or actual major or minor incident, including any breach, any</p>	<p>Liquidated damages for non-compliance with the notification to the AOC IT Security Officer Performance Standard shall be assessed at \$5,000 per Security Incident per Day.</p>

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	<p>attack, or the introduction of any disabling device, related to the System.</p> <p>Contractor shall take corrective action to mitigate the potential or actual major or minor security incident within two hours following the identification of each potential or actual Security Incident.</p> <p>All potential or actual Security Incidents identification times shall be documented within the Security Report. Contractor shall provide Equipment or Software metrics to support the potential or actual Security Incidents identification time. Contractor shall also report the notification time of notifying the AOC IT Security Officer.</p> <p>Within the Security Report, Contractor shall document the correct action taken to mitigate the potential or actual Security Incidents. Contractor shall also provide Equipment or Software metrics to support the potential or actual Security Incidents correct action mitigation.</p> <p>Once an event has been confirmed to have an impact on security, the event is classified as a Security Incident</p>	<p>Liquidated damages for non-compliance with the corrective action mitigation of the potential or actual Security Incident Performance Standard shall be assessed at \$5,000 per Security Incident per Day.</p>
Security Management Report	<p>Contractor shall provide a written report and assessment within 12 hours following the identification of the minor security incident regarding all actions taken concerning each identified minor security incident, including any breach, any attack, or the introduction of any disabling</p>	<p>For each and every occasion that the Contractor fails to meet the Security Management Report Performance Standard, as determined by the AOC IT Security Officer, Contractor shall be assessed Liquidated Damages of \$500 for each</p>

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	<p>device, the current status, and any potential impact(s) to the AOC IT Security Officer of the security incident.</p> <p>Contractor shall provide a high level and summary analysis in two hours and a written report and assessment within eight hours following the identification of the major security incident regarding all actions taken concerning each identified major security incident, including any breach, any attack, or the introduction of any disabling device, the current status, and any potential impact(s) to the AOC IT Security Officer of the security incident.</p> <p>Contractor shall provide a written report and assessment regarding all actions taken concerning each identified security incident, including any breach, any attack, or the introduction of any disabling device, the current status, and any potential impact(s) to the AOC IT Security Officer of the security incident. Each security incident shall be categorized according to criticality as either minor or major.</p> <ul style="list-style-type: none"> • For a minor security incident, which causes limited loss of Confidential Information, integrity, protection, and/or availability of the System to organizational operations, organizational assets, or individuals, this report and assessment shall be provided within 12 hours following the identification of the minor security incident. • For a major security incident, which causes serious or catastrophic loss of Confidential Information, integrity, protection, and/or availability of the 	<p>hour and each fraction of an hour that this report and assessment is late.</p>

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	<p>Systems to organizational operations, organizational assets, or individuals, this report and assessment shall be provided within eight hours following the identification of the major security incident.</p> <p>The AOC IT Security Officer, in his sole discretion, may require Contractor to update this report and assessment on an hourly or daily basis depending on criticality, status, and possible impact to AOC.</p>	
Compliance with Other Contract Provisions	<p>The RFP includes Performance Standards which are not listed in the table in Exhibit C. AOC shall have the right to notify Contractor of its failures to meet these additional Performance Standards, request a Corrective Action Plan, designate a date by which Contractor must provide a Corrective Action Plan and designate a period of time in which the Contractor must remedy the failure to meet the Performance Standard. Contractor shall provide a Corrective Action Plan within the time period designated by AOC, fulfill the obligations regarding Corrective Action Plans in the Contract, and remedy the failure within the time period designated by AOC</p>	<p>If the Performance Standard failure is not corrected by Contractor within the due date required by AOC, AOC shall assess liquidated damages of \$1000 per Day after the due date until the failure is corrected in AOC's judgment</p>
System Performance – Response Times	<p>Contractor must meet the following response time Performance Standards for the System for up to 2500 concurrent users during Acceptance Tests and after the System, in whole or in part, is in Production:</p> <p>Record Inquiry Search and/or Response Time: The time elapsed from receipt of the transaction by the System</p>	<p>AOC shall assess liquidated damages, as specified below, for total minutes within a business week (M-F, 6:00 am – 7:00 pm Pacific Time) where each and every response time falls below the applicable Performance Standard.</p> <p>10 – 20 min. \$ 2,000/wk</p>

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	<p>must not exceed 3 seconds 95% of the time for any inquiry by an end user.</p> <p>Record Create, Update, Delete Response Time: The elapsed time from receipt of the transaction by the System must not exceed 2 seconds 95% of the time for any create, update, or delete transactions.</p> <p>Next Screen Page Time: The time elapsed from the request of a new screen until the new screen and data appears must not exceed 2 seconds for 95% of the time.</p> <p>Print Initiation Time: 1.) Counter Receipt Printing: The time elapsed from the print command at the PC terminal shall not exceed 2 seconds for 95% of the time. 2.) Other Forms and Reporting Printing: The parties will agree during design, development, Configuration, and Implementation on this Response Time.</p>	<p>21 – 60 min. \$ 5,000/wk</p> <p>More than 60 min. \$10,000/wk</p>

Response Time Performance Standards

AOC has established its own court test lab which mirrors how a Court connects to JIS applications, both outside of AOC firewalls and operating on a network other than the AOC Wide Area Network. AOC will use the Court test lab to measure Response Time Performance Standards for the CLJ-CMS Software. The Court test lab will be used by AOC to verify Response Time Performance Standards and connectivity testing are meeting the Performance Standards set forth within both tables in Appendix C.

Response Time Performance Standards	Description	Time
1. View Case	Maximum time for Case Summary to be displayed after selecting a typical case from search results page.	0-3 seconds
2. View Document	Maximum time for a typical document to be displayed after user selects a document.	0-3 seconds
3. View Calendar	Maximum time for a calendar to be displayed after user clicks on View Calendar.	0-3 seconds
4. View Party	Maximum time for party detail data to be displayed after user clicks on a Party link from within a case or search results page.	0-2 seconds
5. View Picture	Maximum time for a 1MB photograph to be displayed after a user selects Documents or Exhibits tab, assuming an uncongested 10Mb network connection.	1-3 seconds
6. Add Case	Maximum time for Case Number dialog to be displayed after user adds a new case and presses the Save button.	0-3 seconds
7. Add Party	Maximum time for a user to be able to continue processing after adding a new party and pressing the Save button.	0-3 seconds
8. Update Case	Maximum time for user to be able to continue processing after updating a typical case and pressing the Save button.	0-2 seconds
9. Update Party	Maximum time for a user to be able to continue processing after updating an existing party and pressing the Save button.	0-2 seconds
10. Save Event, Hearing, or Payment	Maximum time for user to be able to continue processing after adding an event, hearing or payment and pressing the Save button.	0-2 seconds

Response Time Performance Standards	Description	Time
11. Document Access	Maximum time for a document to be available for access after scanning is complete.	0-10 seconds
12. Code Search	Maximum time for search results to be displayed after submitting search for a Statute/Offense Code.	0-3 seconds
13. Login (1st)	Maximum time for Home page to be displayed after user logs in for the first time each day.	0-6 seconds (A longer, variable duration is possible if a new release has just been loaded on the server requiring cache updates to each PC).
14. Login (subsequent)	Maximum time for Home page to be displayed after user logs in to the System for the second or subsequent times each day.	0-4 seconds
15. Signature Queues	Maximum time for a document with a judge's signature to be routed to the next defined step in its work queue.	0-5 seconds