**STATE OF MAINE**

**Judicial Branch**

*Office of Transcript Operations*



**RFP# 202402053**

**Transcription Services**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Connor Smith **Title:** Procurement Manager  **Contact Information:** connor.smith@courts.maine.gov |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** March 22, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** April 4, 2024, no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to:* [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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PUBLIC NOTICE

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**State of Maine**

**Judicial Branch**

**RFP# 202402053**

**Transcription Services**

The State of Maine Judicial Branch, Office of Transcript Operations, is seeking proposals for transcription services in the production of transcripts from electronic recordings of official court proceedings.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on 4 April, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | State of Maine Judicial Branch, Office of Transcript Operations |
| **FTR** | For The Record® (FTR) Gold software program (versions 5.6, 5.7, and 6.2) |
| **MCILS** | Maine Commission on Indigent Legal Services |
| **MJB** | State of Maine Judicial Branch |
| **OTO** | Office of Transcript Operations |
| **RFP** | Request for Proposal |
| **State** | State of Maine |

**State of Maine – Judicial Branch**

*Office of Transcript Operations*

**RFP# 202402053**

**Transcription Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The State of Maine Judicial Branch (MJB), Office of Transcript Operations (OTO), is seeking proposals to provide transcription services as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected, and the contractual terms which will govern the relationship between the MJB and the awarded Bidder.

The MJB’s mission is to administer justice by providing a safe, accessible, efficient, and impartial system of dispute resolution that services the public interest, protects individual rights, and instills respect for the law. As part of this mission, the Maine state courts record official court proceedings electronically and authorize the transcription of those hearings, aiding in the protection of the rights of litigants. Information about the MJB can be found on the MJB website at <http://www.courts.maine.gov>.

The MJB uses the For The Record® (FTR) Gold software program (versions 5.6, 5.7, and 6.2) operated on a PC platform to preserve trial court records, although a small percentage of cases are reported by an official court reporter. Peripheral items such as sound mixers, microphones, assistive listening devices, interpreter equipment, and time clocks are connected to the digital electronic recording system in each of Maine’s 90+ courtrooms. All digital electronic recording systems are networked and accessed by OTO staff physically located in Bangor, ME.

In calendar year 2022, the MJB authorized the production and sale of over 84,000 transcript pages, with approximately 35,000 of those pages being paid for by the Maine Commission on Indigent Legal Services (MCILS), a public sector government agency. These figures can vary but are generally consistent from year to year. Additionally, customers were provided with over 29,000 pages of copies of previously produced transcripts.

1. **General Provisions**
   1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
   2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
   3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
   4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
   5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
   6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
   7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
   8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
   9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for three (3) renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The term of the anticipated contract, resulting from the RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | July 1, 2024 | June 30, 2025 |
| Renewal Period #1 | July 1, 2025 | June 30, 2026 |
| Renewal Period #2 | July 1, 2026 | June 30, 2027 |
| Renewal Period #3 | July 1, 2027 | June 30, 2029 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

**A. Overview**

Maine’s trial courts record all proceedings occurring in each of its 90+ courtrooms across the state. All courtrooms are equipped with digital electronic recording equipment for use when court reporters are not available or not assigned. All of Maine’s courtrooms use For The Record® (FTR) digital recording software. Until 2015, the MJB used analog recording systems, and there remain a number of cases recorded on cassette tape that require conversion to digital format prior to transcription. If needed, the MJB will assume responsibility for any conversions of analog to digital audio and will send the selected Bidder an electronic copy of the audio.

**B. Description of Audio File Transfer Process**

The OTO will upload and electronically send audio to the selected Bidder in either digital FTR, mp3, or other digital format.

No minimum or maximum volume of business will be guaranteed by an awarded contract or a work order. Work volume will be determined by the number of transcripts needed and by the services and quality of the performance provided by the selected Bidder.

**C. Quality of Product**

Because these court transcripts are used for legal proceedings, accuracy is of critical importance. It is expected that each transcript will be proofread and corrected, as necessary, to ensure accuracy. Each transcript must be certified as a true copy prepared from the verbatim recording and signed by the transcriber.

Transcripts must conform to the formatting and content standards set forth in the *Transcript Style Guide (Attachment A).*

**D. Record Retention**

Bidders must maintain an electronic copy of produced transcripts for at least ten (10) years from production date, which is the current retention schedule for such transcripts.

**E. Turnaround Time Required for Transcription Services**

As established by court rule or statute, there are typical deadlines for the completion of transcripts that the parties must comply with. Timelines are calculated in calendar days and from the date that audio is uploaded to the vendor. Standard delivery of transcript is fourteen (14) days. The demands of Maine courts currently average twenty-five (25) transcript requests and roughly 2,000 pages per week.

The cost of the transcript, any additional copies, plus all related charges must be itemized on each invoice to the customer. Pricing is determined from the date of audio transfer to the vendor.

**F. Transcript Delivery Process**

Secure delivery of the media and transcript is vital. The MJB requires that transcripts be electronically sent to a printer near the Maine Supreme Judicial Court and that the printer deliver hard copy of the transcripts, in Tahoma font and in a condensed format (4 pages per page). The Maine Supreme Judicial Court is physically located in the Cumberland County Courthouse in Portland, ME. The current printer that is used for this purpose is Curry Printing, 10 City Center, Portland, ME. In 2018, Curry printing printed about 10,000 transcript pages in condensed format for the Maine Supreme Judicial Court.

**G. Access to Justice**

Access to justice is critical to our court system. The Maine Commission on Indigent Legal Services (MCILS) is the state agency responsible for handling cases where defendants have limited financial resources. The court makes the determination of when a transcript is to be paid for by MCILS. The selected Bidder must reduce the amount invoiced to MCILS by 5% less than costs charged to other private and government agency paid cases. This deduction should be clearly reflected as a line item on each invoice sent to MCILS. This year there were approximately 35,000 pages paid by MCILS. This number may vary, however, is generally quite consistent.

**H. Customer Relations and Service**

* 1. **Requests**

Transcriptrequests come from two primary sources: the requesting parties and government entities. Requests will generally be made through court clerks’ offices, who forward the request to the OTO. However, the OTO requires the selected Bidder to have an internet site that customers seeking a Maine transcript can utilize. OTO will transfer orders and audio to the selected Bidder who will then assign the work to a transcriber, generate an estimate for payment for the requestor, and continue to work with the customer until the transcript is sent to them.

In most instances, government agencies will request transcripts and will be responsible for payment.

* 1. **Payment for Transcripts**

Selected Bidder shall have no recourse against the MJB for payments due from a party or other government entity and shall be responsible for limiting its exposure to non-payment.

For government entities, the selected Bidder must prepare an invoice in a format agreed to by the entity and the OTO.

* 1. **Processing Transcript Requests**

The OTO will electronically send the audio after receiving such notification.

The case materials will consist of the audio recording, and may include associated log notes, docket records, and any other relevant materials needed for the production of the transcript. The OTO will provide selected Bidder with a list of commonly used court, judge, and county names, specific to Maine.

* 1. **Format of Transcript**

The transcript shall be prepared in the format that is outlined inthe *Transcription Style Guide, Attachment A,* to include, but not be limited to, line and word spacing, number of lines per page, margins, font, etc. Deviations from this format will not be accepted.

* 1. **Process for Registering Complaints Regarding Transcript Quality**

Selected Bidder must have a detailed process of handling transcript quality complaints.

* 1. **Ownership**

All tapes, compact discs, log notes, completed transcripts and any other materials related to the case, including electronic versions of those items, are the property of the MJB. Selected Bidder is not authorized to sell or distribute any part of the case or the transcript without prior written authorization from the OTO.

* 1. **Data and Reporting**

1. The selected Bidder shall maintain a record of all monies for cases it processes and make this information available to the MJB in a useable and sortable format to be agreed to by the OTO. The selected Bidder will maintain the following information on all cases:
   * 1. The date that a request for a transcript or a copy (either media or transcript) is made including the identity (docket number and case caption) of the case, the case type and the court;
     2. The name of the person/entity requesting a transcript;
     3. The date that a request is made to the OTO;
     4. The date the media is received by the vendor;
     5. The name of the transcriber;
     6. Page rate and transcript length;
     7. Amount of deposit received;
     8. Date deposit is received;
     9. The date transcribed;
     10. The number of pages transcribed;
     11. Final cost of transcript;
     12. The date and delivery method by which the transcript is sent to the requesting party/entity;
     13. The date that the transcript is sent to the Supreme Court and/or the OTO;
     14. The total pages produced for the year, broken down by agency, turnaround times, costs per group, and/or any other details required by the OTO.
2. The selected Bidder must report monthly, and annually, the following information in an Excel report due the 1st day of each month:
   * 1. The total number of transcript pages produced for the previous month, by client type (public agency or private client), with costs for each public agency or by private client (cumulatively);
     2. The total number of transcript copies sold for the previous month, by client type (public agency or private client), with costs for each public agency or by private client (cumulatively).
     3. The total number of transcript requests received for the previous month, whether they have been paid for or not.
   1. Indigent Cases

In cases where the court has determined that the requesting party is indigent, the transcript request will indicate that the payment is to be made by the Maine Commission on Indigent Legal Services (MCILS). In these instances, a transcript will be prepared based on the court’s representation that the MCILS will pay for the transcript after it has been produced. MCILS will provide payment.

**I. Minimum Requirements for Transcription Services**.

1. Equipment and software for transcription of multi-track electronic, digital records using FTR Gold software, including computer equipment and software, footswitch, powered speakers and/or headphones.
2. Ability to comply with format and content standards and the *Transcription Style Guide, located in Attachment A*.
3. Established quality control procedures for producing nearly zero inaudibles/indiscernables.
4. Established procedures for reviewing and comparing transcripts with audio and producing and filing errata sheets as necessary.
5. Maintain regular business office hours (i.e. 8am-4:30 pm EST), with telephone and e-mail access and timely response time to both customers requesting services and OTO staff.
6. Established and reliable media upload and transcript delivery processes.
7. Established billing and collection system.
8. Established system to report required information.
9. Established and demonstrated focus on providing customer service.
10. Sufficient administrative staff and transcript production staff to produce 2,000 transcript pages per week for the MJB.
11. Selected Bidder will be required to sign confidentiality agreements.
    1. For an out of state selected Bidder they must have a valid Certificate of Authority, as required by Maine law, 31 M.R.S. § 1412, Application for Certificate of Authority to Transact Business. The form for applying for a Certificate of Authority can be acquired through the Maine Secretary of State's website at: <http://www.maine.gov/sos/cec/corp/formsnew/mbca12.PDF>
    2. This requirement may be satisfied by applying for a Certificate of Authority immediately upon signing a contract to provide the services called for in this RFP.

**J. Minimum Qualifications for Transcribers.**

Selected Bidder must certify that its transcribers meet all of the following minimum qualifications:

1. Certification through the American Association of Electronic Reporters, or demonstrated equivalent. Bidder shall explain the minimum qualifications for transcribers. We reserve the right to require background checks for any and all employees.
2. A high school graduate, GED certificate, or equivalent.
3. No record of felony convictions or pending criminal charges.
4. No outstanding fines, fees, court costs, or other financial obligations to the Maine courts.
5. Agreement to maintain as confidential any transcripts produced of confidential court proceedings. Successful Bidder will be required to sign nondisclosure and confidentiality agreements.
6. The ability to understand court procedures, legal documents, laws, legal factors pertaining to the court system. Knowledge of court process and legal terminology preferred. The ability to research State specific information.

**K. Demonstrate Capacity to Accept Audio Files from OTO**

Once the evaluation process is complete, the top scoring Bidder must demonstrate their ability to receive audio from the Office of Transcript Operations (OTO) in the FTR Gold format. Bidder must provide a link to the OTO and coordinate the upload of the audio with the OTO directly. Bidder will have 72 hours to produce this transcript and send it to the OTO both electronically, and in a paper format. The quality of the transcript will be judged based on the following factors, including, but not limited to accuracy, reflection of the actual audio content and basic case information that is provided, spelling, and grammar. Bidders will receive basic case information along with the audio for optimal transcription. The Bidder is responsible for Bidder’s ability to receive the audio.

Please note: The MJB reserves the right to reject the top scoring Bidder if they are unable to obtain the audio from the OTO and/or deliver audio or transcript materials in a manner acceptable to the MJB and/or that does not meet with the requested RFP standards. If this is the case, OTO will then give the second top scoring Bidder the opportunity to demonstrate capacity to accept audio files from OTO and so forth until the evaluation team is able to determine the final award.

**PART III KEY RFP EVENTS**

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties should use **Appendix**  **F**(Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
      1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
         1. Proposal submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202402053 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I.

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability**

Bidders must provide the following information for each of the past three tax years:

* + 1. Balance Sheets
    2. Income (Profit/Loss) Statements
  1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. Display the work plan in a timeline chart. Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the period starting July 1 2024 and ending on June 30 2025.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Sample Transcript (10 points)**

Includes all elements addressed in Appendix C- Bidder Response Template, Section I.

**Section II. Organization Qualifications, Experience and Staffing (20 points)**

Includes all elements addressed in Appendix C- Bidder Response Template, Section II.

**Section III. Proposed Production Services (20 points)**

Includes all elements addressed in Appendix C- Bidder Response Template, Section III.

**Section IV. Quality Assurance Protocol (25 points)**

Includes all elements addressed in Appendix C- Bidder Response Template, Section IV.

**Section V. Cost Proposal (25 points)**

Includes all elements addressed in Appendix D- Bidder Response Template, Section V.

* 1. **Scoring Process:** The review team will use a consensus approach to evaluate and score Sections I II, III, and IV above. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Section V, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal 1 Day turnaround / Cost of proposal being scored) x 5 = pro-rated score

(Lowest submitted cost proposal 3 Day turnaround / Cost of proposal being scored) x 5 = pro-rated score

(Lowest submitted cost proposal 7 Day turnaround / Cost of proposal being scored) x 5 = pro-rated score

(Lowest submitted cost proposal 14 Day turnaround / Cost of proposal being scored) x 5 = pro-rated score

(Lowest submitted cost proposal 30 Day turnaround / Cost of proposal being scored) x 5 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. The MJB reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
   1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
  2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.

1. **Standard State Contract Provisions**
   1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Sample Evaluation Score Sheet

**Appendix F** – Submitted Questions Form

**Attachment A** – Transcription Style Guide

**APPENDIX A**

**State of Maine**

**Judicial Branch**

**PROPOSAL COVER PAGE**

**RFP# 202402053**

**Transcription Services**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | |
| **Chief Executive - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |
| ***(Provide information requested below if different from above)*** | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Judicial Branch**

**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**

**RFP# 202402053**

**Transcription Services**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Judicial Branch**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202402053**

**Transcription Services**

**Bidders must submit proposals in accordance with “Appendix C– Bidder Response Template”. The Bidder’s proposal should sequentially follow each section found in Appendix C and Bidder must answer each question that is asked in each section, as well as respond to all information sought. The MJB reserves the right to reject bids that do not follow this required formatting of the Bidder’s proposal. All bids must address the following:**

**Section I Sample Transcript**

1. **Description of Sample Transcript Requirements**

Bidder will submit a sample transcript, with its accompanying audio in MP4. This transcript will be evaluated for its quality and should be from a courtroom hearing and not greater than 60 pages in length. Audio used to produce the sample transcript must have been recorded in 2019.

**Section II Organization, Qualifications, Experience and Staffing**

1. **Overview of the Organization – Respond to each request for information, or question, by restating the question along with your organization’s response.**
2. Present a brief statement of qualifications and short summary of relevant experience, with emphasis on experience producing transcripts for courts. Provide an organizational chart of leadership team. The organization chart must include the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions and the Staffing Plan provided.
3. Describe in detail the organizations standard transcript preparation process to be used, including quality control measures currently used.
4. Clarify whether transcribers and proofreaders are employees or subcontractors and identify the number of transcribers and proofreaders that are resources to the organization for the purpose of producing transcripts.

1. Identify the number of staff that will be assigned to the area of customer service, both to provide service to the OTO and also to serve those ordering transcripts.

1. Describe the number of IT staff available to your organization and their experience related to the production of transcripts, especially in the area of web services.
2. Clarify the location of the corporate headquarters and describe the current or proposed location where services will be provided or from which the contract will be managed. If transcripts are to be produced outside of the United States, please note the location reason why this is necessary.
3. Include any applicable national certifications that transcribes, proof readers, and other relevant staff possess.
4. Attach a certificate of insurance on a standard Acord form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with this contract.
5. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. Include similar information for any subcontractors.
6. Provide references from five (5) organizations that your organization has produced transcripts for within the past five years that reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of this RFP. For each of the five examples provided, a named reference from the client organization involved should be listed, along with that person’s telephone number. Strong preference will be given to Bidders who provide references from a court setting. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder. Poor references, or references not from a court setting, may disqualify Bidder(s) from consideration.
7. If the Bidder has not provided transcript services for courts, note this, and describe experience with projects that highlight the Bidder’s general capabilities.
8. Attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which Bidder paid the claimant either as part of a settlement or by decree. For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome. If no litigation will be included, write “none” on submitted attachment.
9. Questions - Respond to each request for information, or question, by restating the question along with your organization’s response.
10. Bidders must state whether they have sufficient staffing to assign to transcripts from the MJB and meet the demands of Maine courts – averaging 25 transcript requests and roughly 2,000 pages per week.
11. Describe your dispute resolution process to address customer concerns raised about timeliness or accuracy of transcription services.
12. Bidders must provide the hours of operation available for customer service for both paying customers as well as the Bidders staffing and customer service (i.e., answer questions, provide documents, troubleshoot and resolve problems, etc.) to the OTO.

**Section III Proposed Production Services**

1. **Respond to each request for information, or question, by restating the question along with your organization’s response.**
2. Bidder must provide a summary of their standard transcript production process describing how the transcriber receives the electronic file and produces all or part of the transcript; whether one transcriber produces the entire transcript or whether teams of transcribers may be used; a description of how the final transcript is reviewed and put together; a description of the tracking system used to ensure transcripts are produced within timeframes ordered by the customer; and how the final transcript is delivered to the customer and OTO.
3. Please state whether your organization currently has website for customers to use to request a transcript. If you currently do not have a website for customers to order a transcript, please provide an explanation of how you will build one if for use on July 1, 2019 should your organization be selected to provide transcription services for the MJB.
4. Please describe how your organization would be set up to electronically receive FTR files from the OTO.
5. Bidders must indicate whether they are able to support and transcribe audio from the FTR Gold software, versions 5.6, 5.7, and 6.2 and state their capacity to receive audio via a secure electronic transfer.
6. Bidders must include specific technical details regarding the maximum file transfer rate of their system and the maximum file size they can handle.
7. Confirm that Bidder can deliver the media and transcript PDF copies of transcripts electronically and securely.
8. Bidders must describe the organization’s experience in production of accurate court transcripts (e.g., 98% or higher rate of accuracy).
9. Bidders must state their ability to retain an electronic copy of produced transcripts for at least ten (10) years from production date.
10. Bidder will describe how they would be staffed, as well as their process, to produce a transcript if they were asked to produce a transcript in twenty-four (24) hours after receiving six (6) hours of audio.
11. Bidder shall propose a method by which transcript requests will be received and tracked, including provisions to accommodate requests made by those without Internet access and/or email service.
12. Bidder must affirmatively state that they understand and can comply with electronically notifying the OTO,within one business day of receipt that a customer’s deposit has been received and will request that the appropriate audio be sent.
13. Bidder will verify its ability to provide a range of transcription turnaround times, including: 1-day, 3-days, 7-days, 14-days, 21-days, and 30-days*.*
14. If Bidder has other services or timelines that they are able to provide, Bidder should reference those as well.
15. Bidder must confirm they have the ability to deliver transcripts in the following formats: condensed transcripts (4 pages per 8.5 x 11 page).
16. Bidder must confirm that they can comply with the formatting and content standards set forth in the *Transcript Style Guide (Attachment A)*, and Bidder must indicate its ability to adhere to these standards.
17. Bidder will state whether their organization has the ability to keep the following basic statistics and/or information as the OTO may request or require:
    1. The date that a request for a transcript or a copy (either media or transcript) is made including the identity (docket number and case caption) of the case, the case type and the court;
    2. The name of the person/entity requesting a transcript;
    3. The date that a request is made to the OTO;
    4. The date the media is received by the vendor;
    5. The name of the transcriber;
    6. Page rate and transcript length;
    7. Amount of deposit received;
    8. Date deposit is received;
    9. The date transcribed;
    10. The number of pages transcribed;
    11. Final cost of transcript;
    12. The date and delivery method by which the transcript is sent to the requesting party/entity;
    13. The date that the transcript is sent to the Supreme Court and/or the OTO;
    14. The total pages produced for the year, broken down by agency, turnaround times, costs per group and/or any other details required by the OTO.
18. Please confirm that Bidder will be able to report monthly, and annually, the following information in an Excel report due the 1st day of each month:
19. The total number of transcript pages produced for the previous month, by client type (public agency or private client), with costs for each public agency or by private client (cumulatively);
20. The total number of transcript copies sold for the previous month, by client type (public agency or private client), with costs for each public agency or by private client (cumulatively).
21. The total number of transcript requests for the previous month, whether they have been paid for or not.
22. Bidders must describe the work processes and resources they possess to be able to produce a transcript in 1-day or 3-days.

**Section IV Quality Assurance Protocol**

1. Bidder will provide the MJB with the detailed procedures they propose to follow to ensure that transcripts are of high quality and that they accurately reflect audio and case information that is provided. Respond to each request for information, or question, by restating the question along with your organization’s response.

This protocol includes:

1. A declaration of the guaranteed transcript accuracy rate (including a straightforward definition of how that rate is determined);
2. Describes how the Bidder will ensure that the transcript includes properly researched local information (i.e., city, county, and river names, local landmarks, etc.) and ensures that spelling and grammar are correct;
3. Describe the role of the proofreader in your organization and how the proofreader ensures the transcript is accurate;
4. How much effort is put into understanding the audio before an indiscernible or inaudible is assigned to a piece of the audio?
5. Please share the quality control procedures your organization uses.
6. Bidder shall describe their process to address customer concerns regarding the quality of transcripts, errors and/or to register disputes with content of transcripts.

**APPENDIX D**

**State of Maine**

**Judicial Branch**

**COST PROPOSAL FORM**

**RFP# 202402053**

**Transcription Services**

1. **General Instructions**
2. The bidder must submit a cost proposal that covers the entire period of the contract, including any optional renewal periods. Please use the expected contract start date of July 1, 2024 and an end date of June 30, 2029 in preparing this section.
3. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
4. No costs related to the preparation of the proposal for this RFP or to the negotiation of the contract with the MJB may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
5. The Bidder should fill out the details below, following the instructions detailed here. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the MJB.
6. All pricing proposals shall be submitted here as part of Appendix D.
7. **Cost Proposal Instructions**

Bidders to provide a cost per a page rate for the items detailed in the table below based on the scope of services provided in Part II of this RFP. For the narrative questions, please answer each with as much detail as possible by restating the question and providing response immediately thereafter.

|  |  |  |
| --- | --- | --- |
| **ITEM** | **Service Order Type** | **Cost Per Page Rate** |
| **1** | **1-Calendar Day Turnaround** | **$** |
| **2** | **3-Calendar Day Turnaround** | **$** |
| **3** | **7-Calendar Day Turnaround** | **$** |
| **4** | **14-Calendar Day Turnaround** | **$** |
| **6** | **30-Calendar Day Turnaround** | **$** |

1. What is the per page cost of copies of transcripts?
2. The MJB requires that transcripts be printed by a printer near the Maine Supreme Judicial Court and that the printer deliver the transcripts, in Tahoma font and in a condensed format (4 pages per page). Bidder must affirmatively state that they understand this requirement and agree to pay all costs associated with the printing of transcripts for the Maine Supreme Judicial Court.
3. Bidder shall affirmatively state that they will allow Maine government entities to receive post-production invoicing.
4. The Bidder must affirmatively state in their bid that they will reduce the amount invoiced to MCILS by 2% less than costs charged to other private and government agency paid cases.
5. Bidder shall propose methods by which payments for transcripts may be made to accommodate those with neither internet access/email access nor a credit card.
6. Bidder must indicate whether or not it will be able to provide a maximum of 25 transcripts requested by the OTO for use by Maine judges. These transcripts must be produced in 7-days, but invoiced at the 30-day rate.
7. Bidder will agree that all materials, electronic or otherwise, belong to the Maine Judicial Branch and may not be sold without its express permission.

**APPENDIX E**

**State of Maine**

**Judicial Branch**

**SAMPLE EVALUATION SCORE SHEET**

**RFP#202402053**

**Transcription Services**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Bidder Name:** |  | | | | **POINTS** |
| **Sample Transcript**  **Maximum potential points: 10**  Includes all elements addressed in Appendix C- Bidder Response Template, Section I. | | | | | |
| Maximum total points: 10 | | | | Quality of sample transcript provided. |  |
| **Organization Qualifications, Experience and Staffing**  **Maximum Potential Points: 20**  Includes all elements addressed in Appendix C- Bidder Response Template, Section II. | | | | | |
| Maximum total points: 8 | | | | Overview of the organization. |  |
| Maximum total points: 3 | | | | Organization’s staffing capacity. |  |
| Maximum total points: 3 | | | | Organization’s dispute resolution process. |  |
| Maximum total points: 3 | | | | Organization’s hours of operations. |  |
| Maximum total points: 3 | | | | Organization’s website. |  |
| **Proposed Production Services**  **Maximum Potential Points: 20**  Includes all elements addressed in Appendix C- Bidder Response Template, Section III. | | | | | |
| Maximum total points: 20 | | | Organization responses to each request for information listed in Section III- Proposed Production Services. | |  |
| **Quality Assurance Protocol**  **Maximum Potential Points: (25)**  Includes all elements addressed in Appendix C- Bidder Response Template, Section IV. | | | | | |
| Maximum total points: 25 | | | | Organization procedures to ensure that transcripts are of high quality and accurately reflect audio and case information that is provided. |  |
| **Cost Proposal**  **Maximum Potential Points: (25)**  Includes all elements addressed in Appendix D- Bidder Response Template, Section V. | | | | | |
| Maximum total points: 5 | | Cost per page for 30-day turnaround. | | |  |
| Maximum total points: 5 | | Cost per page for 14-day turnaround. | | |  |
| Maximum total points: 5 | | Cost per page for 7-day turnaround. | | |  |
| Maximum total points: 5 | | Cost per page for 3-day turnaround | | |  |
| Maximum total points: 5 | | Cost per page for 1-day turnaround | | |  |
| **Total Score: Maximum Potential Points: 100** | | | | |  |

**APPENDIX F**

**State of Maine**

**Judicial Branch**

**SUBMITTED QUESTIONS FORM**

**RFP# 202402053**

**Transcription Services**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
|  |  |
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**ATTACHMENT A**

**TRANSCRIPTION STYLE GUIDE**

**PAPER**

The format standards for paper transcripts (or electronic transcripts that will be printed for court use) incorporate government standards for archival materials, as well as assure that all transcripts produced for the Maine Judicial Branch are produced on the same basis.

* Size - Paper size is to be 8 ½ x 11 inches.
* Type - The paper for both originals and copies are to be of chemical wood or better quality.
* Color - White paper is to be used for both originals and copies.

**INK COLOR**

Black ink is to be used for both originals and copies.

**PREPRINTED MARGINAL LINES**

The use of pre-printed solid left and right marginal lines is required. The use of pre-printed top and bottom marginal lines is required. All pre-printed lines must be placed on the page so that text actually begins 1.750 inches from the left side of the page and ends 0.7 inches from the right side of the page.

**LINE NUMBERS**

Each page of transcription is to bear numbers indicating the line of transcription on the page.

**TYPING**

* Type Size - The letter character size is to be 12 letters per inch, in Courier font. This provides for approximately 63 characters to each line. (Type should be letter quality)
* Numbers of Lines per Page - Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription, but must be numbered to line 25. Page numbers or notations cannot be considered as part of the count of text lines.
* Margins - Typing is to begin on each page at the 1.750-inch left margin and continue to the 0.7 inches right margin.
* Spacing - Lines of transcript text are to be double-spaced.
* Accuracy – The accuracy of spelling, identification of parties, punctuation, and the restatement of the in-court record must be 98% correct from any *objective* viewpoint.
* Speaker Identification – Speakers should be identified by their full name upon their first appearance in a transcript and thereafter by Mr. “Smith” or Ms. “Smith.” Clarification as to speakers shall follow the examples indicated.

Examples:

* + - * John A. Smith, Esq. first appearance then becomes Mr. Smith
      * If there are two parties with the same last name the transcript shall clarify throughout Mr. J. Smith versus Mr. R. Smith.
      * Unidentified Speakers shall be identified by “Unidentified Speaker A,” “Unidentified Speaker B,” etc., if more than one unidentified speaker appears in a transcript.
* Indentations
  + - * **Q and A** 
        + All "Q" and "A" designations shall begin at the left margin without a period following the letter.
        + The statement following the "Q" and "A" shall begin five spaces from the Q and A and shall remain indented.

Example:

Q Please explain to the Court what happened the night of May 15.

A I was walking to work when a car raced past me and hit a tree.

It was moving really fast!

Q Did you see anyone get out of the car?

A Yes, my neighbor’s son, Adam.

His head was bleeding from the crash.

**Lead-ins**

The lead-in for the direct, cross, redirect and recross examination shall be indented as with text.

Example:

Q Please explain to the court what happened the night of May 15.

A I was walking to work when a car raced past me and hit a tree.

CROSS EXAMINATION BY MR. SMITH

Q Isn’t it true that you were actually driving the car

and that you were not, in fact, walking?

A No, I was walking! My friend was with me. He and

I went to get something to eat and then walked home.

I had to get home because my dog needed to go out. That is how I know what time . of day it was

* + - * **Colloquy** 
        + Speaker identification shall begin on the fifth space from the left margin followed directly by a colon.
        + The statement shall begin on the third space after the colon.
        + Subsequent lines shall begin at the left margin.
* Quotations - Quoted material in Q and A or Colloquy shall use appropriate quotation marks.
* Interruptions of Speech and Simultaneous Discussions –
  + - * + Interruptions of speech shall be denoted by the use of a *double dash* at the point of interruption, and again at the point the speaker resumes speaking.
        + The use of [sic] is not appropriate when dashes are used.
* Punctuation and Spelling - Punctuation and spelling shall be appropriate standard usage. Colloquial usage is not to be used unless as quoted by a speaker.
* Parentheses –
  + - * + Parenthetical notations are marked by parentheses.
        + Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
        + Parentheses are used for customary introductory statements such as call to order of court.
        + Parentheses are also used for indicating non-verbal behavior, pauses, and read back/playback.
* Legibility - The original transcript and each copy are to be legible without any interlineation materially defacing the transcript.

**CONTENT**

* Verbal - Except as noted below, the transcript shall contain *all words and other verbal expressions uttered* during the course of the proceeding.
  + - * **Editing of speech** -
        + The transcript should provide an *accurate* record of words spoken in the course of proceedings. (Verbatim)
        + All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken.
        + In the interest of readability, however, “uhms,” “aahs,” and other verbal tics should not normally be included in the transcripts; such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.
        + The use of “mm-hmm,” “nn-hnn,” or “uh-huh” is accepted as either affirmative or negative answers in transcripts.
      * **Private Communications and Off the Record Conversations** –

Private communications and off the record conversations inadvertently recorded should *not* be included in the transcript.

* + - * **Transcription of Audio/Video Recordings** –
        + Generally, audio/video recordings played in the court are entered as an exhibit in a proceeding.
        + Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed.
      * **Striking of Portions of the Proceeding** –
        + No portion of the proceeding shall be omitted from the record by an order to strike.
        + The material ordered stricken, as well as the order to strike, must all appear in the transcript.
      * **Call to Order, Swearing in, or Affirmation of Witnesses or Jurors** –
        + Standard summary phrases shall be used for customary introductory statements, except for swearing in a witness.
        + These should appear in parentheses and begin with open parentheses on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
        + Swearing in a Witness – There shall be a verbatim transcription of the swearing in of the witness and the witness answer. This shall be followed as in the examples below.

Examples:

* 1. (Audible Witness Response)

MARY WITNESS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS, DIRECT EXAMINATION BY MR. SMITH.

* 1. (Inaudible Witness Response)

MARY WITNESS, TESTIFIED AS FOLLOWS, DIRECT EXAMINATION BY MR. SMITH.

* 1. Please note that inaudible oaths should *not* be indicated as “having been duly sworn.”
     + - **Identification of Speaker** –

All speakers must be properly identified throughout the transcript, initially by their entire name, thereafter by the following designations or courtesy titles, in capital letters indented five spaces from the left margin:

**Speaker Acceptable Identification**

The Judge THE COURT

Attorney MR., MS., OR ATTORNEY + Last Name

Witness THE WITNESS

Interpreter THE INTERPRETER

Defendant THE DEFENDANT

**Non-Verbal - Designation of Portions of Proceedings and Time Occurrence (Parenthetical Notations)**

* + Parenthetical notations in a transcript are an electronic reporter's own words, enclosed in parentheses, recording some action or event.
  + Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings.

Designations requiring a time notation are listed first:

* + - 1. Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)

(Recess at 12:30 p.m., until 1:30 p.m.)

(Proceedings concluded at 4:30 p.m.)

* + - 1. Jury In/Out.

Examples:

(Jury out at 10:35 a.m.)

(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

* + - 1. Bench Conferences. This designation should note whether the bench conference is on or off the record. If all the attorneys in court are not participating in the bench conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)

(Bench conference off the record with Mr. Smith, Mr. Jones and Mrs. Adams)

(Bench conference concluded)

* + - 1. Discussions off the Record. This designation should note where the discussion took place.
      2. Chambers Conferences. This designation should note the presence or absence of parties in chambers.

Examples:

(Off the record Chambers Conference with Mr. Smith and Mr. Jones)

(Chambers Conference with Mr. Smith and Mr. Jones)

* + - 1. Speaker/Event Identification. References to speakers and events that occur throughout proceedings should be properly noted in capital letters, underlined and centered on the appropriate line.

Examples:

DIRECT EXAMINATION

RECROSS EXAMINATION

STATE RESTS

* + - 1. Read back/Playback. All read back and/or playback, should be noted as follows:

(The last question was read/played back)

(The record was replayed)

* + - 1. Indiscernible or Inaudible Speech - There may be times when a word or portion(s) of a hearing are extremely difficult or impossible to hear and you need to designate with (Indiscernible) or (Inaudible).

Procedures for transcribing inaudible speech are as follows:

* + - Listen more than once and try listening at different speeds.
    - Contact the OTO and request assistance with the spelling of names, terms or any missing documents that would be helpful if not provided in the order.
    - Request the assistance of someone at the OTO who can listen to the portion(s) in question.
    - If, after trying above steps the word or words cannot be discerned, indicate the phrase(s) are either (Indiscernible) or (Inaudible).
    - At the completion of the transcript, make certain to fill out the evaluation form attached to the order. This is form is particularly important for assessing any problems the court may be having with equipment or other issues.

**Non-Verbal Behavior, Pauses**

* It is the responsibility of the attorneys as well as the judge in some instances to note for the record any significant nonverbal behavior, i.e. physical gestures, and lengthy pauses on the part of a witness.
* If counsel or the court refers to the witness’s affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

(Nods head up and down)

(Shakes head from side to side)

**TITLE PAGE**

**Contents.**

**See Style Guide, Appendix A** for correct spellings of Maine Justice/Judge/Magistrate Names, Court and County Names and Docket Codes.

Each State of Maine transcript is to include a *properly outlined and correctly spelled* title page containing the following information:

a. County Name;

b. District/Superior Court;

c. Case Name;

d. Docket Number;

e. The judge or justice hearing the case should be referred to as the Honorable (e.g., Honorable John H. Smith). There is no need to refer to the person hearing the case as a judge or justice.

f. Type of proceeding;

g. Date and time of proceeding;

h. Volume number (if multi-volume). Example: Volume I of III;

i. The complete name of each attorney and each party represented;

j. Electronic reporter's name/company (if applicable);

k. Transcriptionist's name, address and telephone number.

**Record of Appearance** - Beginning on the title page the transcriber is to include the complete record of appearances.

**Name of Electronic Recorder** – The name of the recorder should be on the cover page and the heading should be written as “Electronically Recorded by” (e.g., Electronically Recorded by Mary C. Doe).

**Cost** - Transcriptionists may charge for the title page as a full page of the transcript.

**INDEXES**

Each volume is to contain an index page(s), which is to be numbered as the 2nd page in any transcript. If there are multiple index pages, then number consecutively.

* The index page(s) may be charged as a full page of the transcript.
* If the hearing contains no witnesses or exhibits the transcript should start on page two following the cover sheet.

The index shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross-examination, further redirect examination, and the recall of each witness begins. The index shall also indicate on behalf of whom the witness or the witnesses were called, such as "STATE'S WITNESSES," "DEFENDANT'S WITNESSES," etc.

**WITNESS DIRECT CROSS REDIRECT RECROSS**

Jane Doe

(by Mr. Smith) 3 -- 13 --

(by Mr. Jones) -- 10 -- 15

A separate table in the index should indicate the page at which any exhibit was marked for identification, offered and/or received into evidence, and also a brief description of what the exhibit is.

**EXHIBIT MARKED OFFERED ADMITTED**

State’s No. 1

(Photo) 4 5 5

State’s No. 2

(Video) 8 9 \*

\*Not verbally admitted on the record

(NOTE: If the Judge fails to verbally admit the exhibit after being offered it should be noted as such.)

**FIRST PAGE**

The first page of any transcript should have a parenthetical lead-in as seen below.

Example: This matter came for hearing before the Honorable (*Name of Justice*) of the (*Name of County*) Superior Court or the Honorable (*Name of Judge*) of the Maine District Court, (*City*), Maine, on (*Date*).

**NUMBERING**

Pages - The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding. The page number should be placed at the top right corner of the page flush with the right margin above the first line of transcription or at the bottom of the page, centered. The page number shall not count as a line of transcript.

Volumes – Volumes are used when there are one or more dates involved in a proceeding. Each volume is numbered separately and a certification page is provided for each volume. Numbering volumes consecutively is not preferred. For each volume, there shall include a hearing date continued to designation at the end of the transcript and a hearing date continued from designation at the beginning of the next volume until the final volume.

**COVER**

The transcriptionist is to cover at no extra charge the original and each copy of the transcript with *medium dark blue* front and back covers of good quality sulfite paper and heavy weight transparent plastic or similar material as the court approves.

**PUNCHED HOLES**

The transcript shall be punched with three (3) holes in the left margin, to be 4-1/4" center to center, with the middle hole centered in the page.

**CERTIFICATION**

The transcriptionist is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and certification.

* The certification is to appear on the last page of each volume of transcript.
* The word *“Original”* must be stamped on the bottom right corner of the original transcript*.*

Sample Certification:

"I hereby certify, that the foregoing, pages 2 through 20, is a true and accurate transcript of Tape Number 630, Index Numbers 100 through 500, recorded on (date), at the Washington County Superior Court, located in Machias, Maine, in the matter entitled, name of case.

Date

Signature of Transcriptionist

Typed or Printed Name

**COPIES**

Transcript copies may be reproduced by any method of reproduction, which produces black text on white paper. There may be no marking on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party. All copies are to be signed by the transcriptionist. The word “Copy” must be stamped on all copies in the bottom right corner of the transcript.

**LAW COURT APPEALS**

All original transcripts being sent to the Maine Supreme Judicial Court must bear the Law Court Number assigned to the case typed on the title page under the docket number (s). If the form with the Law Court Number is not attached with the order, please call the Law Court at (207) 822-4146 or (207) 822-4242 and the number will be provided.

**BENCH CONFERENCES**

Bench conferences are to be transcribed unless directed by the Court that it is off the record.

**STANDARDS / SPECIFICATIONS OF WORK TO BE PERFORMED**

* The Contractor is to provide proofread, verbatim transcripts, subject to review by the Office of Transcript Production, of District and Superior Court hearings on an as-needed basis.

**NOTE:** Transcript quality and services are expected to meet the standards outlined in the Maine Judicial Branch contract and style guide. Noncompliance with these standards may subject this agreement with the Contractor to be terminated.

* The Contractor is to provide all equipment and supplies for preparation of transcripts.
* The Contractor shall bill in conformance with the approved fee schedule by the Maine Judicial Branch as reflected in the contract per page for the original and one copy.
* The billing information shall include the following information:

1. Name and address of Contractor;
2. A statement indicating that the bill is for transcription services;
3. Case title, docket number and court location;
4. Number of pages, cost per page and total cost.

* Transcripts shall be collated in a binder and include the following:

1. Cover sheet bearing the following: State of Maine, County Seal, type of action, Docket Number, District or Superior Court, followed by the District and Division;
2. Index of witnesses and exhibits, if applicable;
3. The body of the transcript;
4. Certification.

* The Contractor shall provide: either the signed, original, paper transcript and one signed paper copy or a PDF, unless otherwise noted, to the appropriate ordering party, Law Court or appellate court.
* Contractor shall mail all original materials to the Office of Transcript Operations within two weeks of completion of transcript to:

The Office of Transcript Operations

78 Exchange Street, Suite 200

Bangor, ME 04401

* The Contractor shall pay for return postage and ship transcript(s), log sheets and original source audio via UPS or other mail carrier with the ability to track shipments.
* The Office of Transcript Operations shall pay postage or delivery service when shipping original source audio, log sheets and related documents to Contractor, unless another agreement has been made between the OTO and the Contractor.