



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

Purchasing Memorandum No. 3

DATE: April 13, 2023

PLEASE ADDRESS INQUIRIES TO:

Joe Carucci, *Contract Management Specialist*
Telephone Number: (518) 776-2128
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REQUEST FOR PROPOSAL NO.: 22-001

TITLE: Court Reporting Services

BID DUE DATE: ~~March 31, 2023~~ **April 28, 2023**

PERIOD: Three (3) Years with Two (2) One-Year Renewal Options.

SUBJECT: Answers to Questions/Inquiries

TO: **ALL PROSPECTIVE BIDDERS**

In reference to the above Invitation for Bid, the following questions/inquiries were submitted by the March 10, 2023 deadline. We are hereby providing answers to each question below:

1. QUESTION: Section 3.2.2 Experience - OAG is striking " If a Court Reporter has not been certified, three (3) years of documented work experience in the court reporting field is an acceptable substitution." from the bid. Please explain the reasoning for this.

ANSWER: The OAG's preference is for all court reporter's to be certified, however, the OAG has decided to reinstate that if a Court Reporter has not been certified, three (3) years of documented work experience in the court reporting field is an acceptable substitution. The OAG attorney and/or representative will have the discretion to request a certified court reporter and if the contractor is unable to provide a certified court reporter, the OAG reserves the right to request services from the Secondary Contractor, and then on to the Tertiary Contractor if necessary.

- a) Are you saying that only reporters with a CCR, CSR, RPR, RMR can work on the contract?

ANSWER: Please see OAG response to Question# 1.

2. QUESTION: 2. Section 5, Virtual Court Reporting Services. You have separated out "Virtual Court Reporting Services" from each region into a statewide service. Therefore Regions 1 through 8 are only for in person?

ANSWER: Regions 1 through 9 are only for In-Person Court Reporting Services.

- a) Does this mean one vendor will be required to cover every single virtual hearing across the state?

ANSWER: If on a given day, due to volume, the Primary Contractor is unable to provide Virtual Court Reporting Services for the date and time requested, the service would then be requested of the Secondary Contractor, and if they are unable to provide the service, it would then be requested of the Tertiary Contractor.



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- b) Would the state consider having both virtual and in person services per region?
ANSWER: Not at this time.
3. QUESTION: Due to the court reporter shortage and post-COVID issues, it is becoming more and more difficult to provide in-person court reporters. The estimates provided on the Price Proposal Tabs in Regions are 1-9 all in person, correct?
ANSWER: That is correct.
4. Region 10 includes the remote estimates for all Regions, correct?
ANSWER: That is correct.
5. Is it possible that the ability to appear remotely in regions 1-9 could increase due to the current nationwide problem?
ANSWER: The OAG cannot speculate on this matter. The bid estimates are based on actual numbers from the last 6 months and current anticipated usage.
6. QUESTION: Is it possible for a vendor to bid on remote hearings -- Region 10 -- only?
ANSWER: Yes, any bidder that meets the Mandatory Requirements can bid on Region 10 only. Qualified bidders can bid on one region, all regions, or any combination of regions. Bidders must bid on all services in the region (except for grand jury). Each region (and grand jury for each region where applicable) will be awarded separately.
7. QUESTION: When is the contract expected to start?
ANSWER: The anticipated contract start date is August 1, 2023, subject to approval by the OAG and the Office of the State Comptroller (OSC).
8. QUESTION: When is the contract expected award date?
ANSWER: Tentative award is anticipated at the Beginning to Mid-May '23. Awards will be final when the contracts have been fully executed by the Office of the State Comptroller.
9. QUESTION: Please provide each of the incumbent vendors' current pricing for each category requested on the pricing sheet.
ANSWER: Please see attached PDF - Court Reporting Service Contractor Pricing Information.
10. QUESTION: What was the total spend on this contract for this past year?
ANSWER: Approximately \$900,000.00
- a) How much of that was for Region 10?
ANSWER: Approximately \$665,000.00
11. QUESTION: What is the total budget for each year under this future contract, at least for the first 3 years?
ANSWER: This is a usage-based contract and volume is determined by the actual needs of the agency. The OAG is looking for the lowest cost/rates that will meet the Mandatory requirements for In-Person and Virtual and Grand Jury Court Reporting Services.
12. QUESTION: In Section 3.2.2 Experience - OAG is now striking " If a Court Reporter has not been certified, three (3) years of documented work experience in the court reporting field is an acceptable substitution." from the bid. Just so we are absolutely clear, please confirm that all court reporters -- remote and in-person -- must be certified and experience will not be a substitute under any circumstance?
ANSWER: Please see OAG response to Question# 1.



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13. QUESTION: Section 3.2.2 lists acceptable court reporter certifications. Would the respected digital court reporting certifications from AAERT (American Association of Electronic Reporting & Transcription) and TTA (Transcriber Training Academy) be accepted as well?
ANSWER: **Yes. However, please refer to section 4.2.c regarding Electronic Court Reporting.**
14. 3.2.2 Experience. Are Court Reporters who do not hold certifications unable to work on the contract?
ANSWER: **Please see OAG response to Question# 1.**
- a) A majority of well-qualified, experienced Court Reporters do not hold certifications. Will you consider using experienced, qualified, uncertified Court Reporters?
ANSWER: **Please see OAG response to Question# 1.**
- b) If we do not currently have certified court reporters, will we not pass the experience portion?
ANSWER: **Please see OAG response to Question# 1. Court Reporters' must have a minimum of three (3) years of documented work experience in the court reporting field to pass the experience portion.**
15. QUESTION: "Bidders must provide a detailed description of previous work experience in providing similar services during the past three (3) years, particularly for local or state court systems or law firms. Bidders shall provide for the most recent business year: the number of transcript pages, hours of videography or hours of real time reporting performed by the bidder in each Region being bid on." Please clarify. Do you want that in narrative form in PDF format? Please describe the format you want for that requirement.
ANSWER: **Please submit in Narrative form in PDF format.**
16. QUESTION: When exhibits are presented during hearings, will they need to be attached to the transcripts or will they be retained by counsel?
ANSWER: **Exhibits are considered part of a complete transcript. Please see section 4.4 for the definition of a complete transcript.**
17. QUESTION: Are only companies who were awarded the NYS OGS MSA Award #23246 permitted to bid on this IFB?
ANSWER: **No. Any parties that meet the bid requirements can submit a bid.**
- a) If so, are vendors limited by their not to exceed per page rates under Award #23246?
ANSWER: **Not applicable. This award is unrelated to OGS Award #23246. However, rates should be as competitive as possible. Regardless of the outcome of this bid, the OAG can still use OGS Award #23246 if in the OAG's best interest.**
18. QUESTION: What are the typical transcript delivery requirements -- i.e., electronic delivery by email or printed transcripts, shipped to one location or various locations?
ANSWER: **Rates must include all costs associated with shipping printed transcripts to one location. Electronic delivery (email) can replace the electronic copy of the "completed transcript" in section 4.4 at the discretion of the requesting OAG employee. Please also see the last paragraph of section 4.4 regarding additional copies. The OAG may request a copy (at the copy rate) be sent to another party.**
19. QUESTION: Section 4.4 references cancellation circumstances. How often are there cancellations?
ANSWER: **During the past 6 months (for all regions and virtual), there were 28 cancellations.**



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- a) How often is more than 24 hours' notice provided?
ANSWER: The OAG database does not account for this distinction.
- b) How often is less than 24 hours' notice provided?
ANSWER: The OAG database does not account for this distinction.
20. QUESTION: Can you please provide a sample transcript?
ANSWER: Please see attached PDF - Transcript page redacted.
21. QUESTION: What type of tech support could be needed?
ANSWER: The reference to '24/7 toll-free technical support' in section 5.2 would be for questions, troubleshooting issues, and other general assistance needed while using the awarded contractors proposed platform/application.
22. QUESTION: Sections 4.5-In rare cases where transcript not ordered, goes to 20 page or \$150 minimum. We understand it is rare for a transcript to not be ordered, but is it common to have transcripts less than 20 pages?
ANSWER: During the past 6 months (for all regions), there were 11 transcripts less than 20 pages.
- a) Are you able to provide a percentage of transcripts where the minimum is applied?
ANSWER: The OAG database does not account for this distinction.
- b) Are you able to provide the average number of pages per transcript overall?
ANSWER: During the past 6 months (for all regions), the average number of pages were 157 pages.
23. You have identified Region 9 and Region 10 one as out of state and then region 10 virtual statewide and out of state. Reporters charge different rates by state. Are NY reporters going to be ok to cover virtually all of your out-of-state work, or will you need a reporter with notary from each state?
ANSWER: For region 10 virtual services, the court reporter can reside in NY. For Region 9, in-person out of state, it is likely the reporter will need to be from area where the deposition is to take place.
24. 3.2.5 Financial Response Form. Please clarify that we can bid on the services in a particular region without bidding on Grand Jury Services.
ANSWER: Contractors can bid on a particular region without bidding on Grand Jury Services.
25. 3.2.9 and 3.2.10. Please confirm the forms in these sections do not have to be turned in with the bid, that they will be required only after an award.
ANSWER: The OAG confirms that Form ST-220-TD Contractor Certification & Form ST-220-CA Contractor Certification to Covered Agency will be required only after tentative award and are required for execution of any resulting contract (final award).
26. 4.14 Regions for In-Person Court Reporting Services - Is this section implying that ALL virtual services for Regions 1 through 9 will be under Region 10 and the local OAG offices will not be able to call their primary contractor to schedule virtual services?
ANSWER: That is correct.



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a) The successful bidder in Regions 1-8 are only bidding on in person matters?

ANSWER: Yes, successful bid(s) for Regions 1 through 9 are for In-Person Court Reporting Services only.

27. Section 4.4 Transcript Delivery and Deliverables - Are we required to always send a hard copy transcript, even if the OAG representative requests only an electronic PDF transcript?

ANSWER: Pricing/rates should reflect the cost of sending a complete hard transcript. OAG requesting employees may waive the need for a hard copy transcript or other portions of what is considered a complete transcript described in section 4.4 at their discretion, on a case-by-case basis. Please also see answer to question 18.

28. Section 4.4 Transcript Delivery and Deliverables - Are transcripts now being required to be delivered on the 7th calendar day (the first line of 4.4 says the tenth 7th), thereby requiring a higher rate for the State to incur for services that are considered expedited by normal standards? Industry standard is 10 business days. Delivery on the 7th day is normally considered an expedite.

ANSWER: Section 4.4 has a typographical error in the first sentence. The sentence should read: "The Contractor shall provide a completed transcript no later than the seventh (7th) calendar day after the last day a proceeding is concluded, excluding New York State designated holidays as listed below."

29. Section 4.4 Transcript Delivery and Deliverables - "Page count includes transcript and associated word indexes." Please clarify. If a transcript is 20 pages and the word index is 5 pages, do we charge for 25 pages?

ANSWER: This is correct.

30. Section 4.4 Transcript Delivery and Deliverables - Are CDs/DVDs necessary? Are contractors permitted to send the electronic media copy directly to the OAG representative on the delivery due date?

ANSWER: The complete transcript must be delivered by the delivery due date. Electronic delivery (email) can replace the electronic copy of the "completed transcript" in section 4.4 at the discretion of the requesting OAG employee. OAG requesting employees may waive the need for a hard copy transcript or other portions of what is considered a complete transcript described in section 4.4 at their discretion, on a case-by-case basis.

31. Section 4.8 Real Time Reporting Requirements - Basis of cost is a single flat fee. This is not standard in the industry. Real Time is charged by the page, the same as the transcript. Can the real time reporting basis of cost be changed to a per page rate? Court reporters charge their employers by the page for real time service.

ANSWER: The OAG has determined Real Court Reporting will be changed to a per page rate. Attachment I – Bid Response Cover Page and Bidder Price Proposal Pages (Revised 4.13.2023) for each region have been updated.

32. Section 5.2b Secure Document Sharing Portal - Can you give an example of a portal that meets all the criteria and/or that has been used by previous contractors in the past?

ANSWER: Veritext Virtual Exhibit Share is an example of service previously used by the OAG. However, the OAG believes there are many vendors in the open market who could possibly accommodate the OAG's needs.

33. Section 6.1 Grand Jury Services Award - Is there a current vendor performing Grand Jury Services?

ANSWER: The OAG does not currently have an agency awarded contract for grand jury services.

a) Who is the current vendor in each Region?

ANSWER: Not applicable.



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b) What is the current pricing?

ANSWER: Not Applicable.

34. Section 6.7 Invoicing and Payment - "Billings must be made no more frequently than once a month based on services provided." So you want all invoices sent at one time at the end of each month?

ANSWER: Invoices can be submitted after services are rendered for each request. The OAG may request a statement of monthly contract invoices at OAG's discretion.

a) Do we need to send them separately, or all in one?

ANSWER: Invoices should be sent for each court reporter request.

b) Please state how soon after invoicing at month's end you will send a payment? Please state the payment terms.

ANSWER: Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law. Interest will only be paid when it is \$10 or more per invoice and when payment is made directly by the State. Unless otherwise specified in Article 11-A, standard payment terms are Net 30.

35. Section 6.9 Interest on Late Payments - This section sends us to SFL 179-d and 2 NYCRR 18.1 . Under 2 NYCRR 18.2(a) it states: "every payment of State funds requested by a State agency to be paid to a contractor pursuant to a contract is eligible for interest whenever the payment is not made by the required payment date." Is the "required payment date" 30 days from the date we send the invoice? In the past the state has paid our invoices well past 30 days. Please set out payment terms and when interest becomes eligible. Also please advise how interest is paid. Is it to be added automatically? Do we need to inform someone to pay it?

ANSWER: Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law. Interest will only be paid when it is \$10 or more per invoice and when payment is made directly by the State. The Statewide Financial System calculates interest due based on the date the complete and correct invoice is received by the Budget and Fiscal Management Office. Unless otherwise specified in Article 11-A, standard payment terms are Net 30.

36. Attachment V Additional Insurance Requirements, B Insurance Requirements - Is Crime Insurance proof of coverage necessary upon notification of award if the employees of the Contractor are never on State property? Our local AG office where depositions are held are not on state property.

ANSWER: Yes, it is necessary.

37. Pricing: you give estimates of transcript pages per year but are you able to give an estimate of the number of hearings on either a weekly, monthly, daily or annual basis so we can better assess staffing?

ANSWER: During the past 6 months, for all regions, for both In-Person and Virtual, there were 468 proceedings.

38. For Region 1, can you please list all the physical addresses of places where the court reporters may be required to conduct reporting in person.

ANSWER: The location of all depositions to be held in Region 1 for the life of the contract is not known.

39. Are there any depositions being conducted with a need for an interpreter?

ANSWER: Interpretation is not part of this contract award. The OAG utilizes the Office of General Services Centralized Contracts for language services when necessary.



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All other IFB terms and conditions remain the same.

This Purchasing Memorandum is to be signed, submitted and made a part of your proposal. If you have any questions, do not hesitate to contact the person listed on top of this memorandum.

VENDOR: _____

ADDRESS: _____

SIGNATURE OF BIDDER: _____

DATE: _____