

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID—

(This is not an order)  
**BID MUST BE MADE ON THIS SHEET  
OR AS OTHERWISE SPECIFIED**

NYS OFFICE OF COURT ADMINISTRATION  
Contract & Procurement Unit  
25 Beaver Street, R-850  
New York, NY 10004  
  
(Agency Name and Address)

Direct Inquiries to: Marie-Claude Ceppi  
E-mail: mceppi@nycourts.gov

Price to include delivery to (describe exact location and method of delivery) All prices to be net and inclusive of all services specified herein unless otherwise specified.

<b>Bid Number:</b> OCA/DAS-231	<b>Commodity Group:</b>
<b>Opening Date:</b> 05/12/2017 <b>Time:</b> 3:00 pm <b>Issue Date:</b> 04/21/2017	<b>Commodity Name:</b> Processing Pro Bono Forms

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)	Bidder's Quotation and Specific Description of Item Offered
<b>UCS ATTACHMENT I, III, and IV ATTACHED &amp; INCORPORATED HEREIN.</b>	<b>ALL BID RESPONSES <u>MUST</u> BE ENTERED ON THE ENCLOSED BID RESPONSE FORM UNLESS SPECIFIED OTHERWISE HEREIN.</b>

**NOTICE TO BIDDERS**

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed bids for furnishing the item(s) in this Request for Bid will be received at the above address. When submitting a bid, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE BID NUMBER, THE BID OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED BID.

5. Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE BIDS WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

**BIDS MUST BE SIGNED**

Bidder's Firm Name:		Employer's Federal Identification Number	
Address Street	City	State	Zip
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number E-mail:	

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## DOCUMENT ENCLOSURE CHECKLIST (2 pages)

\_\_\_\_\_ Exhibit A/Pricing Sheet: Exhibit A/Pricing Sheet **must be fully executed and included** in bidder's proposal. Failure to do so will immediately disqualify bidder's response.

The following forms must be fully executed and included in bidder's proposal. Failure to do so may disqualify bidder's response:

- \_\_\_\_\_ UCS Request for Bid/Proposal Form (rfb1.frm) and complete bid response with original signature
- \_\_\_\_\_ Attachment I - Standard Request for Bid Clauses & Forms
  - p.3 - Non-Collusive Bidding Certificate
  - p.4 - Corporate Acknowledgment
- \_\_\_\_\_ Attachment II - Not Applicable
- \_\_\_\_\_ Attachment III - Vendor Responsibility Questionnaire
  - Questionnaire filed online via OSC VendRep System and certified within 6 months of the bid opening due date, **or**
  - Paper questionnaire
- \_\_\_\_\_ Attachment IV - Procurement Lobbying forms
  - Disclosure of Prior Non-Responsibility Determination (UCS 420)
  - Affirmation of Understanding and Agreement (UCS 421)
- \_\_\_\_\_ Certificates of NYS Worker's Compensation and NYS Disability Benefits Insurance, or Certificate of Attestation of Exemption. Please see paragraph "Insurance Requirements" for a list of accepted forms.
- \_\_\_\_\_ Copies of bidder's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications

The following documents and information must be included in bidder's proposal. Failure to do so may disqualify bidder's response:

- \_\_\_\_\_ Three (3) complete copies of original bid response
- \_\_\_\_\_ List of references
- \_\_\_\_\_ Bidder's contact name
- \_\_\_\_\_ Description of bidder's ongoing experience providing the services required in this RFB
- \_\_\_\_\_ Description of bidder's confidentiality and security procedures for electronic files
- \_\_\_\_\_ Signed Document Enclosure Checklist
- \_\_\_\_\_ Proprietary information in separate folder from bid response, if applicable

**OCA/DAS-231  
PROCESSING PRO BONO FORMS**

**BID OPENING DATE: May 12, 2017  
3:00 pm**

**IMPORTANT:**

1. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.
2. Exhibit A/Pricing Sheet and the other forms listed above must all have the SAME COMPANY NAME AND TAX ID NUMBER in order for a purchase order or contract to be approved by the NYS Comptroller.
3. Do not alter this solicitation in any manner. Any changes, deletions, or additions to this RFB, including Exhibit A/Pricing Sheet, will result in the rejection of this offer as non-responsive.
4. Please note that the terms and conditions of this RFB will form the basis of the contract with the awarded vendor.
- 5. Please verify that all required documents are included before signing.**

COMPANY NAME:

\_\_\_\_\_

AUTHORIZED OFFICER'S NAME AND TITLE:

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## I. PURPOSE AND SCOPE

The New York State Unified Court System (hereafter “UCS”) Office of Court Administration (hereafter “OCA”) is soliciting sealed bids to establish a single, estimated quantity term contract for the processing of *pro-bono* forms (hereafter “Pro Bono Forms.”)

The awarded vendor (hereafter “Vendor”) shall provide a service to the NYS Office of Court Administration (“OCA”) to collect responses from a 3-section/1-page form used by attorneys to report *pro bono* services. (See sample of Pro Bono Form contained in Exhibit B hereto. Note: The Pro Bono Form is subject to change by OCA at any time during the term of the awarded contract.) Vendor shall produce and deliver to OCA reports which shall consist of a compilation of responses contained in completed forms mailed to Vendor by attorneys. Vendor shall maintain the UCS existing US Postal Service mail box located in the State of New York which shall be used exclusively to receive such Pro Bono Forms. The mail box address is: PO Box 5058, White Plains, NY 10602-5058.

Vendor shall also be required to produce and deliver to OCA a “PDF” file for each Pro Bono Form received, and to destroy all forms and data as specified herein.

## II. BID RESPONSE SUBMISSION

### Bidder’s Contact Name and Required Information

Bidder shall designate, in its bid response, a staff member as primary contact for all questions UCS/OCA may have regarding bidder’s bid response. Bidder shall include in its bid response all forms, documents and information listed on the Document Enclosure Checklist.

### Packaging, Identifying and Delivering of Bids/Proposals

Bids/Proposals must be clearly addressed and submitted to:

Marie-Claude Ceppi  
Management Analyst  
NYS Office of Court Administration  
25 Beaver Street, R-850  
New York, NY 10004

All envelopes/cartons must also be labeled with the following information on two sides:

Deliver immediately to Marie-Claude Ceppi R-850

**OCA/DAS-231  
PROCESSING PRO BONO FORMS**

**BID OPENING DATE: May 12, 2017  
3:00 pm**

Sealed bid - Do not open  
RFB# OCA/DAS-231 - Bid opening date: May12, 2017 at 3:00 p.m.

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by May 12, 2017 at 3:00 pm at the latest or bids will be declared late bids and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

Do not bind or staple your bid response in any manner. Clips and rubber bands are the only acceptable methods of securing bid responses.

**No-Bids**

Bidders are requested to send a no-bid letter to OCA, Attn: Marie-Claude Ceppi, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: RFB# OCA/DAS -231. No-bid letters may be sent by email to [mceppi@nycourts.gov](mailto:mceppi@nycourts.gov). Please indicate in "Subject" field: RFB# OCA/DAS-231 – No-Bid.

**III. AWARD**

**Term of Award**

A single contract will be awarded for an initial term of three (3) years (“Initial Term”) effective on or around June 1, 2017. The UCS/OCA shall have the option to renew the contract for two (2) additional one (1) year terms (each, a “Renewal Term”) upon the same terms and conditions except unit pricing, which for each renewal period, shall be determined in accordance with the paragraph below entitled, “Price Adjustments.” The UCS/OCA also reserves the right to extend the contract for a maximum of six (6) months upon the same terms and conditions, including pricing, as of the expiration date of the Initial Term, or the first Renewal Term of the contract, as the case may be. The maximum term of the contract will be five (5) years. The initial contract, renewals and extension are subject to the approval of the NYS Attorney General and the NYS Comptroller.

### Method of Award

A single contract shall be awarded to the responsible bidder, determined to be in compliance with this RFP/RFB and specifications, who submits the lowest Grand Total 3-Year Cost as indicated in the Exhibit A/Pricing Sheet.

### Site Visits

For purposes of bid evaluation, bidder's facilities shall be available for inspection by OCA during normal business hours. Subsequent to award, Vendor's facilities shall likewise be made available for periodic inspection. In all instances, notification will be communicated by appropriate OCA personnel.

## IV. DETAILED SPECIFICATIONS

### Questions

Any and all questions bidders may have in connection with this solicitation are to be directed by email only to:

Marie Claude Ceppi  
[mceppi@nycourts.gov](mailto:mceppi@nycourts.gov)

Please indicate in "Subject" field: RFB# OCA/DAS-231 - Question(s)

The deadline to submit questions is May 2, 2017 before 5:00 pm. No questions will be entertained after this deadline. A written Questions & Answers (Q&A) listing all the questions received and their answers will be posted on the UCS website at [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) under RFB# OCA/DAS-231, and it will be sent to the bidders list.

**IMPORTANT:** All questions regarding this solicitation must be in writing by email and directed solely to the attention of the above designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the UCS in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

## **Communications**

Under no circumstances shall vendor act on verbal communications only. All verbal communications for all order changes, proof corrections, text changes, clarifications or any other communications between OCA and the Vendor **must be backed up in writing** (or via electronic transmission, upon agreement of UCS/OCA) to Sam Younger, Deputy Director of Administrative Services or such other person or address as UCS/OCA shall designate. Vendor shall likewise designate a person and address for receipt of such communications from OCA.

## **Subcontracting**

Subcontracting and any other transfer of any duties or obligation to be performed hereunder will be permitted only with the prior written consent of UCS to the proposed subcontractors. In the event that bidder proposes to use one or more subcontractors, the specific subcontractors and the services proposed to be performed by such subcontractors, must be listed in bidder's proposal. If a bidder that proposes to use one or more subcontractors in awarded the contract, the award will constitute the prior written approval of UCS to the subcontractors named in the bidder's proposal.

Vendor will be the prime contractor and will be responsible for all services required by this RFB/RFP. The UCS will communicate only with Vendor and Vendor shall remain wholly liable for the performance by and payment to any such subcontractors, their employees, agents, consultants or representatives.

## **Data Security and Confidentiality**

Bidders and Vendor are hereby advised that any and all information, records, files, documents or reports generated by, or contained in, any media format (e.g. print, electronic) provided to contractor by an individual or component of the UCS, or otherwise obtained by contractor in the performance of contractual services, shall be considered confidential and shall be treated and maintained accordingly at all times. Neither the contractor nor any of its employees, agents, subcontractors, representatives, interns or volunteers shall at any time be permitted to utilize any such information for any purpose outside the scope of awarded contract without the express written authorization of UCS/OCA. Further, any and all material and documents, records and any other data or information developed by contractor, or any person or entity acting on behalf of contractor, remains the sole property of the UCS/OCA. Vendor, or subcontractors, may not make use of such data or information for any purpose outside the scope of awarded contract without the express knowledge and written consent of the UCS/OCA.

Vendor will also be prohibited from maintaining files and records provided to or generated by Vendor in a mobile or portable device. In addition, Vendor will be required to comply with the

data security and confidentiality requirements of other government agencies that supply data to UCS/OCA.

Bidder must provide a complete statement describing in detail the procedures and steps bidder will follow to assure the complete confidentiality of the records. This description shall include the names and/or titles of the authorized officers within the company who will have access to these records and indicate how the computer records and physical media will be safeguarded. Failure to submit such statement shall disqualify bidder’s proposal.

## **V. SCOPE OF SERVICES**

### **A. Estimated Number of Pro Bono Forms to be Processed**

Listed below are the are the annual number of Pro Bono Forms estimated to be processed over the Initial Term of the awarded contract:

<u>Year</u>	<u>Estimated Number of Pro Bono Forms</u>
Year 1	34,600
Year 2	58,300
Year 3	43,000

Unit pricing shall remain the same irrespective of actual volumes.

For additional explanation, see section below entitled, “Estimated Quantities”.

### **B. Preparation Work**

Vendor shall:

- Establish clear lines of communication between Vendor and OCA. The preferred method of communication is by Email. OCA will provide the Vendor with the appropriate contacts.
- Maintain a US Postal Service PO Box in New York State for exclusive receipt of Pro Bono Forms. The mail box address is: PO Box 5058, White Plains, NY 10602-5058.

**OCA/DAS-231  
PROCESSING PRO BONO FORMS**

**BID OPENING DATE: May 12, 2017  
3:00 pm**

- Process Pro Bono Forms in a secure working area.
- Promptly: (i) forward misdirected mail: addressed to UCS and/or OCA to recipient(s) as specified by OCA (ii) return misdirected mail addressed to non-UCS/OCA addressees to the nearest US Post Office.
- Enter the data and securely save for periodic uploads to OCA in a manner and form agreeable to OCA (see “C. Production Process” below) and perform industry standard or greater verification and quality control tests of such data entry. See attached data layout for field names and structure.
- Create and deliver to OCA PDF images of all Pro Bono Forms received.
- Establish standards for the formatting and secured SFTP transmission of data and images satisfactory to OCA.
- Transmit data to OCA in format and time period directed by OCA. A sample data layout is contained in Exhibit C hereto. However, OCA reserves the right to change such layout, including data fields, at any time during the term of the awarded contract.
- Conduct end to end operational tests with OCA IT staff.
- Establish procedures to handle exceptions, which might include forms that are incomplete or which do not match the required forms submitted.
- Establish production measurements and milestone schedules satisfactory to OCA.
- Maintain a secure electronic backup of all data generated from Pro Bono Forms for a minimum of 60 days from receipt.
- Irretrievably destroy all original Pro Bono Forms and collected data in such a way as to prevent their unauthorized use, within 90 days of receipt, and provide proof thereof upon request of OCA.

### **C. Production Process**

Vendor shall:

- Establish and test data entry system. Data must be saved in a secure environment for periodic uploading to OCA. Details will be worked out between OCA and Vendor.
- If necessary to use OCR software to capture any data, apply appropriate QC standards to ensure all data required by OCA is captured.
- Daily: process, and scan all Pro Bono Forms to capture data and PDF images.
- Shred envelopes.
- Data enter information from Pro Bono Forms.
- Correct errors in data entry, if any.
- Final quality control of all images and data.
- Securely transmit images and data through SFTP to OCA on a schedule to be satisfactory to OCA.

## **VI. PRICING AND BILLING**

### **Pricing**

Bidder shall quote a unit price per Pro Bono Form. Unit Pricing shall be submitted only on, and in the format prescribed by, the Exhibit A/Pricing Sheet.

There shall be no other charge, cost, reimbursement or expense of any kind payable by UCS in connection with or arising from awarded contractor's performance of the services set forth herein other than the Unit Price. Awarded contractor shall be solely responsible for all costs and expenses incurred in connection with the performance of such services.

Unless specified otherwise herein, Unit Pricing shall remain unchanged during the Initial Term of the awarded contract.

### **Price Adjustments**

Pricing shall be subject to increase as of the commencement date of each Renewal Term by the percentage equal to the lesser of: (i) the increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U); U.S. Cities Average; All items; not seasonally adjusted, 1982-1984 = 100 reference base (“CPI”) as of the third month prior to the commencement date of each such Renewal Term, over the CPI as of the third month prior to the commencement date of the immediately prior term of the Agreement, or (ii) five percent (5%). Pricing shall thereafter remain unchanged for the balance of each such term, and shall further remain unchanged during any extension term of the Agreement.

### **Billing**

Vendor shall submit true and accurate invoices on a monthly basis to: “OCA Attorney Registration, Attn: Sam Younger, Deputy Director of Administrative Services, 25 Beaver Street, R-854, New York, NY 10004”, or such other person or address as UCS/OCA shall designate. Invoices must separately identify the month’s number of Pro Bono Forms processed.

## **VII. EXHIBITS**

Exhibit A/Pricing Sheet  
Exhibit B/Sample, blank Pro Bono Form  
Exhibit C/Data Layout

## **VIII. The RFB/RFP PROCESS: GENERAL SPECIFICATIONS**

### **Note to Bidders**

#### **1. Attachment I - Standard Request for Bid Clauses & Forms and Attachment IV - Procurement Lobbying Law required forms**

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms , and Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (UCS 421) pursuant to the Procurement Lobbying Act, which must be downloaded or printed from the UCS Contract & Procurement website under “Addenda” for the appropriate solicitation, are incorporated and made a part of this solicitation.

## 2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (UCS) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

The UCS recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. However, vendors may choose to complete a paper questionnaire and submit it with their proposal.

Online Questionnaire: To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us/Enrollment/login>. Vendors must provide their New York State Vendor Identification Number when enrolling (see paragraph headed 'New York State Vendor File Registration' for instructions on obtaining a Vendor Identification Number.) For VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.state.ny.us](mailto:ITServiceDesk@osc.state.ny.us).

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Please note that online submissions must be certified and dated/updated not more than six (6) months prior to the bid opening date of this RFB/RFP. Bidders' authorized signature of the RFB/RFP form will serve as confirmation that bidders have knowingly filed their questionnaire online if the paper questionnaire is not included with the bidder's submission.

Paper Questionnaire: Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) or may contact the UCS or the Office of the State Comptroller's Help Desk for a copy of the paper form.

### 3. New York State Vendor File Registration

Prior to being awarded a contract pursuant to this solicitation, the bidder(s) must be registered in the New York State Vendor File (Vendor File) administered by the OSC. This is a central registry for all vendors who do business with New York State agencies and the registration must be initiated by a State agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to vendors for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage certain vendor information in one central location for all transactions related to the State of New York.

**If the bidder is already registered in the Vendor File**, the vendor must enter the vendor's ten-digit Vendor ID on the first page of this bid document.

**If the bidder is not currently registered in the Vendor File**, upon award of a contract the Bidder must complete the OSC Substitute W-9 Form ([http://www.osc.state.ny.us/vendors/forms/ac3237s\\_fe.pdf](http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf)) and submit the form to UCS. **The UCS will initiate the vendor registration process** for the awarded contractor. Once the process is initiated, awarded contractor will receive an e-mail identifying their unique ten-digit Vendor ID and instructions on how to enroll in the online Vendor Self-Service application. For more information on the Vendor File please visit the following website:  
[http://www.osc.state.ny.us/vendor\\_management/](http://www.osc.state.ny.us/vendor_management/).

### Online RFB/RFP Package: Disclaimer

Bidders accessing any UCS/UCS/OCA solicitations and related documents from the New York State UCS website [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) under "Current Solicitations" shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

### Bid Response/Proposal: Original and Copies

Bidders shall submit all the following required **original RFB/RFP documents**: Bid/Proposal; Executed RFB/RFP Form; Attachment I - pages 3, 4, of 10; Attachment III - Vendor Responsibility Questionnaire (questionnaire may be filed electronically with OSC); Attachment IV - Disclosure of Prior Non-Responsibility Determinations UCS 420 and Affirmation of Understanding and Agreement UCS 421; proof of Workers' Compensation and Disability Benefits insurance coverage (See "Insurance Requirements"); and any other required documentation, brochures, etc.

listed on the Document Enclosure Checklist. Complete the paperwork on the forms provided with this solicitation unless otherwise requested. Do not retype or amend any portion of this solicitation. Failure to provide all original documents and the requested number of copies may result in disqualification of a bidder's response.

### **Binding Nature of Bid/Proposal on Bidders**

All bids/proposals shall remain binding on bidders until such time as UCS/OCA provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

### **Estimated Quantities**

Any quantities specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

### **Compliance with Laws**

Awarded contractor(s) must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to, fire, health and safety codes, prior to and during the provision of all services under the contract resulting from this RFB/RFP.

### **Independent Contractor Status**

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

### **Rejected and Unacceptable Bids/Proposals**

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or performance of any contract; or who have previously defaulted on any contractual obligations, (as contracting party, surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York, who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts, whose proposal is incomplete or otherwise non-responsive in any material respect, or who are found to be non-responsible based on any of the criteria specified in the section headed 'Responsible Bidder'.

UCS also reserves the right to reject any bidder: (i) whose facilities and/or resources are, in the opinion of OCA, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of OCA, unable to meet specifications.

### **Responsible Bidder**

A bidder shall be defined as "responsible" in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in paragraph 2 of the General Specifications (Attachment III-Vendor Responsibility Questionnaire), and the criteria set forth in the paragraph headed "Rejected and Unacceptable Bids/Proposals" as well as any other criteria necessary and reasonable to establish the bidder's responsibility.

### **Clarification/Correction of Bids/Proposals**

In addition to any rights articulated elsewhere in this solicitation, UCS reserves the right to require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine a bidder's compliance with the requirements of this solicitation. This clarifying information, if required in writing by UCS, must be submitted by the bidder, in accordance with formats as prescribed by UCS at the time said information is requested and, if received by the due date set forth in UCS's request for clarification, shall be included as a formal part of the bidder's proposal. Clarifying information, if any, whether provided orally, visually or in writing will be considered in the evaluation process. Failure to provide required information by its associated due date may result in rejection of the bidder's proposal. Nothing in the foregoing shall mean or imply that it is obligatory upon UCS to seek or allow clarifications or corrections as provided for herein.

## References

Each bidder must provide at least three (3) references, other than UCS, including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

## Indemnity

Awarded contractor shall indemnify, defend and hold harmless UCS, its officers and employees from and against any and all claims, causes of action, damages, costs, liabilities and expenses of any kind (including reasonable attorney's fees and the cost of legal defense) which UCS may incur by reason of: (i) awarded contractor's breach of any term, provision, covenant, representation or warranty contained in the contract awarded as a result of this bid; (ii) any act, omission, negligence or intentional misconduct of awarded contractor or its employees, subcontractors, agents, volunteers or of other persons under its direction and control; (iii) awarded contractor's performance or failure to perform under the contract; and (iv) enforcement by UCS of the awarded contract or any provisions thereof.

## Unified Court System Self-Insurance

UCS, a New York State governmental entity, is self-retained for risk of loss and liability.

## Insurance Requirements

Awarded contractor shall be required to maintain during the term of the contract, including any renewal terms, at their own cost and expense:

1. Workers' compensation and disability benefit insurance coverage as required under NYS law. **Each vendor must provide with its proposal proof of such workers' compensation and disability benefits insurance coverage or, if it is legally exempt from such coverage, proof of exemption.** Vendor must obtain the appropriate Workers Compensation Board forms from its insurance carrier or licensed agent, or must follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. See Workers' Compensation Board website at <http://www.wcb.ny.gov> under "Forms" for a manual listing

**OCA/DAS-231  
PROCESSING PRO BONO FORMS**

**BID OPENING DATE: May 12, 2017  
3:00 pm**

required forms and procedures. Any questions regarding workers' compensation coverage requirements or debarments should be directed to:

Workers' Compensation Board  
Bureau of Compliance  
(518) 462-8882  
(866) 298-7830

**Only the following forms will be accepted:**

Proof of Workers' Compensation Coverage

- **Form C-105.2** - Certificate of Workers' Compensation Insurance issued by private insurance carriers; or
- **Form U-2316.3** issued by the State Insurance Fund; or
- **Form SI-12** - Certificate of Workers' Compensation Self-Insurance; or
- **Form GSI-105.2** - Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **Form CE-23100** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

- **Form DB-120.1** - Certificate of Disability Benefits Insurance, or
- **Form DB-155** - Certificate of Disability Benefits Self-Insurance; or
- **Form CE-23100** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

On forms that have a space for a certificate holder to be listed, the carrier must enter:

NYS Unified Court System  
Office of Court Administration  
25 Beaver Street, Room 850  
New York, NY 10004

The insurance carrier will notify the certificate holder if a policy is canceled.

Please note: An ACORD Certificate of Insurance is not acceptable proof of NYS workers' compensation or disability benefits insurance coverage.

For additional information regarding worker's compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov> under "Employers/Businesses."

2. Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto

liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2million, aggregate
Personal Injury and Advertising:	\$1 million aggregate
Contractual and Products/ Completed Operations	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Commercial General Liability insurance coverage shall be obtained from commercial insurance carriers licensed to do business in the State of New York.

**Confidentiality**

Bidder acknowledges that any and all information, records, files, documents or reports contained in any media format provided to the bidder by the court, or which may be otherwise encountered by bidder shall be considered extremely confidential and shall be handled accordingly at all times. Neither the bidder nor any of its employees, servants, Contractors, agents or volunteers shall at any time be permitted to utilize such confidential information for any purpose outside the scope of any resulting agreement without the express prior written authorization of UCS. Any breach of this confidentiality by the bidder or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of any resulting agreement by UCS and may subject the bidder to further penalties.

Awarded Contractor shall use, and require its employees and authorized agents to use, at least the degree of care a reasonably prudent person would use to protect and prevent improper access to the records.

**Confidential/Proprietary Information**

If applicable, bidders should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than UCS. Bidders are advised that any material deemed confidential by bidder may still be subject to disclosure in connection with any governmental or judicial proceeding or inquiry or as may be required by applicable law, including but not limited to Article 6 of the New York Public Officers Law

(Freedom of Information Law). Such confidential/proprietary information must be easily separable from the non-confidential sections of the proposal.

### **Financial Stability**

Upon request by UCS, bidder shall provide its audited financial statements prepared in accordance with GAAP-Generally Accepted Accounting Principles for the past three (3) consecutive years and a copy of its last three (3) annual reports.

### **Termination**

Early termination of the contract for cause may result in, among other consequences, all remedies available to UCS and New York State, the awarded contractor both being declared non-responsible by the UCS/UCS/OCA, pursuant to the UCS and Office of the State Comptroller's guidelines on vendor responsibility and in the contractor's removal from the UCS/UCS/OCA's bidders list for future solicitations.

### **Implied Requirements**

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the offer except as specified herein.

### **Silence of the Specifications**

The apparent silence of the specifications contained as part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.





**NEW YORK STATE**  
**Unified Court System**  
**Anonymous Report of Voluntary Pro Bono Services and Contributions**

All attorneys, whether resident or non-resident, active or retired MUST file this anonymous form to complete their registration. A separate envelope is included for mailing this report.

**I. REPORTING PERIOD:** This report covers the calendar years ..... 2 0   - 2 0

Answer all questions for the two calendar years preceding the filing of your registration statement. (For example, if the registration statement is filed any time during 2015, please report information for the period January 2013 through December 2014.)

**II. REPORTING REQUIREMENT**

**a. REQUIRED TO REPORT:** I am required to report my voluntary pro bono legal services and contributions provided during the two calendar years preceding the year my registration was due. (Please complete sections III - VI.)

**b. EXEMPT:** I am retired from the practice of law as defined in 22 NYCRR 118.1(g), or am an employee of a legal services organization, and am therefore exempt from the requirement to report my voluntary pro bono services and contributions. (If you are exempt, you may stop here, and return this form without reporting additional information – or, AT YOUR OPTION, you may complete sections III - VI IF YOU WISH to report pro bono services and contributions.)

**III. BACKGROUND QUESTIONS** (Unless you are exempt, you must complete this section.)

**a. AGE GROUP** (check one):

under 35     35-44     45-54     55-65     over 65

**b. NUMBER OF YEARS ADMITTED TO PRACTICE** (check one):

5 or fewer     6-10     11-15     16-20     over 20

**c. EMPLOYMENT DURING THE TWO-YEAR REPORTING PERIOD** (check one):

Private Law Firm Practice     Not-for-profit Sector (legal)     Corporate In-house Counsel     Government (Legal)

Non-legal Occupation     Law School Faculty     Not Employed     Other \_\_\_\_\_

**d. LOCATION OR JUDICIAL DISTRICT (JD) OF PRINCIPAL PLACE OF BUSINESS** (check one):

Bronx     Brooklyn     Manhattan     Queens     Richmond     Long Island     3rd JD     4th JD

5th JD     6th JD     7th JD     8th JD     9th JD     Outside NYS     Outside USA

**e. IF AN ATTORNEY IN PRIVATE PRACTICE, SIZE OF FIRM** (number of attorneys):

1 (solo)     2-10     11-40     41-100     101-200     Over 200     Not applicable

**IV. RULE 6.1 PRO BONO LEGAL SERVICES AND CHARITABLE CONTRIBUTIONS** (Unless you are exempt, you must complete this section. See instructions for details.)

**a. DURING THE REPORTING PERIOD, I PERFORMED APPROXIMATELY**     **HOURS OF UNPAID LEGAL SERVICES**, as described in Rule 6.1(b) of the Rules of Professional Conduct.

**b. DURING THE REPORTING PERIOD, I CONTRIBUTED FUNDS TO LEGAL SERVICES ORGANIZATIONS**, as described in Rule 6.1(c) of the Rules of Professional Conduct, in the following amount (check one):

\$0     \$1-250     \$251-750     \$751-2000     \$2001-5000     \$5001-\$25000     Over \$25000

**V. OTHER PRO BONO SERVICES AND CONTRIBUTIONS** (You may report, on a voluntary basis, all other types of charitable and pro bono services and contributions, excluding those reported in Section IV. See instructions for additional details.)

**a. DURING THE REPORTING PERIOD, I PERFORMED APPROXIMATELY**     **HOURS OF UNPAID SERVICES**, of a legal and non-legal nature, pro bono publico.

**b. DURING THE REPORTING PERIOD, I PERFORMED APPROXIMATELY**     **HOURS OF LEGAL SERVICES**, at a rate substantially below my normal billing rate for such services, pro bono publico.

**c. DURING THE REPORTING PERIOD, I contributed the following amount to charitable causes** (check one):

\$0     \$1-250     \$251-750     \$751-2000     \$2001-5000     \$5001-\$25000     Over \$25000

**VI. IF YOU WISH TO PROVIDE DETAILS** of your service and contributions reported above, please do so.

# Anonymous Report of Voluntary Pro Bono Services and Contributions

While pro bono service by attorneys is not mandatory in New York State, New York's attorneys have a long tradition of public and charitable service and contribution – of both a legal and non-legal nature – to their communities. In addition, Rule 6.1 of the Rules of Professional Conduct (22 NYCRR Part 1200, Rule 6.1) strongly encourages attorneys to perform pro bono legal services to benefit poor persons, and to contribute financially to organizations that provide legal services to poor persons. The reporting requirement set forth below is intended to recognize these broad accomplishments, as well as to provide empirical data by which the Administrative Board of the Courts may assess the full extent of the legal services and contributions to legal assistance to the poor made by the New York bar.

Additional information, including links to Pro Bono resources, rules and FAQs may be found at:  
[www.nycourts.gov/attorneys/probono](http://www.nycourts.gov/attorneys/probono)

## GENERAL INSTRUCTIONS

**Mandatory Filing – Anonymous Format:** The filing of this pro bono information form is **required** of all attorneys, whether resident or non-resident, active or retired, in order to complete the biennial registration to the New York bar. However, the filing is **anonymous**: the information does not identify the filer, is maintained separately from data reported in the principal attorney registration form, and is used for purposes of aggregate descriptive statistical analysis.

**Estimates and Recordkeeping:** If at any time you are uncertain of the exact figure to report, use your best estimate (if none, enter 0). Court rules do not require attorneys to keep contemporaneous records of pro bono service or contributions, and attorneys will not be required to provide proof of such information.

**Maintaining Copies of this Report:** Although the pro bono service report is filed anonymously, its filing is mandatory. Consequently, it is highly **recommended** that attorneys keep a copy of the report in their files, in the event that the issue of filing is ever called into question.

**Mailing – Separate Envelope and Address:** To assure anonymity, these reports must be mailed in a separate (blue) envelope, to a separate address from the remainder of the Attorney Registration Form. Be sure to mail the form in the appropriate envelope to:

NYS Office of Court Administration  
Attorney (Anonymous) Pro Bono Reporting  
P.O. Box 5058  
White Plains, NY 10602-5058

### SECTION I

**Reporting Period – Preceding Two Calendar Years:** For purposes of this pro bono report, please answer all questions for the two-year period ending on December 31 of the year preceding the filing of your registration statement. (For example, if the registration statement is filed any time during 2015, please report information for the period January 2013 through December 2014.)

### SECTION II

**Reporting Requirement: All attorneys, whether resident or non-resident, active or retired (including exempt filers described below), MUST file this anonymous form to complete their registration.**

**Exempt Filers:** If you are "retired" from the practice of law as defined in 22 NYCRR §118.1(g), or employed by an organization primarily engaged in the provision of pro bono legal services (for example, a legal services agency, legal aid society, defenders organization, or similar group), the Administrative Board of the Courts has determined that you are exempt from this mandatory reporting requirement. You may simply check the "Exempt" box and return the form without further information. However, even if you check "Exempt", you may voluntarily choose to report your pro bono service and complete the remainder of the form.

### SECTION III

**Background Questions:** This section requires reporting of general, anonymous background information required for data analysis.

If you don't know the Judicial District in which your principal place of business is located, a list of judicial districts by county is set forth at [www.nycourts.gov/attorneys/probono](http://www.nycourts.gov/attorneys/probono).

### SECTION IV

**Rule 6.1 Pro Bono Legal Services and Charitable Contributions:**

This section requires reporting of a narrow category of legal services to the poor,

and contributions to legal organizations serving the poor. The reporting of this information is **mandatory** except for exempt filers.

**Legal Services:** You should report hours of pro bono services if they were performed without charge and were:

-**legal services**, in civil matters, and in those criminal matters for which the government is not obliged to provide funds for legal representation, provided directly to persons who were financially unable to compensate counsel; or  
-**legal services** related to improving the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons; or  
-**legal services** provided to charitable, religious, civic and educational organizations in matters designed primarily to address the needs of poor persons.

**Financial Contributions:** You should report financial contributions if they were made to organizations

-**primarily** engaged in legal services to the poor; or  
-**substantially** engaged in the provision of legal services to the poor, provided that the donated funds were to be used for the provision of such legal services.

*A further discussion of these issues may be found at [www.nycourts.gov/attorneys/probono](http://www.nycourts.gov/attorneys/probono).*

### SECTION V

**Other Pro Bono Services and Charitable Contributions – Both Legal and Non-Legal:** This section provides the opportunity to report pro bono services and charitable contributions **NOT** reported in Section IV, without categorical limitation. While such reporting is strongly encouraged in order to provide a description of the full scope of charitable endeavors of New York attorneys, **filers may, at their option, decline to report some or all of the information requested. The section has three parts.**

**a. Voluntary Services:** You may report the total number of hours of **voluntary and unpaid public, community, or charitable service** provided to any person, institution or cause (excluding service already reported in Section IV). Such service may be legal or non-legal in nature. Voluntary legal services include, but are not limited to, unpaid volunteer work of a legal nature on not-for-profit boards and for bar associations, and voluntary mediation or arbitration. Voluntary non-legal services include, but are not limited to, service on not-for-profit boards and for bar associations, voluntary work for charitable organizations such as soup kitchens, and similar activities.

**b. Legal Services at a reduced rate:** You may report the total number of hours of legal services that you provided at a rate substantially below your normal billing rate, **pro bono publico**. For these purposes, "substantially below" means a rate at least 40% below a usual billing rate: but individual filers may apply a more or less restrictive definition. Fees that were intended to be billed and collected, but were written off as uncollectible, should not be included.

**c. Financial Contributions:** You may report the total of all charitable contributions made to any institution, person or cause (excluding those reported in Section IV).

### SECTION VI

**Comments and Further Details:** You may (but are not required to) provide further details of the service and contributions reported above. For example, you may wish to provide a more exact amount of section 6.1 contributions, or a brief description of your voluntary services.

OCA/DAS-231 Exhibit C Data Layout

A pipe | delimited file, with 16 fields

Title	Section	Note	Values
reporting start year	I.a.	Four digit year starting with 20 or 0	YYYY
reporting end year	I.b.	Four digit year starting with 20 or 0	YYYY
reporting required	II.a.	T if selected or empty	T
reporting exempt	II.b.	T if selected or empty	T
age group	III.a.	one value or empty	under 35
			35-44
			45-54
			55-65
			over 65
years admitted	III.b.	one value or empty	5 or fewer
			6-10
			11-15
			16-20
			over 20
employment	III.c.	one value or empty	Private Law Firm Practice
			Not-for-profit Sector (legal)
			Corporate In-house Counsel
			Non-legal Occupation
			Law School Faculty
			Not Employed
			Government (legal)
Other			
employment other	III.c.	max 255 string if other or empty	A-Z a-z 0-9 ! @ # \$ % & * ( ) _ + - = [ ] \ / ; : ' " , .
location	III.d.	one value or empty	Bronx
			Brooklyn
			Manhattan
			Queens
			Richmond
			Long Island
			3rd JD
			4th JD
			5th JD
			6th JD
			7th JD
			8th JD
			9th JD
			Outside NYS
Outside USA			
firm size	III.e.	one value or empty	1 (solo)
			2-10
			11-40
			41-100
			101-200
			over 200
			NA
unpaid legal services	IV.a.	max four digit number	####
legal service funds	IV.b.	one value or empty	\$0

			\$1-250
			\$251-750
			\$751-2000
			\$2001-5000
			\$5001-25000
			over \$25000
unpaid other legal services	V.a.	max four digit number	####
legal services	V.b.	max four digit number	####
charitable funds	V.c.	one value or empty	\$0
			\$1-250
			\$251-750
			\$751-2000
			\$2001-5000
			\$5001-25000
over \$25000			
file name		scanned pdf file name - string	

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