

# The Supreme Court of Ohio

## REQUEST FOR PROPOSAL

### REPLACEMENT CASE MANAGEMENT SYSTEM FOR THE APPELLATE COURTS OF OHIO

**RFP No. 2018-07**

**Date of Issuance: October 20, 2017**

**Response Due Date:**

**November 16, 2017 4:00 p.m.**

#### **NOTICE**

R.C. Section 9.24 prohibits the Supreme Court from awarding a contract to any vendor against whom the Auditor of State has issued a finding for recovery if the finding for recovery is unresolved at the time of award. By submitting a proposal, vendor warrants that it is not now, and will not become subject to an unresolved finding for recovery under R.C. Section 9.24, prior to the award of any contract arising out of this Request for Proposals, without notifying the Supreme Court of such finding.

## TABLE OF CONTENTS

Section 1. Overview .....	3
Section 2. Current Environment.....	3
Section 3. Minimum Requirements.....	4
Section 4. Core System Requirements .....	5
Section 5. Instructions to Vendors .....	5
Section 6. Proposal Submission .....	6
Section 7. Proposal Response Criteria – Vendor Experience .....	7
Section 8. Proposal Response Criteria - ACMS Core System Components.....	8
Section 9. Proposal Response Criteria - Project Implementation .....	11
Section 10. Evaluation Criteria .....	12
Section 11. Proposal Clarification .....	14
Section 12. Oral Presentations and Demonstrations .....	14
Section 13. Financial Capability and Reference Verification.....	14
Section 14. Best and Final Offer .....	15
Section 15. General Terms and Conditions .....	15
Section 16. Appendices.....	18
Section 17. Proposal Submission Requirements.....	18

## **SECTION 1. OVERVIEW**

The Supreme Court of Ohio (“SCO”) is seeking proposals for the provision and implementation of a commercial-off-the-shelf (“COTS”) Appellate Case Management System (“ACMS”) for the appellate courts of Ohio. The successful vendor will be responsible for providing a solution that includes the software, ongoing maintenance, and all required implementation services to ensure a fully operational environment. The SCO is open to either a vendor hosted or on premise CMS solution.

It is the intent to identify and select a common ACMS which will be implemented in Ohio’s appellate courts that currently use the SCO supported Appellate Case Management System (“SCO-ACMS”) application, with the ability to allow for local configurations as required.<sup>1</sup> Vendors, based on their expertise, shall submit proposals that incorporate recommended best practices that will allow for the optimization of the overall ACMS Solution and ideal implementation of the product itself.

## **SECTION 2. CURRENT ENVIRONMENT**

The state of Ohio has twelve intermediate appellate districts. Three of the districts have jurisdiction over just one county each while the remaining nine districts are all multi-county districts. The appellate courts do not operate their own independent clerk’s office to receive filings. Rather, cases are filed and docketed in the local county’s clerk’s office and then transferred to the appellate court and entered into the ACMS. There is no connectivity between the case management system in a local county’s clerk’s office and the ACMS.

Currently all appellate courts except for three districts use ACMS (one of those three districts has access to the ACMS but does not currently use the system). Individual users range from administrative staff to judicial personnel. The number of current daily users of ACMS is estimated to be 70 to 100. ACMS began as an upgrade of an earlier case management system (OASIS). During development, portions were redesigned and expanded to make tracking and managing appellate cases easier. As each appellate court began to use ACMS, new features were incorporated.

The table below outlines the average annual incoming cases by case type for all twelve appellate courts over the last five full calendar years.

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<sup>1</sup> The Eighth and Tenth District Courts are not currently using the SCO-ACMS. The Fourth District has access to the ACMS but does not currently use the system. All districts are invited to participate in the selection and implementation of the new ACMS during this process.

<b>Case Type</b>	<b>Average Incoming Cases</b>
Criminal Appeals, Common Pleas	3,509
Criminal Appeals w/Death Penalty	5
Criminal Appeals, Municipal and County	734
Original Actions	567
Civil Appeals, Common Pleas	2,398
Common Pleas (DR, Juvenile, Probate) Appeals	1,462
Civil Appeals, Municipal and County	340
Administrative Appeals	108
Court of Claims	65
<b>Total</b>	<b>9,188</b>

### **SECTION 3. MINIMUM REQUIREMENTS**

**3.1** The successful ACMS shall incorporate common business rules, compliant with the Ohio Rules of Practice and Procedure and the Ohio Rules of Superintendence, enabling courts to conduct and perform their business needs in the most streamlined and efficient manner.

**3.2** The successful ACMS shall provide for e-Filing.

**3.3** The successful ACMS shall be able to be configurable as required by each appellate court, but not customized for each court.

**3.4** The successful ACMS shall have the ability to provide efficient, accurate, and comprehensive case flow management reports, including reports correlating to the appellate court performance measures as provided in the National Center for State Court's CourTools<sup>2</sup>. The ACMS shall also have the ability to transmit statistical reports to the SCO (eStats).

**3.5** The successful vendor shall have a case management system similar to the proposed ACMS solution currently implemented in an appellate court jurisdiction.

**3.6** The successful vendor shall be equipped to provide ongoing maintenance and support for the proposed solution, end-user training, and administrator technical training.

**3.7** The successful ACMS shall provide electronic document management to efficiently facilitate work-flow between appellate courts and each local county's clerk's office as well as to the Supreme Court of Ohio.

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<sup>2</sup> [www.courtools.org](http://www.courtools.org)

## **SECTION 4. CORE SYSTEM REQUIREMENTS**

The proposed system must encompass all of the Core ACMS System Components as identified in Section 8, including:

1. Caseflow Management (including case management and performance management reporting)
2. Electronic Document Management
3. Digital/E-Signature Authentication
4. Web Based Public Access to Court Records
5. Data Integration - The data integration component shall include, but not be limited to:
  - a) Electronic interface between the appellate courts, OCN, and eStats;
  - b) Data integration ability for data exchanges between each local county's clerk's office and the appellate ACMS; and
  - c) Ability to integrate with one or more e-Filing services.
6. Data Conversion – It is the intent that the appellate courts' current and historical records will be converted to the new system
7. Financial Management
8. Additional Components

## **SECTION 5. INSTRUCTIONS TO VENDORS**

### **5.1 Schedule of Key Milestone Events**

Listed below are specific dates and times related to this RFP. Actions with specific dates and/or times shall be adhered to unless changed by the SCO via an addenda. Any change or addenda issued in relation to this document will be posted to <https://www.ohiocourts.gov/Default.aspx>. It is the responsibility of the vendor to ensure receipt of all documentation issued by the SCO.

<b>Event</b>	<b>Date</b>
RFP Issuance	October 20, 2017
Pre-Proposal Conference	October 31, 2017 10:00 a.m.
Deadline for submitting Questions	November 3, 2017
Final Addendum to be Issued	November 9, 2017
Proposal Responses Due	November 16, 2017 4:00 p.m.
Vendor Presentations (Tentative)	January 3 – 5, 2018

## **5.2 Pre-Proposal Conference**

A pre-proposal conference will be held October 31, 2017 at 10:00 a.m. at the Thomas J. Moyer Ohio Judicial Center, located at 65 South Front St. Columbus, Ohio 43215. The purpose of the conference will be to discuss the requirements and objectives of the RFP and the project itself. Attendance is voluntary; however vendors are encouraged to attend as all prospective vendors will be required to comply with and be responsible for the information discussed regardless of whether or not they attend. The SCO will not issue minutes or notes from the pre-proposal conference, however, written addenda may be issued if deemed necessary by the SCO. For those who are unable to attend in person, a conference call number and passcode can be provided. Please confirm participation and/or request for the passcode via e-mail at [Tasha.Ruth@sc.ohio.gov](mailto:Tasha.Ruth@sc.ohio.gov).

Questions will be accepted prior to, during and subsequent to the pre-proposal conference, and in accordance with Section 5.2. In order for questions to be answered at the conference, they must be submitted to Tasha Ruth at [Tasha.Ruth@sc.ohio.gov](mailto:Tasha.Ruth@sc.ohio.gov) at least four business days in advance of the conference. Questions not submitted in advance may be asked at the conference, but may or may not be answered at the conference itself.

## **5.2 Questions and Clarifications in Relation to RFP**

All questions in relation to this RFP shall be submitted in writing to [Tasha.Ruth@sc.ohio.gov](mailto:Tasha.Ruth@sc.ohio.gov) no later than November 3, 2017 at 12:00 p.m. EST. Questions received after this date and time will not be answered. Oral inquiries and/or questions will not be accepted. Written responses to questions received will be compiled and posted to <https://www.ohiocourts.gov/Default.aspx>, with any vendor-specific information removed. All addenda shall be issued in accordance with the above schedule. It is the sole responsibility of the vendor to ensure receipt of all documentation issued by the Court.

## **5.3 Communication**

Vendors are not to meet and/or initiate communication with SCO employees or any Ohio appellate court employees during the RFP process, except with respect to current or on-going work. The RFP process is considered to have begun on the date in which the SCO issues the solicitation and is considered concluded on the date in which the contract has been fully executed. Any attempts to meet and/or initiate contact during the request for proposal process, other than that expressly authorized by the request for proposal, may result in disqualification.

## **SECTION 6. PROPOSAL SUBMISSION**

Submitted proposals shall provide a concise delineation of the vendor's capabilities to successfully perform the services as requested. All proposal submissions must provide the requested information in sufficient detail to enable the SCO to evaluate vendors pursuant to the specifications and other requirements. Any requests for confidentiality regarding the submitted proposal response must be clearly identified.

Solicited vendors responding to the RFP shall, at a minimum, satisfy all the minimum and core system requirements as specified to qualify. Failure to submit all information and/or documentation as requested may result in the proposal being found non-responsive.

Two complete and signed copies of the proposal must be submitted for evaluation – one in original format and one in electronic format. The electronic format shall be provided on a flash drive, CD, or other similar medium. Please provide the name, telephone, including area code, address, and e-mail addresses of the representatives of the company who may be contacted regarding this proposal. Proposals shall be clearly marked as follows:

**Supreme Court of Ohio Request for Proposals Number 2018-07**  
**Attn: Tasha Ruth, 6<sup>th</sup> Floor**  
**The Supreme Court of Ohio**  
**65 South Front Street**  
**Columbus, Ohio 43215-3431**

Sealed proposals are to be received by the SCO no later than November 16, 2017 at 4:00 p.m. The SCO reserves the right to reject any and all proposals. The preparation of the proposal shall be at the vendor's expense. Proposals received after this date and time shall be considered late, and as a result, not considered for evaluation and award. The SCO is not responsible for late deliveries and reserves the right to reject any and all proposals. It is the sole responsibility of the vendor to ensure timely delivery of the proposal as required.

## **SECTIONS 7 - 9. PROPOSAL RESPONSE CRITERIA**

Proposal responses shall include all information as requested. Proposal responses shall follow the same chronological order as listed below, labeling responses using the same categories and question numbers. In addition, vendors are encouraged to submit supporting system documentation, including but not limited to system screen shots and other related documentation which would allow a better understanding of the system component. Failure to submit all information and/or documentation as requested may result in the proposal being found non-responsive.

## **SECTION 7. VENDOR EXPERIENCE**

### **7.1 Executive Summary**

**7.1.1** Vendors shall submit an executive summary, highlighting the key features of the proposal, detailing how the proposed solution and approach incorporates best practices that will allow for system optimization as well as a confirmation that the response meets the minimum requirements. The summary shall include the name and title of the individual(s) involved in the preparation of the response. In addition, the summary shall provide the name, address, telephone number, and e-mail of the individual to which inquiries relating to the response should be directed.

### **7.2 Vendor's Experience**

**7.2.1** Describe in detail, your experience in implementing the proposed system, including the identification of where the proposed system is currently implemented in an appellate court jurisdiction.

**7.2.2** Describe your prior experience regarding approaches and recommendations concerning conversion of data from other systems.

**7.2.3** Provide a minimum of three (3) references, in which the proposed system has been implemented and which detail projects of similar scope that were completed in the last 5 years. For each project, please include the name and brief description of the project, name of entity, name and contact information for a current point of contact. The Supreme Court of Ohio, nor any current staff, or any Ohio appellate court employees may be identified as a reference.

## **SECTION 8. ACMS CORE SYSTEM COMPONENTS**

### **8.1 Caseflow Management**

**8.1.1 Case Management and Business Rules-Based Automation:** Please describe the case management capabilities of the proposed system that allow court staff to initiate or update a case, assign a case to a judge or panels of judges, monitor case progress, notify judges and court staff of key case management event dates, such as when the record, transcript, or brief is ready, when cases are ready to be argued, and when decisions are due, thereby, assisting judges and staff with timely movement of cases from initiation to disposition.

**8.1.2 Electronic Workflow:** Please describe how the proposed system electronically routes work to judges and court staff and notifies the individual that work has arrived for their action. Please also describe how the electronic workflow allows for the electronic exchange and sharing of draft opinions as well as vote tracking.

**8.1.3 E-Bench capabilities:** Please describe the e-bench capabilities of the proposed system that allow judges and clerks to electronically manage cases. For example, describe how the system allows users to populate forms and documents without accessing physical files or calendars.

**8.1.4 Electronic Notifications:** Please describe the system's capabilities for electronically notifying attorneys, case parties, and justice partners of scheduled events. Describe whether such notifications can be automatically sent via e-mail, SMS, or through other means.

**8.1.5 Scheduling/Calendaring:** Please describe how the system will assist courts in scheduling and calendaring case events as well as how the calendaring system can accommodate the fair and equal scheduling of panels consisting of multiple judges, sitting in multiple county locations. Specifically, please describe how the proposed system will assist in the scheduling of judges is completed in a fair and equitable manner, including the tracking of the number of times each judge is assigned to sit for oral arguments and also how many times oral arguments are held in various counties.

**8.1.6 Case Participant Roles:** Please describe how the system assists in managing case parties across multiple cases and tracking and identifying additional case participant roles (those not included as party or attorney). Please include how the system manages parties or other participants considered sensitive or confidential.

**8.1.7 Automated Case Judge Assignments:** Please describe how the system manages automated judge assignments and how judge assignments are adjusted when judges are excused, recused, or reassigned either individually or as a panel.

**8.1.8 Case Management and Performance Dashboards or Reports:** Please describe the automated management reporting capabilities of the system that assist in caseflow or workflow management and decision making processes, including but not limited to those listed in Appendix D. In addition, please describe the system's capabilities to complete Ad Hoc reporting as required for each Appellate Court.

**8.1.9 Expungement and Sealing:** Please describe how the system handles the sealing and expungement of cases.

## **8.2 Electronic Document Management**

**8.2.1 Document Management System:** Please describe the system's document and content management capabilities. Please describe the system's ability to exchange documents between each local county's clerk's office and the appellate ACMS.

**8.2.2 Template Management Interface:** Please describe the system's ability to utilize templates for document production.

**8.2.3 Automated Records Management:** Please describe the system's Automated Records Management (ARM) features.

**8.2.4 Document and Portal Redaction of Personal Identifiers:** Please describe the system's document and case data redaction capabilities, such as redacting dates of birth and social security numbers.

**8.2.5 Batch Document Scanning Features:** Please describe the system's batch document scanning capabilities.

### **8.3 Digital/E-Signature Authentication**

**8.3.1 Electronic Signatures and Signature Authentication:** Please describe the system's capabilities in incorporating electronic signatures (imaged and/or digital). If you have incorporated true digital signatures supported by a third-party signature authority, please describe.

### **8.4 Web Based Public Access to Court Records**

**8.4.1 Online Public Access:** Please describe the system's features and capabilities for online public access to case records. Include any specific security features, rules-based classification, and redaction of personal identifiers in data and documents.

### **8.5 Data Integration**

**8.5.1 Interface:** At a minimum, the system must include an electronic interface between the courts and OCN, and eStats. Please describe the system's interface and data integration solution. Please describe all existing system data exchange methods and whether they comply with standards, such as the National Information Exchange Model (NIEM). In addition, please describe any potential solutions for developing custom exchanges.

**8.5.2 E-filing:** Please describe how the system facilitates e-filing by court of appeals staff, clerks, attorneys, and/or case parties.

### **8.6 Data Conversion**

**8.6.1** It is the intent that the appellate courts' current and historical records will be converted to the new system. Please describe your experience and proposed approach for converting current and historical records from another case management system.

### **8.7 Financial Management**

**8.7.1 Case Financials and General Ledger Functionality:** Please describe how your system handles financial accounting, receivables and general ledger functions including management of funds and fee disbursements pursuant to the State of Ohio requirements.

**8.7.2 E-payments:** Please describe how your system accepts online e-payments.

**8.7.3 Financial Reporting:** Please describe how your system facilitates data exchanges and reporting between government finance and budget agencies and the courts.

**8.7.4 GAAP Financial Interfaces:** Please describe how your system interfaces with Generally Accepted Accounting Principles (GAAP) based finance systems.

## **8.8 Additional Components**

**8.8.1 Audit Tracking:** Please describe the system's audit tracking capabilities for user activity within the system.

**8.8.2 Granularity of Role-based Viewing and Security:** Please describe the level of detail, granularity, grouping and hierarchy of role-based permissions within the system as it pertains to views, data, and files.

**8.8.3 Mobile Device Support:** Please describe the system's mobile device access capabilities and functionality.

**8.8.4 Data Validation and Error Detection Features:** Please describe how the system addresses data validation and error detections.

**8.8.5 Additional Components:** Please describe any additional system capabilities that have not been defined and or identified that you would like the Court to consider.

## **SECTION 9. PROJECT IMPLEMENTATION**

### **9.1 Implementation Model**

**9.1.1 Implementation Model:** As stated, it is the intent of the SCO to identify and select a common ACMS which will be implemented in Ohio's appellate courts that currently use the SCO supported SCO-ACMS application, which currently include 9 of the 12 appellate districts. Please describe your recommended implementation model, including a proposed timeline outlining how the project will be completed.

**9.1.2 Key Personnel:** Vendors shall identify and define the roles of the assigned Project Manager and all other key personnel that will be assigned to this project, including detailed information in relation to each person's experience in completing similar projects. A current resume for all key personnel, documenting experience similar to that being requested, shall be included in the proposal response.

**9.1.3 Data Conversion Model:** Please describe your recommended data conversion model, including a proposed timeline and any expectations that will need to be adhered to by the Court to ensure a successful implementation.

**9.1.4 Training and Deployment Model:** Please describe your recommended training and deployment model, including a proposed timeline and any expectations that will need to be adhered to by the SCO to ensure a successful implementation. Please indicate what types of training tools and or options are available within the costs of the solution, or outside the costs of the solution.

**9.1.5 Maintenance and Support Model:** Please describe your recommended ongoing maintenance and support model, including a proposed timeline and any expectations that will need to be adhered to by the SCO to ensure a successful implementation. Please provide all required maintenance agreements as a part of the proposal response.

**9.1.6 Change Order Management:** Please describe the change order management process you utilize for project and product changes or upgrades.

**9.1.7 Equipment Requirements:** The SCO is open to either a vendor hosted or on premise CMS solution. Please supply a list of all equipment required for an on premise implementation including servers, storage requirements, third party software licenses, etc. This information is being requested for information purposes only. Do not include any equipment and third party software licensing costs in your Cost Proposal Workbook details. However, if you offer a dedicated/managed hosting service for your proposed solution, please include the hosting pricing options and details in a separate section of the Cost Proposal Workbook.

**9.1.8 Best Practice Implementation:** Please describe how you will provide subject-matter expertise and credible, well-demonstrated best practices that will help drive our organizational and business process transformation.

**9.1.9 Current Environment and Workflow Processes:** Please describe your approach for learning the SCO-ACMS' current environment and workflow processes and how you will incorporate that knowledge into your implementation program.

**9.1.10 System Testing:** Please describe your system life cycle testing methodology, including system acceptance and verification processes. Explain your approach to tracking all errors, problems, and their resolution.

**9.1.11 Cost Proposal:** Vendors shall complete and submit the Cost Proposal Workbook, included as Appendix B. Alternate submissions will not be accepted.

## **SECTION 10. EVALUATION CRITERIA**

All conforming proposals received will be reviewed and evaluated by a team of representatives identified by the SCO. The SCO may accept or reject any/or all proposals, in whole or in part, or waive minor defects in a proposal, if no prejudice results to the rights of another potential vendor or to the public. Non-conforming proposals will not be considered. Non-conforming proposals are defined as those that do not meet the requirements of this RFP, and/or propose systems other than that which attempts to meet the defined requirements. Evaluation components shall include:

1. Demonstration of the vendor's understanding of the purpose, scope and objectives of the project;
2. Demonstrated experience in successfully installing a system of similar scope and scale, with emphasis on the specific capabilities required by the SCO;

3. Design, capability, and functionality of the proposed application software including the level of integration between software components;
4. Feasibility, timeliness, and quality of the implementation schedule with demonstrated ability to meet implementation deadlines;
5. Financial stability and resources of the vendor;
6. Qualifications, experience and technical expertise of the vendor, as well as vendor staff assigned to this project;
7. Economic feasibility and justification of all costs;
8. Level of service and responsiveness that the vendor commits to providing.

Conforming proposals will be evaluated and weighted as indicated below. It is the responsibility of the prospective vendor to provide all documentation as required.

<b>Category</b>	<b>Weight</b>
Vendor Experience	25%
ACMS Core System Components	40%
Project Implementation	25%
Cost Proposal	10%
<b>Total</b>	<b>100%</b>

Following the evaluation, including any oral presentations or demonstrations, clarifications, reference inquiries and verifications, and best and final offers, the Court shall proceed in recommending a contract award be made to the prospective vendor which is determined to provide the overall best solution and value to the Court.

In the event that the Court and the selected vendor are unable to reach an agreement in a timely manner, the Court reserves the right to terminate negotiations with said vendor. In such an event, the Court reserves the right to enter into negotiations with an alternate vendor.

## **SECTION 11. PROPOSAL CLARIFICATION**

The SCO may contact any vendor in order to clarify uncertainties or eliminate confusion concerning the contents of a proposal. However, vendors will not be able to modify proposals as a result of any such clarification request. The evaluation process may, at the SCO's discretion, include interviews with selected vendors to clarify questions raised by the SCO during the review and evaluation of proposals. Vendor representative(s) participating in the interview must be individuals familiar with the proposal and who understand the scope of the Project in order to respond to questions related to the proposed system and its components, and shall include the key members of the proposed project delivery team. All vendor costs associated with travel for proposal clarification interviews are the responsibility of the vendor.

## **SECTION 12. ORAL PRESENTATIONS AND DEMONSTRATIONS**

As a portion of the evaluation process, selected vendors may be invited to give an oral presentation and system demonstration to the SCO. The vendor's representative(s) attending the oral presentation shall be qualified to respond to questions related to the proposed system, its components, and implementation. All vendor costs associated with participation in oral presentations and system demonstrations conducted for this Project are the vendor's responsibility. Vendors selected to provide an oral presentation and system demonstration shall be notified in writing by the SCO. All costs associated with participation in oral presentations and system demonstrations shall be the vendor's responsibility.

## **SECTION 13. FINANCIAL CAPABILITY AND REFERENCE VERIFICATION**

At any time, the Court may request that any Vendor submit audited financial statements for up to the past three (3) years. Upon request, vendors shall provide financial information in such a manner that the Court can reasonably formulate a determination about the stability and financial strength of the organization. This shall include, but not be limited to company size, organization, date of incorporation, ownership, number of employees, revenues for the last fiscal year, and, if available, audited financial statements for the most recent 3 years.

In evaluating a Vendors financial capability, the SCO will review the documentation provided to determine if the Vendors financial position is adequate or inadequate. If the SCO believes the Vendors financial ability is not adequate to sustain the proposed contract, the SCO may reject the proposal despite its other merits.

The SCO may contact any customer of the vendor, whether or not included in the vendor's reference list, and use such information in the evaluation process. Additionally, the SCO may choose to visit existing installations of comparable systems, which may or may not involve vendor personnel. If the vendor is involved in such site visits, the vendor is responsible for its own travel costs. The SCO reserves full discretion to determine the competence and capabilities of vendors and proposed systems.

## **SECTION 14. BEST AND FINAL OFFER**

The evaluation process may, at the SCO's discretion, include a request for selected vendors to prepare a Best and Final Offer (BAFO) proposal for review. Vendors selected to participate in the BAFO will be provided guidance by the SCO on aspects of the proposal which may be changed by the vendor. A vendor's participation in the BAFO process shall not be construed as award of a contract nor guarantee that a contract will be awarded.

## **SECTION 15. GENERAL TERMS AND CONDITIONS**

**15.1** By submitting a proposal, the vendor acknowledges that it has read and is thoroughly familiar with all specifications and requirements of the RFP, and is fully aware and understands all instructions, conditions, and limitations. The failure or omission to examine any form, instrument or document shall in no way relieve the vendor from any obligation in respect to responding to this RFP.

**15.2** By submitting a proposal, the vendor certifies that he/she is (sole owner, partner, president, secretary, etc.) of the party making the forgoing proposal; that such proposal is genuine and not collusive or a sham; that the vendor has not colluded, conspired or agreed, directly or indirectly, with any vendor or person, to put in a sham bid; or colluded or conspired to have another not bid and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person to fix the price of its proposal or any other vendor, or to fix any overhead, profit or cost element of the bid price, or of that of any other vendor, or to secure any advantage against any vendor or any person or persons interested in the proposed contract and that all statements contained in the bid are true; and further, that the vendor has not, directly or indirectly, submitted this bid, or the contents thereof, or divulged any related information or data to any association or to any member or agent of any association.

**15.3** By submitting a proposal, the vendor warrants that it is not subject to an unresolved finding for recovery under R.C. Section 9.24. If the warranty is false on the date the parties sign a contract awarding the vendor's proposal, the contract is void ab initio, and the vendor must immediately repay to the SCO any funds paid under the contract.

**15.4** The SCO assumes no responsibility for costs incurred by the vendor prior to the award of any Contract resulting from this RFP. Total liability of the SCO is limited to the terms and conditions of a resulting Contract.

**15.5** All proposals offered are firm, and shall remain for 180 days from the proposal due date. Errors cannot be corrected after the proposals are opened. It is a condition of any award, under this proposal, that vendors shall deliver at prices quoted, even if in error.

**15.6** A proposal, upon acceptance by the SCO, immediately creates a binding contract between the vendor and the Supreme Court. Once accepted, it may not be rescinded, canceled, or modified by the vendor.

**15.7** All proposals will be evaluated by a team of representatives identified by the SCO, which may accept or reject any or all proposals, in whole or in part, and may waive minor defects in a proposal, if no prejudice results to the rights of another vendor or to the public.

**15.8** At the sole discretion of the SCO, the RFP may be cancelled or reissued in whole or in part, or a contract may not be awarded, if any of the following apply:

- a. The goods or services offered are not in compliance with the requirements, specifications, or terms and conditions set forth in the request for proposals;
- b. The price offered is considered excessive in comparison with existing market conditions, in comparison with the goods or services to be received, or in relation to available funds; or
- c. It is determined that the award of a contract would not be in the best interest of the SCO.

**15.9** The SCO is exempt from taxation. Federal transportation and excise taxes, as well as state excise taxes shall not be included in the proposal prices. Excise tax exception certificates will be furnished upon request. This purchase will not be subject to state taxes; tax exempt number: 31-6402047.

**15.10** The SCO requires vendors and contractors wishing to do business with the SCO to provide their Federal Taxpayer Identification Number. The SCO does this so that it can perform statutorily required “responsibility” analyses on those vendors and contractors doing business with the SCO and, under limited circumstances, for tax reporting purposes. If you are a vendor using your Social Security Number as your Federal Taxpayer Identification Number, please be aware that the information you submit is a public record, and the SCO may be compelled by Ohio law to release Federal Taxpayer Identification Numbers as a public record. If you do not want to have your Social Security Number potentially disclosed as a Federal Taxpayer Identification Number, the SCO encourages you to use a separate Employer Identification Number (EIN) obtained from the United States Internal Revenue Service to serve as your Federal Taxpayer Identification Number.

**15.11** The SCO represents that it will have adequate funds to meet the obligations that will be incurred by contract. However, the SCO shall have at its option the right to terminate any resulting contract should its appropriations, spending authority, or other revenues be reduced or, if applicable, if grant funds used to support this project are reduced or terminated.

**15.12** Any contract resulting from this request for proposals is binding on the successful vendor. Failure of the contractor to meet or perform any of the contract terms or conditions shall permit the SCO to rescind or cancel the contract and purchase replacement articles or services of comparable grade in the open market. The contractor shall reimburse costs and expenses in excess of the contract price necessitated by such replacement purchases to the SCO. The SCO does not waive the right to insist upon future compliance with these proposal specifications when there is undiscovered delivery of non-conforming goods or services.

### **15.13 Notice Regarding Disclosure of Confidential, Proprietary Information and Trade Secrets**

The SCO hereby advises vendors that all documents submitted in response to this request for proposals, including those documents that purportedly contain trade secret information, will become public records. The SCO will allow the public, including other vendors, to inspect and obtain copies of these documents in accordance with Ohio Rules of Superintendence 44-46 after the request for proposals deadline expires unless: 1) in its response to this request for proposals, the vendor clearly identifies the document or document excerpt that the vendor believes is not a public record as defined in Ohio Sup.R. 44; 2) in its response to this Request for Proposals, the vendor identifies the provisions that exempt the document or document excerpt from the public records provisions of Ohio Sup.R. 44-46; or 3) SCO staff determine that the document or document excerpt is not a public record as defined in Ohio Sup.R. 44. In weighing whether a vendor's proposal contains trade secret information that may be protected from disclosure under Ohio Sup.R. 44-46 and *State ex rel. Seballos v. School Employees Retirement Sys.*, 70 Ohio St.3d 667 (1994), SCO staff may consider the definition of "trade secret" in R.C. 1333.61(D) and the factors described in *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513 (1997).

### **15.14 Equal Employment Opportunity Policy**

The SCO is an equal opportunity employer. Vendors conducting or seeking to conduct business with the SCO are subject to Adm.P. 5 (Equal Employment Opportunity), a copy of which can be obtained from the office issuing this request for proposals.

### **15.15 Discrimination and Sexual Harassment Policy**

The SCO prohibits discrimination and sexual harassment. Vendors conducting or seeking to conduct business with the SCO are subject to Adm.P. 6(A) (Discrimination and Sexual Harassment), a copy of which can be obtained from the office issuing this request for proposals.

### **15.16 Drug and Alcohol Free Workplace Policy**

The SCO intends to provide a drug and alcohol free workplace. Vendors conducting or seeking to conduct business with the SCO are subject to Adm.P. 19 (A-C), a copy of which can be obtained from the office issuing the request for proposals.

**SECTION 16. APPENDICES**

**16.1** Appendix A: Proposal Submission Form

**16.2** Appendix B: Cost Proposal Workbook

**16.3** Appendix C: Recommended Caseflow and Operations Management Reports for Appellate Courts

**SECTION 17. PROPOSAL SUBMISSION REQUIREMENTS**

As a portion of their proposal response, all vendors are required to submit the documents and/or information identified below. Failure to submit all information and/or documentation as requested may result in the proposal being found non-responsive.

- a. Proposal Submission Form
- b. Cost Proposal Workbook
- c. All proposal response criteria as identified in Sections 7-9

**APPENDIX A: PROPOSAL SUBMISSION FORM**

By submitting a proposal, Vendor acknowledges that they have read and are thoroughly familiar with all specifications, instructions, conditions and requirements of the RFP. Failure or omission to review the document in its entirety shall in no way relieve Vendors from any obligation in respect to responding to this RFP.

The individual's signature below constitutes that the person submitting the proposal response is authorized to bind the Vendor to this response, including the cost proposal. Failure to complete and submit in this form its entirety may result in the proposal being found non-responsive.

Proposal Submitted  
By \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Name of Contact \_\_\_\_\_

E-Mail \_\_\_\_\_

Phone No. \_\_\_\_\_

## **APPENDIX B: COST PROPOSAL WORKBOOK**

**This Cost Proposal Workbook contains 4 worksheets:**

### **1. COST PROPOSAL DETAILS**

As stated, the SCO is open to either a vendor hosted or on premise solution. This worksheet is for the Vendor to identify and describe all costs associated with the proposed solution. If proposing an on premise solution, please provide a separate document listing all equipment required for implementation including servers, storage requirements, third party software licenses, etc. Within each listed category, please list all solution requirements, adding rows and/or additional subcategories as required. Vendors are encouraged to provide additional related supporting documentation.

### **2. COST PROPOSAL ASSUMPTIONS**

This worksheet is for the Vendor to list all assumptions, notes or comments associated with the pricing submitted in this proposal. In the Section # column, Vendors are to specify the particular section of the Cost Proposal Details for which the assumption or comment applies.

### **3. SOFTWARE CUSTOMIZATIONS**

This worksheet is for the Vendor to provide cost and descriptions for any requirement which would be met by proposed customization to the vendor's proposed base software package.

### **4. HOURLY RATES (for T&M SERVICES)**

This worksheet is for the Vendor to provide hourly rates for available positions which could perform services for the SCO on a Time and Materials (T&M) basis during or following implementation.

**NOTE: All worksheets have been formatted for printing; please do not change column widths**

**Add rows for detail as necessary for each Section/Category  
(do not change column widths on this worksheet)**

<b>Section</b>	<b>Category (modify descriptions as needed)</b>	<b>Vendor Descriptions (add descriptions as necessary)</b>	<b>Unit (please indicate if cost is User <u>or</u> Per Court)</b>	<b>Per</b>	<b>One Time Cost</b>	<b>Ongoing Annual Cost</b>
<b>1</b>	<b>Software Solution</b>					
1.1	System Licenses					
1.2	(add rows for detail as necessary)					
1.3	(add rows for detail as necessary)					
<b>2</b>	<b>Implementation &amp; Deployment</b>					
2.1	Configuration					
	(add rows for detail as necessary)					
2.2	Data Conversion					
	(add rows for detail as necessary)					
2.3	Training and Deployment					
	(add rows for detail as necessary)					
<b>3</b>	<b>Hosted Solution Requirements</b>					
3.1						
3.2						
3.2						
3.3						
3.4						







## **APPENDIX C: RECOMMENDED CASEFLOW AND OPERATIONS MANAGEMENT REPORTS FOR APPELLATE COURTS**

### **A. CASE-LEVEL REPORTS**

The following reports constitute a recommended beginning set of case-level management reports that appellate courts can employ to monitor and control the pace and activity of individual cases in their dockets. These reports are generally applicable to all case types.<sup>1</sup>

- 1. Case Aging.** This type of case aging report lists active pending cases that have reached some predefined case age that signals the need for further scrutiny on case status. An example would be a case reaching 90 percent of the Supreme Court's time guideline. The report should permit flexibility in the establishment of multiple tiers of time standards. Details for each case should include, at a minimum, the case type, the last deadline / event, the next scheduled deadline / event due, the date filed, and the total number of days each case has been pending, not counting any periods of placement on inactive reporting status.
- 2. Case Summary Report.** The report creates a document that summarizes important case information and should be available by, at a minimum, county, case type, calendar type, filing date, date of last brief filed, panel members and/or individual judge, known judicial conflicts, etc. It should provide information regarding total days open, number of days lapsed from when the case opened to when the record was completed, the number of days from record complete to completion of briefing, and the number of days from brief completion to submission.
- 3. Overage Filings and Cases.** This type of case aging report lists cases that have exceeded the applicable filing deadlines for items such as the record and appellant and appellee briefs, as well as the Supreme Court of Ohio case processing time standard. Details for each case should include the last filing date, the next scheduled filing date / next event due, extension deadlines, the total number of days between filing deadlines / events, and the total number of days each case has been pending, not counting any periods of placement on inactive reporting status (e.g., cases in which a bankruptcy stay has been issued).
- 4. Pending Motions.** This report lists all pending motions, to whom the motion is assigned, and shows, for each motion, the date it was filed and the time, in days, the motion has been pending for comparison against time limits in relevant rules.
- 5. Mediation Aging Status.** This report shows, for a point-in-time, a list of all active pending cases pending in a court-annexed mediation. In addition to basic case record information, the report should include for each case the number of days the case has been pending in mediation.
- 6. Closed Cases.** This report identifies all cases closed during a designated timeframe by case number, county, case type, disposition type (decision v. dismissal), filing type (notice of appeal v. complaint), calendar type, final order date, and authoring judge (if applicable.)

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<sup>1</sup> The term "case type" used in this document means, at a minimum, the case types specified by the Supreme Court in its statistical reporting framework under Sup.R. 37.

For each listed case, the report also computes the number of days between each appellate timeframe, which include: filing to record completion, record to appellant's brief, appellant's brief to appellee's brief, "ready-to-schedule date" to submit/argue date, submit/argue date to release, and total time open.

- 7. Daily task list.** This report can be ran on any given day and will provide information on all cases with deadlines scheduled for that day or past due deadlines.

## **B. SUMMARY-LEVEL REPORTS**

The following reports constitute a recommended beginning set of summary-level management reports that appellate courts can employ to monitor and control the pace and activity of their overall dockets. The user should have the option to run the reports against each individual judge's assigned caseload, but also for the court as a whole. The required time standards, as referenced below, shall comply with the time standards as set by the Supreme Court of Ohio. Each district should also have the flexibility to create additional time standards or flags and should have the ability to run those reports accordingly.

- 1. Overall Caseloads.** This report provides counts of active cases pending at a point in time as well as counts over a defined period of new filings, reactivations, transfers-in, cases placed on inactive status, and cases disposed.
- 2. Clearance Rates.** This report provides clearance rates, a measure of the effectiveness of the court in keeping pace with the volume of its incoming caseload. They are calculated by dividing the total number of case terminations (dispositions plus placement on inactive status) over a defined time period by the total number of incoming cases (new filings plus reactivated, reopened, and transferred-in cases) over that same time period. The ratio is expressed as a percentage. The target is a clearance rate of 100 percent. Options should include the ability to run the measure against a series of time periods such as over a series months and over a series of years. This measure is standardized as CourTools Measure 3 within the CourTools court performance measures developed by the National Center for State Courts.<sup>2</sup>
- 3. Age of Active Pending Caseload.** This report provides a point-in-time overview of the age of the court's active pending caseload. The aging of the court's entire active docket is analyzed and presented against a series of 30-day case aging segments showing the number and percentage of cases aging between 1 and 30 days, between 31 and 60 days, and so on, up to two times the applicable case processing time standard. This measure is standardized as CourTools Measure 4 within the CourTools court performance measures developed by the National Center for State Courts.
- 4. Time to Disposition.** This report gauges how well the court is doing at disposing of its caseload within the Supreme Court's case processing time standards for appellate court cases overall. The report should display the number and percentage of cases disposed during a defined time period which were, at the time of disposition, aged beyond the

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<sup>2</sup> For more information on CourTools, see <http://www.courtools.org/Appellate-Court-Performance-Measures.aspx>.

applicable time standards. This measure is standardized as CourTools Measure 2 within the CourTools court performance measures developed by the National Center for State Courts.

5. **Cases Pending With No Record Filed.** This report provides a list of pending cases in which the full record of trial court proceedings has not been filed. This report should flag those cases that have been pending with no record filed for more than the required time standard.
6. **Cases Pending With Transcript of Proceedings Not Filed Within 180 Days.** This report provides a list of pending cases in which a transcript of the proceedings has not been filed within 180 days of the date the appeal was filed. This report should flag those cases that have been pending without a transcript of proceedings for more than the required time standard.
7. **Cases Pending With Record Filed But All Briefs Not Received.** This report provides a list of pending cases in which the record has been filed, but all briefs have not been filed. This report should flag those cases that have been pending without all briefs received that have been pending for more than the required time standard.
8. **Cases Pending With All Papers In But Not Argued or Scheduled for Argument.** This report provides a list of pending cases in which the record and all briefs have been filed or have been identified as completed for briefing purposes, but the case has not been scheduled for argument or argued before the court. This report should flag those cases with all papers in but not yet scheduled for argument or argued that have been pending beyond the required time standard.
9. **Cases Pending in Which All Papers In But Not Assigned.** This report provides a list of pending cases in which the record and all briefs have been filed, but no oral argument is requested and the case is not assigned. This report should flag those cases that fall into this category that have been pending beyond the required time standard.
10. **Cases Assigned But No Opinion Released.** This report provides a list of pending cases which have been argued, if applicable, and assigned for an opinion or decision to be written, but the opinion or decision has not been released. This report should flag those cases that have been assigned for an opinion or decision to be written, by author, but not released that have been pending beyond the required time standard.
11. **Cases In Which An Opinion Is Released But Not Journalized.** This report provides a list of pending cases which a written opinion or decision has been released, but not journalized. This report should flag those cases that have an opinion released, but not journalized that have been pending beyond the required time standard.
12. **Manner of Disposition Details.** This report provides for each case type counts and percentages of the number of cases disposed over a defined time period through either opinion or decision or other termination.

- 13. Continuances (Summary).** This report would show, for each case type, a summary of the frequency of continuances for each defined major type of case event in each case that reached final disposition over a defined time period. This would only include events which were scheduled but did not go forward upon the request of a party or by sua sponte order of the court.
- 14. Continuances (Detail).** This report would provide case-level supporting detail underlying the summary data presented in the “Continuances (Summary)” report, described above. This would only include events which were scheduled but did not go forward upon the request of a party or by sua sponte order of the court. For each case with continuance records, the report would show basic case records, by judge, along with detail on each continuance including the event type, the identity of the person who requested the continuance (or if the continuance was sua sponte ordered by the court), and the reason for the continuance.
- 15. Event Settings (Summary).** This report would show, for each case type, a summary of the number of times each major type of case event was scheduled in each case that reached disposition over a defined time period.
- 16. Pro Se.** This report provides, by case type, the number of cases with self-represented litigants disposed during a defined period.
- 17. Cases with Interpreters.** This report would provide, by case type, counts and percentages of disposed cases over a defined time period in which at any point during the life of the case one or more parties had a sign language or spoken language interpreter assigned by the court. This would include interpretation services in any or all three modes of interpretation (consecutive interpretation, simultaneous interpretation, and sight translation).

## **C. REQUIRED SUPREME COURT REPORTS**

The system must have the ability to produce and electronically submit the caseload reports as required by Sup.R. 37 (Presiding Judge and Appellate Judge reports). Additionally, the system must also have the ability to provide the case-level detail behind the summary level reports generated in accordance with Sup.R. 37.