

STATE OF WASHINGTON
OFFICE OF THE REPORTER OF DECISIONS
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

REQUEST FOR PROPOSALS
RFP 15-01

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PART 1 GENERAL CONSIDERATIONS

Section 1.1 Introduction

This Request for Proposals (RFP) has been issued by Office of the Reporter of Decisions (Reporter of Decisions) of the Washington Supreme Court. The RFP asks for interested corporations and other entities (Companies or Proposers) to submit proposals providing a requirements response, qualifications information, references, and a price quotation for the required services.

Companies are requested to submit a single proposal for publication of: (1) Advance Sheets and Bound Volumes of the Official Reports and (2) the Cumulative Subject Index.

The successful Proposer (Publisher) will be awarded the contract by the Reporter of Decisions to publish and sell Advance Sheets and Bound Volumes of the Washington Reports and Washington Appellate Reports and the Cumulative Subject Index, all in hard copy versions. These specifications shall apply to all opinions delivered to the Publisher during the term of the contract.

As an optional element of a proposal, Publisher may submit a plan to develop and operate a website that displays electronic copies of the official printed reports of the Advance Sheets and Bound Volumes. If deemed viable, a planned website will be awarded additional points in the evaluation of the Publisher's proposal.

Section 1.2 Definitions

See APPENDIX D, Contract, Exhibit A, Section 1.2.

Section 1.3 Duration Of Contract

See APPENDIX D, Contract, Section 2.

Section 1.4 Publisher As Independent Contractor

See APPENDIX D, Contract, Exhibit A, Section 1.3.

Section 1.5 Bond

See APPENDIX D, Contract, Exhibit A, Section 1.4.

Section 1.6 Delivery Services

See APPENDIX D, Contract, Exhibit A, Section 1.5.

Section 1.7 Copies

See APPENDIX D, Contract, Exhibit A, Section 1.6.

Section 1.8 Subscription List

See APPENDIX D, Contract, Section 5.

Section 1.9 Customer Service

See APPENDIX D, Contract, Exhibit A, Section 1.7.

PART 2 RFP ADMINISTRATIVE INFORMATION/REQUIREMENTS

Section 2.1 RFP Coordinator

Upon release of the Request for Proposals (RFP), all Company communications concerning this acquisition must be directed to the RFP Coordinator listed below. Unauthorized contact regarding the RFP with other state employees may result in disqualification. Any oral communications will be considered unofficial and nonbinding on the Reporter of Decisions. The Proposer should rely only on written statements issued by the RFP Coordinator.

John E. Bell, RFP Coordinator
Office of the Administrator for the Courts
1206 S. Quince Street
P.O. Box 41170
Olympia, WA 98504-1170
360 704-4029
FAX: 360 956-5700
Email: john.bell@courts.wa.gov

Section 2.2 Procurement Schedule

<u>Event</u>	<u>Date</u>
RFP Released to Proposers	October 31, 2013
Proposers Questions Due	November 13, 2013
Preproposal Conference Notice	November 15, 2013
Preproposal Conference (optional)	November 22, 2013
Proposals Due Not Later than 4 p.m. PST	January 23, 2014
Evaluation Period	January 24-February 23, 2014
Apparent Successful Proposer Announced	February 24, 2014
Deadline for Requesting Debriefing Conference	February 28, 2014
Deadline for Filing Protest	March 3, 2014
Deadline for Deciding Protest	March 10, 2014
Contract Signed	April 21, 2014
Contracted Service Begins	July 1, 2014

Section 2.3 Preproposal Conference

2.3.1 An optional preproposal conference for all participating Companies is tentatively scheduled for November 22, 2013, at 10 a.m. Based on the content of the questions received from Proposers on November 13, 2013, (see Section 2.3.2) the Reporter of Decisions will determine if a preproposal conference will be beneficial. A notice will be posted at <http://www.courts.wa.gov/procure/> on November 15, 2013. The conference, if held, will be in Olympia, Washington, at a location to be determined.

2.3.2 Specific questions concerning the RFP should be submitted to the RFP Coordinator in writing before the conference so that responses may be prepared in advance. All questions must be received by 4:00 p.m. PST, November 13, 2013. Additional questions will be entertained at the preproposal conference, if held; however, responses may be deferred and provided at a later date. Copies of all written questions and Reporter of Decisions responses will be provided to all Companies who have submitted an intent to submit a proposal. Only written responses will be considered official.

2.3.3 The response to any question that is given orally at the conference is to be considered preliminary. After the conference, questions will be researched and the official written response will be sent to all Companies which have indicated their intent to submit a response to this RFP. This will ensure accurate, consistent responses.

Section 2.4 RFP Amendments/Cancellation/Reissue

The Reporter of Decisions reserves the right to change the Procurement Schedule or issue amendments to this RFP at any time. The Reporter of Decisions also reserves the right to cancel or reissue the RFP. Any such change, amendment, cancellation, or reissuance will be posted on a website maintained by the Administrative Office of the Courts (AOC) at <http://www.courts.wa.gov/procure/>. It is the responsibility of the Company to monitor the website to obtain such information.

Section 2.5 Modification of Requirements and Specifications

The Reporter of Decisions reserves the right to modify requirements and specifications of this RFP that in the best interest of the Reporter of Decisions. RFP updates, modifications, and responses to Company questions will be posted on a website maintained by AOC at <http://www.courts.wa.gov/procure/>. It is the responsibility of the Company to monitor the website to obtain such information.

Section 2.6 Proposal Response Date and Location

2.6.1 The Company's proposal, in its entirety, must be received by the RFP Coordinator in Olympia, Washington, not later than 4 p.m. PST on January 23, 2014. All proposals, except for the samples (*see* subsections 5.2 and 5.3, *infra*), must be submitted in hard copy and electronically via email. The electronic copy must be in either Microsoft Word or Adobe PDF format. The samples must be submitted in hard copy only. Proposals and accompanying documentation arriving after the deadline will be returned to their senders. All proposals and accompanying documentation will become the property of the Reporter of Decisions and will not be returned.

2.6.2 The Company assumes the risk of the method of dispatch. The Reporter of Decisions assumes no responsibility for delays caused by the chosen carrier service, state mail delivery systems and email. Postmarking by the due date will not substitute for actual proposal receipt. Late proposals will not be accepted; nor will additional time be granted to any vendor. Proposals may not be delivered by facsimile transmission.

Section 2.7 Proposal Format Requirements

- 2.7.1 The Company must respond to each question/requirement contained in the Parts, Sections, and/or Subsections indicated in Appendix A, *infra*. Failure to address any applicable item may result in the response being declared nonresponsive.
- 2.7.2 Proposals must be submitted in three volumes. Volume 1 shall be the Technical Response and Management Response. Volume 2 shall be Pricing Information. No pricing information shall appear in the proposal except in Volume 2. Volume 3 shall be the samples as set forth in subsections 5.2 and 5.3, *infra*.
- 2.7.3 Proposals must be submitted on standard 8-1/2" by 11" paper if submitted in writing or, if submitted electronically, proposals must be printable on 8-1/2" by 11" paper retaining the format of the electronic submittal.
- 2.7.4 Proposals shall be based only on the material contained in this RFP and any amendments hereto. The Company is to disregard any previous draft material and any oral representations it may have received.

Section 2.8 Number of Proposal Copies Required

The Company is required to submit the following numbers of copies of its proposal:

- One hard copy of Volume 1 (Technical Response and Management Response).
- One hard copy of Volume 2 (Pricing Information).
- One scanned copy sent via email incorporating the material in Volumes 1 and 2.
- Two (2) hard copies of a sample Wn.2d advance sheet and two (2) hard copies of a sample Wn.2d bound volume (constituting Volume 3).

Section 2.9 Cost of Preparing Proposals

The Reporter of Decisions will not pay Company costs associated with preparing proposals submitted in response to this RFP.

Section 2.10 Proprietary Information/Public Disclosure

Any information contained in the proposal that is considered proprietary by the Company must be clearly designated. Marking the entire proposal as proprietary will be neither accepted nor honored. If a request is made to view or obtain a copy of a Company's proposal, the Reporter of Decisions will comply with applicable public disclosure requirements. If any information in the proposal is marked as proprietary, such information will not be made available until the affected Company has been given an opportunity to seek an injunction or restraining order against the requested disclosure.

Section 2.11 Errors in Proposals

The Reporter of Decisions reserves the right to make corrections or amendments due to errors identified in proposals by the Reporter of Decisions or the Company. This type of correction or amendment will be allowed only for such obvious errors as typing, transposition, or other

obvious error, and will be made only after checking with the Company. The vendor is liable for all errors and omissions contained in its proposals.

Section 2.12 Waiver of Minor Administrative Irregularities

The Reporter of Decisions reserves the right to waive minor administrative irregularities contained in the proposal.

Section 2.13 Proposal Rejection

Before execution of a contract, the Reporter of Decisions reserves the right to reject any or all proposals at any time without penalty.

Section 2.14 Withdrawal of Proposals

2.14.1 A Company may withdraw a proposal that has been submitted at any time before the proposal closing date and time. To accomplish this, a written request signed by an authorized representative of the Company must be submitted to the RFP Coordinator. After withdrawing a previously submitted proposal, a Company may submit another proposal at any time up to the proposal closing date and time.

2.14.2 All proposals submitted which are not withdrawn before the proposal closing date and time shall remain valid for 180 days following the proposal due date.

2.14.3 Proposals that specify expiration in less than 180 days will be considered nonresponsive and will be rejected.

Section 2.15 Nonendorsement

See APPENDIX D, Contract, Exhibit A, Section 1.8.

Section 2.16 Response Property of the Reporter of Decisions

All materials submitted in response to this RFP become the property of the Reporter of Decisions. The Reporter of Decisions has the right to use any of the ideas presented in any response to this RFP. Selection or rejection of a response does not affect this right.

Section 2.17 No Obligation To Enter into Contract

The Reporter of Decisions reserves the right to refrain from contracting with any Company. The release of this RFP does not compel the Reporter of Decisions to enter into a contract with any Company.

Section 2.18 RFP Available Electronically

With the exception of Appendices B and E, the content of this RFP is available electronically from the Website of the Administrative Office of the Courts at <http://www.courts.wa.gov/procure/>. Should a Company be unable to download the required document from this Website, and upon request to the RFP Coordinator, the RFP can be provided in MS Word or Adobe PDF format and transmitted as an e-mail attachment.

PART 3 PUBLICATION TIME REQUIREMENTS

Section 3.1 Advance Sheet Schedule

See APPENDIX D, Contract, Exhibit A, Section 2.1.

Section 3.2 Lead Time Requirements for Advance Sheets

- 3.2.1 Unless otherwise directed by the Reporter of Decisions, the Publisher shall process opinions in the order received but shall publish opinions in chronological order based on each opinion's filing date. Opinions are to be published in Advance Sheets within the number of calendar days specified in subsection 3.2.3, *infra*.
- 3.2.2 It is the intent of the Reporter of Decisions to minimize the number of days between the filing of opinions and the delivery of opinions to Washington Reports and Washington Appellate Reports subscribers. The Publisher shall at all times use its best efforts to effect reductions in the number of days between the filing of opinions and the publication of opinions in Advance Sheets.
- 3.2.3 The Proposer shall state the maximum number of calendar days for the Publisher to (1) edit an opinion from the date of its receipt, (2) headnote an opinion from the date of its receipt, and (3) finish processing the opinion and publish it in an Advance Sheet from the date the set of headnotes for the opinion is approved and returned to the Publisher.
- 3.2.4 Notwithstanding subsection 3.2.3, *supra*, the Reporter of Decisions and the Publisher may from time to time meet and, based on good faith negotiations, agree to reductions in the number of days between the filing of opinions and the publication of the opinions in Advance Sheets.

Section 3.3 Bound Volumes

See APPENDIX D, Contract, Exhibit A, Section 2.3.

PART 4 EDITORIAL DUTIES AND RESPONSIBILITIES

Section 4.1 Material To Be Published

See APPENDIX D, Contract, Exhibit A, Section 3.1.

Section 4.2 Pagination and Size of Volumes

See APPENDIX D, Contract, Exhibit A, Section 3.2.

Section 4.3 Contents of Advance Sheets

See APPENDIX D, Contract, Exhibit A, Section 3.3.

Section 4.4 Contents of Bound Volumes

See APPENDIX D, Contract, Exhibit A, Section 3.4.

Section 4.5 Editorial Standards and Requirements

See APPENDIX D, Contract, Exhibit A, Section 3.5.

Section 4.6 Editorial Enhancements

See APPENDIX D, Contract, Exhibit A, Section 3.6.

Section 4.7 Copyright

See APPENDIX D, Contract, Exhibit A, Section 3.7.

Section 4.8 Copies of the Database

See APPENDIX D, Contract, Exhibit A, Section 3.8.

Section 4.9 Licensing Database

See APPENDIX D, Contract, Exhibit A, Section 3.9.

Section 4.10 Inspection and Correction for Bound Volumes

See APPENDIX D, Contract, Exhibit A, Section 3.10.

Section 4.11 Cumulative Subject Index

See APPENDIX D, Contract, Exhibit A, Section 3.11.

Section 4.12 Information for Reporter

See APPENDIX D, Contract, Exhibit A, Section 3.12.

Section 4.13 Retention of Materials

See APPENDIX D, Contract, Exhibit A, Section 3.13.

PART 5 PRINTING REQUIREMENTS

Section 5.1 Print Specifications Generally

See APPENDIX D, Contract, Exhibit A, Section 4.1.

Section 5.2 Sample Wn.2d Advance Sheet

The Proposer shall design, prepare, and submit two copies of a sample Wn.2d Advance Sheet that follows the format of currently published Wn.2d Advance sheets and contains the following elements: cover (listing contents), table of cases (a minimum of 10 hypothetical case names), index (a minimum of 40 hypothetical index entries), the opinion set forth in Appendix E (the Proposer must draft catchlines, headnotes, summary statements, and listing of counsel for the opinion), a minimum of three hypothetical petition for review paragraphs, and a minimum of three hypothetical notations of unreported opinions (even though the Supreme Court does not issue unpublished opinions).

A Proposer which, within the past 10 years, has contracted with the Reporter to publish and sell Advance Sheets of the Washington Reports and the Washington Appellate Reports may submit, in lieu of the two copies of a sample Wn.2d Advance Sheet specified in the preceding paragraph, one Wn.2d Advance Sheet and one Wn. App. Advance Sheet actually published under the contract if the cover stock, the page stock, the binding, the printing, and the formatting of the Advance Sheets submitted are identical to that which the Proposer proposes to publish if it is awarded the publication contract pursuant to this RFP. A Proposer that submits one Wn.2d Advance Sheet and one Wn. App. Advance Sheet actually published under the contract must also submit a draft of catchlines, headnotes, summary statements, and listing of counsel for the opinion set forth in Appendix E.

Section 5.2.1: Editing of Opinion

The Proposer shall submit edits for the text of the opinion that is set forth in Appendix F. Edits are to be consistent with the standards set forth in the following resources:

- The Reporter of Decisions' Style Sheet (Appendix C);
- The Bluebook: A Uniform System of Citation, 19th edition (for citation formatting), as revised by the Style Sheet;
- The Chicago Manual of Style, 16th edition (for punctuation and other style matters);
- Webster's Third New International Dictionary (for spelling); and
- The Supreme Court's order on paragraph numbering (Appendix G).

Edits are to be based solely on these identified resources and not on any other guides, policies, or manuals that are internal to the Office of the Reporter of Decisions. The edited changes are to be handwritten onto the opinion. For each edited change, proposers may cite the pertinent pages or sections of the identified resources that support the change. The caption does not need to be edited.

Section 5.3 Sample Wn.2d Bound Volume

The Proposer shall design, prepare, and submit two copies of a sample 1,000-page Wn.2d Bound Volume. The purpose of the sample is to allow the evaluation of the cover stock, the page stock, the binding, and the printing on the cover and spine to determine how closely the Proposer can match the look and feel of the current official bound volumes. The cover and binding should mirror the most recently published Wn.2d bound volume, but all of the 1,000 pages may be blank.

A Proposer which, within the past 10 years, has contracted with the Reporter to publish and sell Bound Volumes of the Washington Reports and the Washington Appellate Reports may submit, in lieu of the two copies of a sample Wn.2d Bound Volume specified in the preceding paragraph, one Wn.2d Bound Volume and one Wn. App. Bound Volume actually published under the contract if the cover stock, the page stock, the binding, and the printing on the cover of the Bound Volumes submitted are identical to that which the Proposer will publish if it is awarded the publication contract pursuant to this RFP.

Section 5.4 Bound Volume Signature Pages

See APPENDIX D, Contract, Exhibit A, Section 4.2.

Section 5.5 Availability of Back Issues

See APPENDIX D, Contract, Exhibit A, Section 4.3.

PART 6 DELIVERY OF OPINIONS AND RELATED MATERIAL

Section 6.1 Means of Delivery of Materials

See APPENDIX D, Contract, Exhibit A, Section 5.1.

Section 6.2 Delivery of Hard Copy Materials

See APPENDIX D, Contract, Exhibit A, Section 5.2.

Section 6.3 Delivery of Electronic Materials

See APPENDIX D, Contract, Exhibit A, Section 5.3.

PART 7 PERFORMANCE SECURITY; TERMINATION

Section 7.1 Headnote Documents

See APPENDIX D, Contract, Exhibit A, Section 6.1.

Section 7.2 Advance Sheet and Bound Volume Publication and Delivery

See APPENDIX D, Contract, Exhibit A, Section 6.2.

Section 7.3 Disaster Contingency Plan

7.3.1 Proposals shall include at least one alternative plan or arrangement for production of the Washington Reports and Washington Appellate Reports should any event or circumstance (e.g., a natural disaster) cause a business interruption either for the Publisher, or for any agent or subcontractor of the Publisher. The disaster contingency plan shall describe in detail alternative arrangements for editorial work, composition, printing, binding, and distribution of Advance Sheets and Bound Volumes of the Washington Reports and Washington Appellate Reports, except that disclosure of the identity of any agents or subcontractors to be utilized as part of the disaster contingency plan is not required for the proposal. *See* APPENDIX D, Contract, Exhibit A, Section 6.3.

7.3.2 The disaster contingency plan or arrangement may, if necessary, be stated in somewhat general terms in proposals. A specific and detailed plan or arrangement satisfactory to the Reporter of Decisions shall thereafter be negotiated as part of the publication contract for the Washington Reports and Washington Appellate Reports.

Section 7.4 Editorial Performance Assurances

The Proposer shall specifically describe in detail how it will fulfill the editorial responsibilities set forth in the Contract, Exhibit A, Sections 3.5 & 3.6. Information shall include the numbers, location, qualifications, and experience of the staff that the Publisher intends to assign to the project to carry out its responsibilities under the Publishing Contract, both attorneys and nonattorneys, and the type of and manner in which computerized editorial assistance would be utilized in fulfilling editorial responsibilities (e.g., cite checking, spell checking, tabling, proofreading, quotation verification—all of the computerized editorial processes that will be used to satisfy the editorial standards and requirements).

Section 7.5 Manufacturing Performance Assurances

7.5.1 The Proposer shall specifically describe how it will fulfill the contractual composition, printing, distribution, and subscriber account maintenance responsibilities. Information shall include a description of the various functions to be performed, who will perform the functions, and where the functions will be performed.

7.5.2 After the award of the contract for publication of the Washington Reports and Washington Appellate Reports, the Publisher shall keep the Reporter of Decisions

advised in writing as to the names and addresses of all subcontractors or agents utilized in the manufacture of the Washington Reports and Washington Appellate Reports, including any agents or subcontractors to be utilized under the disaster contingency plan specified in section 7.3, *supra*, and shall specify the responsibilities of each subcontractor or agent.

Section 7.6 Computer Software and Program Availability

See APPENDIX D, Contract, Exhibit A, Section 6.6.

Section 7.7 Inspection

See APPENDIX D, Contract, Exhibit A, Section 6.7.

Section 7.8 Termination or Abandonment

See APPENDIX D, Contract, Exhibit A, Section 6.8.

PART 8 COMPANY INFORMATION REQUIREMENTS

Section 8.1 Company Background/Information

- 8.1.1 Provide a brief description of the Company. If the entity is a joint venture, provide a brief description of all members of the joint venture. If the Company's proposal includes subcontractor(s) or agent(s), provide a brief description of all subcontractor(s) or agent(s) and specify the responsibilities of each subcontractor or agent.
- 8.1.2 Provide the name, address, telephone number, and facsimile number of the legal entity with which the Reporter of Decisions may execute any contract arising from this RFP.
- 8.1.3 Furnish the name(s), address(es), telephone number(s), and facsimile number(s) of the principal officer(s) of the Company and the proposed account manager for any contract arising from this RFP.
- 8.1.4 Provide a statement that no assistance in preparing the response was received from any current or former employee of the State of Washington whose duties relate(d) to this RFP unless such assistance was provided by the state employee in his or her official public capacity and neither such employee nor any member of his her immediate family has any financial interest in the outcome of this RFP.
- 8.1.5 Provide a statement that the attached response is a firm offer for 180 days following the Proposal Due Date of January 23, 2014 and that the Reporter of Decisions may accept the offer any time within the 180-day period.

Section 8.2 Contract Performance

- 8.2.1 If the Company has had a contract terminated for default during the past five (5) years, all such incidents must be described, including the other party's name, address, and telephone number. Present the Company's position on the matter. Termination for default is defined as notice to stop performance or delivery due to the Company's nonperformance or poor performance, and the issue was either: (a) not litigated or (b) litigated and such litigation determined the Company to be in default. If no such terminations for default have been experienced in the past five (5) years, so state.
- 8.2.2 If the Company has had a contract terminated for convenience, nonperformance, nonallocation of funds, or for any other reason, which termination occurred before completion of the contract, during the past five (5) years, describe fully all such terminations, including the name and address of the other contracting party. If no such terminations have been experienced in the past five (5) years, so state.

Section 8.3 Company References

The Company must submit a minimum of four (4) non-Company-owned references, at least one of which is currently using the Company's services comparable to the Reporter of Decisions' requirements in this RFP. Include the following for each reference: company

name; business address; name, title, and telephone number of contact; description of services provided and length of time services provided. If the entity is a joint venture, references for all members of the joint venture must be provided.

Section 8.4 Company Experience

The Company must provide the following information (if the entity is a joint venture, information concerning all members of the joint venture must be provided):

- 8.4.1 The length of time the Company has been in business.
- 8.4.2 The length of time the Company has been providing services comparable to those required by this RFP.
- 8.4.3 The number of customers for which the Company has provided services comparable to those required by this RFP.
- 8.4.4 Any additional pertinent information about the Company and its experience.

Section 8.5 Marketing

Subscriptions to the Washington Reports and Washington Appellate Reports bound volumes and advance sheets have been declining slowly but steadily.

- 8.5.1 Describe how the Company plans to market the official reports to attempt to maintain and increase the number of subscribers.
- 8.5.2 Describe the Company's experience with marketing other official state reports or comparable publications.
- 8.5.3 Describe the Company's thoughts about the mid-term and long-term future of print official case reports.

PART 9 PRICING

Section 9.1 Advance Sheets Subscriptions

Provide the price for an annual subscription to the Washington Reports Advance Sheets and the price for an annual subscription to the Washington Appellate Reports Advance Sheets. Prices should be stated in the following format and shall include all costs such as shipping and handling but shall not include sales tax. Proposers shall provide prices for each of the possible seven years of the contract. Alternatively, Proposers may provide prices for the first five years and agree that the prices for the ensuing years will increase no more than the lesser of (1) 10% over the previous year or (2) the percentage difference over the past 12 months as reported in “United States Department of Labor, Bureau of Statistics, Product Price Index, Industry: Book Publishing; Product: Law Books Code 2731, to be measured using the January statistics.

<u>Period</u>	<u>Wn.2d Amount</u>	<u>Wn. App. Amount</u>
July 1, 2014 – June 30, 2015	\$ _____	\$ _____
July 1, 2015 – June 30, 2016	\$ _____	\$ _____
July 1, 2016 – June 30, 2017	\$ _____	\$ _____
July 1, 2017 – June 30, 2018	\$ _____	\$ _____
July 1, 2018 – June 30, 2019	\$ _____	\$ _____
July 1, 2019 – June 30, 2020	\$ _____	\$ _____
July 1, 2020 – June 30, 2021	\$ _____	\$ _____

Section 9.2 Bound Volumes

Provide the price of a single Bound Volume. The price for Wn.2d and Wn. App. Bound Volumes shall be identical. Prices should be stated in the following format and shall include all costs such as shipping and handling but shall not include sales tax. Proposers shall provide prices for each of the possible seven years of the contract. Alternatively, Proposers may provide prices for the first five years and agree that the prices for the ensuing years will increase no more than the lesser of (1) 10% over the previous year or (2) the percentage difference over the past 12 months as reported in “United States Department of Labor, Bureau of Statistics, Product Price Index, Industry: Book Publishing; Product: Law Books Code 2731, to be measured using the January statistics.

<u>Period</u>	<u>Amount</u>
July 1, 2014 – June 30, 2015	\$ _____
July 1, 2015 – June 30, 2016	\$ _____
July 1, 2016 – June 30, 2017	\$ _____
July 1, 2017 – June 30, 2018	\$ _____
July 1, 2018 – June 30, 2019	\$ _____
July 1, 2019 – June 30, 2020	\$ _____
July 1, 2020 – June 30, 2021	\$ _____

Section 9.3 Cumulative Subject Index

Provide the price for a single copy sale of the annual Cumulative Subject Index. Prices should be stated in the following format and shall include all costs such as shipping and handling but shall not include sales tax. Proposers shall provide prices for each of the possible seven years of the contract. Alternatively, Proposers may provide prices for the first five years and agree that the prices for the ensuing years will increase no more than the lesser of (1) 10% over the previous year or (2) the percentage difference over the past 12 months as reported in “United States Department of Labor, Bureau of Statistics, Product Price Index, Industry: Book Publishing; Product: Law Books Code 2731, to be measured using the January statistics.

<u>Period</u>	<u>Amount</u>
July 1, 2014 – June 30, 2015	\$ _____
July 1, 2015 – June 30, 2016	\$ _____
July 1, 2016 – June 30, 2017	\$ _____
July 1, 2017 – June 30, 2018	\$ _____
July 1, 2018 – June 30, 2019	\$ _____
July 1, 2019 – June 30, 2020	\$ _____
July 1, 2020 – June 30, 2021	\$ _____

PART 10 PUBLISHER-HOSTED WEBSITE (optional)

As an optional element of a bid, a Publisher may propose a Publisher-hosted website for the official opinions of the Washington Supreme Court and Court of Appeals. The website would provide public access to electronic version of the official reports, reflecting the same editorial standards and enhancements as for the print version.

Describe the proposal in sufficient detail to allow an evaluation of the proposal's overall functionality and the value to the state's appellate courts. The proposal should cover at least the following points:

- How authenticity, accuracy, and conformity to the print version will be maintained, both during the course of the Contract and afterwards;
- Whether the website would include opinions prospectively only or would include the full historical set of the state's appellate opinions;
- The effectiveness of search/find utilities;
- The existence of user-friendly features, including the use of links to other authorities;
- Prompt updating of opinions on the website;
- The date upon which a website would be functional;
- Whether the website would include slip opinions;
- Whether outside advertising would be allowed on the website;
- Availability of customer service and technical support for the website;
- Any similar projects that the Publisher has already developed and maintained; and
- An evaluation of the proposal's use of technology with respect to the "Access to Justice Technology Principles," which were adopted by the Washington Supreme Court on December 3, 2004. (The ATJ Technology Principles and the Supreme Court's order are available at this link:

<http://www.courts.wa.gov/jis/?fa=jis.display&theFile=accessToJusticeTechnology>

PART 11 EVALUATION

Section 11.1 Basis for Evaluation

- 11.1.1 The Technical Response and Pricing Information will be evaluated on the basis of the submitted proposal only. The Management Response will be evaluated on the basis of references in addition to the information available in the submitted proposal.
- 11.1.2 As part of the evaluation process, at the sole discretion of the Evaluation Team, Proposers may be asked to clarify specific points in a submitted response. However, under no circumstances will the Proposer be allowed to make changes to the response after the receipt deadline. The Evaluation Team reserves the right to request oral presentations from the Proposers.

Section 11.2 Evaluation Team

An Evaluation Team will evaluate the responses to this RFP. The team may include members of the Supreme Court, the Court of Appeals, Reporter of Decisions staff, AOC staff, members of the Washington Court Reports Commission, other departments in the judicial branch, and employees from other state agencies.

Section 11.3 Evaluation Process

It is important that the responses be clear and complete so that the evaluators can adequately understand all aspects of the proposal.

- 11.3.1 Administrative Screening. All proposals will be reviewed to determine compliance with all administrative requirements specified in the RFP.
- 11.3.2 Technical Response Evaluation. Proposals that successfully complete Administrative Screening will be evaluated and scored based on the Proposer's response to the questions/requirements contained in the parts, sections, and/or subsections indicated in Appendix A, *infra*.
- 11.3.3 Management Response Evaluation. Proposals that successfully complete Administrative Screening will be evaluated and scored based on the information contained in the Proposer's response to Section 8, *supra*, and on information received from references.
- 11.3.4 Pricing Information Evaluation. Proposals that successfully complete Administrative Screening will be evaluated and scored based on the information contained in the Proposer's response to Section 9, *supra*.

Section 11.4 Selection of Apparent Successful Proposer

- 11.4.1 The evaluation process is designed to award the contract, not necessarily to the Proposer of lowest pricing, but rather to that Proposer with the best combination of

attributes based upon the evaluation criteria and answers and responses to questions in Appendix A.

11.4.2 The Evaluation Team will present the results of its evaluation to the Reporter of Decisions.

11.4.3 Based on the Evaluation Team's recommendations and consideration of all agency financial, operating, and management factors, the Reporter of Decisions, with the advice and consent of the Supreme Court, will make the final selection.

PART 12 POST EVALUATION

Section 12.1 Notification of Selection of Apparent Successful Proposer

The RFP Coordinator shall provide written notice of the selection of the Apparent Successful Proposer on February 24, 2014 to all Proposers that submitted responses to this RFP. Such notice may be sent by e-mail.

Section 12.2 Debriefing Conference

12.2.1 Proposers who submitted responses that were not selected will be given the opportunity for a debriefing conference. A request for a debriefing conference must be received by the RFP Coordinator within three (3) business days after the notification to unsuccessful Proposers is e-mailed to Proposers. The debriefing conference will be held within five (5) business days of the request.

12.2.2 Discussion at the debriefing conference will be limited to a critique of the requesting Proposer's response based solely on the evaluators' comments. Comparisons between responses or evaluations of other responses will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one (1) hour.

Section 12.3 Protest Procedures

12.3.1 Proposers submitting a protest to this procurement shall follow the procedures described herein. Protests that do not follow these procedures will not be considered. The protest procedure established by Section 11.3 constitutes the sole administrative remedy available to Proposers under this procurement.

12.3.2 No Proposer may submit a protest unless it has participated in a debriefing conference.

12.3.3 All protests must be in writing and signed by the protesting party or an authorized agent. The protest must state all facts and arguments on which the protesting party is relying. All protests shall be addressed to the RFP Coordinator.

12.3.4 Only protests stipulating an issue of fact (1) concerning a matter of bias, discrimination, or a conflict of interest or (2) noncompliance with procedures described in the procurement document shall be considered. Protests not based on (1) or (2) will not be considered.

12.3.5 In the event a protest may affect the interest of any other Proposer, such Proposer(s) will be given an opportunity to submit its/their views and any relevant information on the protest to the RFP Coordinator.

12.3.6 Upon receipt of a protest, a protest review will be held by retired Supreme Court Justice Gerry Alexander to review the procurement process utilized. This is not a

review of proposals submitted or the evaluation scores received. The review is to ensure that procedures described in the procurement document were followed, all requirements were met, and all Proposers were treated equally and fairly.

- 12.3.7 Protests shall not be accepted before selection of the Apparent Successful Proposer. No Protest will be accepted unless the Proposer has participated in a debriefing conference. Protests must be received within five (5) business days from the date of the debriefing conference. Retired Justice Alexander will then consider all the information available to him/her and render a written decision within five (5) business days of receipt of the protest, unless additional time is required. If additional time is required, the protesting party will be notified of the delay.

Section 12.4 Contract Negotiations and Execution

- 12.4.1 The Reporter of Decisions intends to complete contract negotiations with the Apparent Successful Proposer and execute a contract by April 21, 2014. The contract will be substantially the same as the one contained in Appendix D.
- 12.4.2 In the event of a negotiation impasse, the Reporter of Decisions reserves the right without penalty and at his or her sole discretion to:
- 12.4.2.1 Reject the Apparent Successful Proposer's response and contract proposal and select the next best qualified Proposer; or
 - 12.4.2.2 Reissue this RFP with any changes the Reporter of Decisions deems appropriate, and competitively award a new contract; or
 - 12.4.2.3 Take no further action to continue award of a contract under this RFP.