



RFP C140396 - e-Discovery and Managed Document Review Services			
Question #	RFP Section	Inquiry	Response
1		Can companies from outside the US apply for this?	A vendor who is headquartered outside of the United States may bid on this procurement, and will be eligible for award, if the vendor is authorized to do business in New York State and can perform all of the services being procured within the continental United States.
2		Would we need to come in person for meetings?	Vendor must be available to attend in-person meetings at the Board's location in limited circumstances, as necessary. Specifically, to conduct training sessions (unless vendor has another means of conducting training sessions, which is acceptable to the Board) or to attend depositions, hearings or court appearances relative to eDiscovery and/or productions.
3		Can we perform the tasks (related to RFP) outside USA?	No. All services performed pursuant to a contract resulting from this procurement must be performed within the continental United States.
4	4.1	General Procedures: The response requirements state that bidders should submit both hard copy and soft copies of each section, volume, etc. Given the COVID-19 epidemic, does the WCB still prefer both hard and soft copies, or would WCB be open to receiving responses only in soft copy and transmitted via email?	The Board has determined that it will not require bidders to submit hard copies of their proposals for this procurement. Pursuant to RFP Section 4.1, bullet point #7, "[b]idders must submit one USB thumb drive containing the Cover Letter, Administrative Volume, Technical Volume and Cost Volume." The Cover Letter, Administrative Volume and Technical Volume must be submitted in PDF format; the Cost Volume must include a completed, Microsoft Excel version, of Attachment K. The RFP will be amended to reflect this change.
5		Will you accepting bids from any other e-discovery solutions beside Relativity?	No; please refer to Section 3.1(3), Minimum Bidder Eligibility Requirement #3, which provides that "[b]idder must propose a solution using Relativity software."
6		Is there an incumbent for this RFP or with similar scope of work? If, yes, please list the current contractor and describe the task current contractor is assigned.	Alvarez & Marsal Disputes and Investigations, LLC currently provides Hosted e-Discovery Services for WCB under Contract C140347A. Alvarez & Marsal Disputes and Investigations, LLC currently provides Managed Document Review Services to the WCB under Contract C140395. This new RFP C140396 includes both Hosted eDiscovery Services and Managed Document Review Services; Managed Document Review Services were not included in Contract C140347A because the Board's needs for Managed Document Review Services did not arise until recently.
7		what exactly is needed when stated that "All bidders must be authorized to do business in NYS"	All bidders must be authorized to do business in NYS, meaning bidders must be registered with the New York State Department of State. Their website is https://www.dos.ny.gov/corps/index.html
8	3.2.1.1	General System Requirements: Are the 6 previously-generated workspaces made up of a subset of records from the Master File (8.3 million documents and 3 TB of data)? And do the additional 14 workspaces already exist, or are those future workspaces they may come in over time, and that will require additional documents to be processed and loaded?	The six previously generated workspaces are a subset of records from the Master File which were generated based on agreed upon search terms. The additional (up to 14) workspaces do not yet exist but would consist of a subset of records from the Master File (and any additional uploads from the Board to bring the Master File current).
9	3.2.1.2	Engagement Initiation: For the 3 TB of native files in the Master File that have already been processed, were the files processed using Relativity processing? If so, will the vendor have access to the original processed data (is that in the Master File workspace)?	Yes, the Master File has already been uploaded and processed for use using Relativity 10.1 or higher. The data transfer from the current vendor will include the Master File and the six previously generated workspaces.
10	3.2.1.2	General Data Ingestion: Is the use of Relativity processing mandatory, or would other industry-accepted processing tools be considered for new data loads?	Relativity processing is mandatory; please refer to Section 3.1(3), Minimum Bidder Eligibility Requirement #3, which provides that "[b]idder must propose a solution using Relativity software."

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11	3.2.2	Managed Document Review: Do document reviewers need to be Bar-licensed in New York, or any other US State?	Attorney reviewers do not need to be licensed in New York State; an attorney licensed in any state is sufficient.
12	4.1	General Procedures: The response requirements further states that "Bidder must submit the Cover Letter, administrative Volume, Technical Volume and Cost Volume in separate sealed packages" and "must submit one USB thumb drive containing the Cover Letter, Administrative Volume, Technical Volume and Cost Volume files in a separate sealed and labeled envelope." Can those "separate sealed packages" and "separate sealed and labeled envelope" all be included in one package, or must they be sent in five separate deliveries?	No longer applicable. See Q#4.
13	6.3.3	Security Procedures: The security procedures include fingerprinting. Can you please elaborate on what fingerprint process is required?	Fingerprinting will not be required for this engagement.
14	Attachment I	19 - What type of "daily work product report" would be required? Please describe or provide exemplar.	It is contemplated here that the Board could be provided with a daily work product report detailing the number of documents reviewed in that day and the coding classification (i.e., privileged/not privileged, etc.); as well as each individual reviewers stats (i.e., time logged in, number of edits per hour).
15	Attachment J	54 - Predictive coding Analysis Report: We are familiar with various predictive coding analysis reports that report on metrics, overturn rates, relevant/non-relevant statistics; but can you please explain what you mean by "HOW the predictive coding has determined a set of documents..."	Contractor should be able to validate the results of predicative coding.
16	Attachment J	86 - 87: What forms of Active Directory synchronization does the Board support or require?	The Board does not currently utilize Active Directory Synchronization.
17	Attachment J	107 - Read-only Access to the Database: Is this desired task related to end-users only being able to view records, but not edit, tag, add notes, etc? If not, please describe desired task further.	Yes. Productions to opposing parties should be in read-only format.
18	Attachment K	The "Estimated Volume for 3-year Contract" column seems to represent varying numbers: monthly, annual, etc. Is it correct these numbers do not necessarily represent the volume for the entire 3 year contract duration?	This column is the best estimate of the number of occurrences per Unit of Measure for each item over the 3-year contract term.
19	Attachment K	4.5.2 F4: What is the "Upgrade List" documentation?	Any costs associated with the use of new functions/features in the Relativity Software.
20	Attachment K	4.5.2 G5: What is meant by "advanced review features"? Can you please provide examples?	This section is asking for costs for analytics or for the use of new functions/features in the Relativity Software. Examples would include email threading and technology assisted review.
21	Section 3	Do you envision the entirety of the 3TB to be indexed for analytics? If not, how many GBs or TBs are anticipated to be indexed for analytics?	Yes, the Board anticipates that the entire Master File and any uploads to the same will be indexed for analytics.
22	Section 3	In addition to the 20 review attorneys and two administrators, what is the anticipated total number of users?	No other users are anticipated at this time (except possibly vendor's reviewers).

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23	Section 3	What range of file types are anticipated?	As detailed in Section 3.2.1.1, General System Requirements, the Board's native electronic files consist of data compiled from various Microsoft operating systems and adobe files. Specifically, Microsoft Server 2008 R2 network operating system in a Windows and TCP/IP networked environment; Microsoft Windows 7 desktop operating systems (both 32 and 64 bit); and Microsoft Office 2010 and 2013.
24	Section 4	Will there be any data in languages other than English? If so, what languages?	No. The Board does not anticipate that its productions will include documents in any language other than English.
25	Section 3	On Page 19, "The contract between the WCB and the vendor that hosts the WCB's data on Relativity is expiring, and the WCB is desirous of procuring similar services" - Who is the current incumbent vendor hosting the environment? What migration support will be available from the incumbent?	The current vendor is Alvarez & Marsal Disputes and Investigations, LLC. The documents will be transferred to the new vendor utilizing a Relativity Archive (ARM) which will include, among other things, coding layouts. In the unlikely event that the ARM transfer cannot be completed due to compatibility issues, a full export of documents with the electronic data could be made. A&M would assist with the document transfer, if necessary.
26	Section 3	Are there any specific credentials you are looking for reviewers to have? (i.e. practice area experience, specific bar admission, etc.)	The only specific credentials required are the requirements set forth in Section 3.2.2. Specifically, reviewers should have at least six months experience using Relativity 10.1 or higher and must (1) have graduated from an accredited law school or (2) be a licensed attorney in any state. Additionally, the document reviewers must have the necessary knowledge and expertise to satisfactorily review and analyze the content of each document for relevance and/or privileged content.
27	Section 3	Page 19 states, "The Contractor shall scan, convert, and/or import additional material into the Master File, as requested by the Board." What volume is anticipated for paper and scanning services? Will you require scanning to take place onsite or will remote scanning be acceptable?	The volume will vary on a case-by-case basis. It could consist of productions from opposing parties and/or additional uploads of the Board's electronic information to bring the Master File current. Remote scanning by a subcontractor would be acceptable.
28	Section 1	In light of the COVID-19 pandemic, are there any current plans to revise the timelines in the Calendar of Events?	No.
29	Section 3	As to line 27 and 28, will any oversized scanning need to be in color?	It is possible that the oversized scanning will need to be in color.
30	Section 3	As to line 30, do you require document coding (metadata) for scanned paper documents?	Yes, all documents that are scanned should be able to be uploaded to Relativity, made searchable for document review and coded by reviewers for production.
31	Attachment K - Column D	Can the vendors modify the Unit of Measurement to either per hour or per GB as in our standard billing practice we bill our services either per hour or per GB?	No, all bidders must propose costs using the Unit of Measurement provided for in the Fee Proposal.
32	Attachment K - 'Monthly Hosting' (Question 4.5.2 C 3)	Column F indicates the estimated volume of 360 GB for a 3-year contract. This does not seem to account for the 3TB of data associated with the "Master File" data. Please confirm if the monthly/annual hosting fees of the "Master File" data be incorporated into 4.5.2 A 3 fee or the "Master File" hosting will be billed as part of 4.5.2 C 3?	Hosting fees for the "Master File" should be included under 4.5.2.C 3.
33	General – RFP Process	Will there be a mutual non-disclosure agreement so the RFP materials provided by participants can be kept confidential? Or should participants anticipate that all provided materials will be considered public information?	Please see Section 4.2.2, "Trade Secrets."

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34	3.2.1.2 Functional Requirements	Is the Contractor permitted to partner with (or sub-contract) a managed review provider in order to fulfill the 20 reviewer requirement?	Subcontracting is permitted in accordance with the terms and conditions set forth in the RFP.
35	3.2.1.1 General System Requirements	In which format will the "8.3 million documents and 3TB of data ('Master File') be supplied to the Contractor? For example, is the "Master File" deliverable a Relativity Archive (ARM) or something else (please describe)?	The documents will be transferred to the new vendor utilizing a Relativity Archive (ARM) which will include, among other things, coding layouts. In the unlikely event that the ARM transfer cannot be completed due to compatibility issues, a full export of documents with the electronic data could be provided.
36	Section 2.2.15	Our company can perform all tasks in this RFP without the use of additional subcontractors. If our Minority-owned and Women-owned business participation goal is 0%, will we be disqualified from the RFP for being non-responsive?	Bidders must complete the MWBE Utilization Plan (Form MWBE 100-G, Attachment F to the RFP) and submit the completed form with its proposal. If the Utilization Plan submitted by bidder does not meet the goals established in the RFP, bidder may be required to submit a completed Application for Waiver of MWBE Participation Goals (Form MWBE 101-G). A bidder may choose to submit the application for waiver at the same time it submits its MWBE Utilization Plan. Please contact us at WCBContracts@wcb.ny.gov to request that form.
37	Section 2.2.15	If the WCB does not accept a 0% minority and 0% women-owned business goal, what is the minimum percentage required in order to be considered responsive?	There is no minimum percentage required in order for a bidder's proposal to be deemed responsive. The percentages set forth in the RFP are goals that the WCB set with the expectation that vendors will make good faith efforts to meet the goals. Please see also, the response to Question #36.
38	Section 2.2.15	If the WCB accepts a 0% minority and a 0% women-owned business goal, will our total technical volume weight of 60% automatically be reduced by 10%?	No. Scoring will reflect a weighted technical score for proposed MWBE participation, at no more than 10% of the technical score, or the equivalent of 6 points. Scores will not be reduced due to bidder's failure to meet the stated goals; however, bidder will be ineligible to receive the additional points being awarded for MWBE participation. The RFP does not state how many points will be possible for MWBE participation; however the available points will be the equivalent of no more than 10% of the technical score (6 points).
39	Section 2.2.15, Attachment D	If the WCB accepts a 0% minority and a 0% women-owned business goal, are we required to complete Attachment D, Minority and women-Owned Business Enterprises – Equal Employment Opportunity Policy Statement?	Yes
40	Section 2.2.15, Attachment F	If the WCB accepts a 0% minority and a 0% women-owned business goal, are we required to complete Attachment F - MWBE100G Utilization Plan?	Yes
41	Section 2.2.15	If the WCB accepts a 0% minority and a 0% women-owned business goal, are we still required to provide the quarterly MWBE Contractor Compliance & Payment Report to the WCB?	No.
42	Section 2.2.15	If the WCB accepts a 0% minority and a 0% women-owned business goal, are we still required to document good faith efforts to achieve the MWBE participation goals for the duration of our contract?	If the WCB accepts 0% in a proposal, and the contract resulting from the RFP has 0% as goals, the contractor will not be required to continue to document good faith efforts for the duration of the contract.
43	Attachment D	Do the EEO terms apply to the contractor's workforce, or is this limited to the certified minority and women's business enterprise workforce in relation to the MWBE goal requirement?	The MWBE - EEO Policy Statement (Attachment D) must be completed by the bidder and submitted with the bidder's proposal. The terms contained therein apply to bidder in terms of its hiring of employees or subcontractors to perform services related to the state contract.
44	Attachment D	Our company strongly encourages both minority and female labor force participation, and some of our workforce may choose not to self-identify a minority status. If, as a contractor with a 0% MWBE goal, are we still required to complete this form?	Yes

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45	Section 2.2.16	Our company can perform all tasks in this RFP without the use of additional subcontractors. If our Service-Disabled Veteran-Owned Businesses (SDVOB) business participation goal is 0%, will we be disqualified from the RFP for being non-responsive?	No. Bidders must complete the SDVOB Utilization Plan (Form SDVOB 100, Attachment E to the RFP) and submit the completed form with its proposal. If the Utilization Plan submitted by bidder does not meet the goals established in the RFP, bidder may be required to submit a completed Application for Waiver of SDVOB Participation Goal (Form SDVOB 200). A bidder may choose to submit the application for waiver at the same time it submits its SDVOB Utilization Plan. Please contact us at WCBContracts@wcb.ny.gov to request that form.
46	Section 2.2.16	If the WCB does not accept a 0% Service-Disabled Veteran-Owned Businesses (SDVOB), business goal, what is the minimum percentage required in order to be considered responsive?	There is no minimum percentage required in order for a bidder's proposal to be deemed responsive. The percentage set forth in the RFP is a goal that the WCB set with the expectation that vendors will make good faith efforts to meet the goal. Please see also, the response to Question #45.
47	Section 2.2.16	If the WCB accepts a Service-Disabled Veteran-Owned Businesses (SDVOB) goal of 0%, will our total technical volume weight of 60% automatically be reduced by 10%?	No. Scoring will reflect a weighted technical score for proposed SDVOB participation, at no more than 10% of the technical score, or the equivalent of 6 points. Scores will not be reduced due to bidder's failure to meet the stated goal; however, bidder will be ineligible to receive the additional points being awarded for SDVOB participation. The RFP does not state how many points will be possible for SDVOB participation; however, the available points will be the equivalent of no more than 10% of the technical score (6 points).
48	Section 2.2.16, Attachment E	If the WCB accepts a 0% Service-Disabled Veteran-Owned Businesses (SDVOB) goal, are we required to complete Attachment E - SDVOB 100 Utilization Plan?	Yes.
49	Section 2.2.16	If the WCB accepts a 0% Service-Disabled Veteran-Owned Businesses (SDVOB) goal, are we still required to provide the Monthly SDVOB Contractor Compliance Report to the WCB?	No.
50	Section 2.2.16	If the WCB accepts a 0% Service-Disabled Veteran-Owned Businesses (SDVOB) goal, are we still required to document good faith efforts to achieve the SDVOB participation goals for the duration of our contract?	If the WCB accepts 0% in a proposal, and the contract resulting from the RFP has 0% as goals, the contractor will not be required to continue to document good faith efforts for the duration of the contract.
51	Section 2.2.15	If a MWBE or SDVOB sub-contracting/utilization plan is not a mandatory requirement and a contractor does not need to outsource any services in scope for this RFP, can that contractor request a full waiver regarding this requirement? Can the NYSWCB provide a summary of documents which need to be completed if we are able to request a full waiver for the duration of the contract?	There is no minimum percentage required in order for a bidder's proposal to be deemed responsive. The percentages set forth in the RFP are goals that the WCB set with the expectation that vendors will make good faith efforts to meet the goals. Bidders are required to submit Utilization Plans as referenced in questions 36 & 45 and if more documentation is needed, WCB will reach out as needed.
52	Section 5.1	Please confirm the total percentage of both the technical and the composite score that relates to all diversity requirements.	Scoring will reflect a weighted technical score for proposed MWBE participation, at no more than 10% of the technical score, or the equivalent of 6 points.
53	General	Are the terms and conditions contained in the RFP and Appendix A negotiable?	Please refer to Section 2.2.11, "Extraneous Terms." However, please be advised that the terms and conditions contained in Appendix A are not negotiable under any circumstances.
54	Section 6.21	Are the terms of section 6.21, Indemnification and Limitation of Liability, negotiable (i.e. cap liability indemnification at \$20,000,000)?	Please refer to Section 2.2.11, "Extraneous Terms."
55	Section 6.14	Are the terms of section 6.14, Cooperation with Investigations, Audits, and Legal Proceedings, negotiable? (i.e. adding language regarding limitation of times, duration, and notice in this provision)?	Please refer to Section 2.2.11, "Extraneous Terms."

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56	Section 3.2.1.7	Regarding Section 3.2.1.7 Business Continuity/ Disaster Recovery, is the recovery time objective (RTO) negotiable?	Please refer to Section 2.2.11, "Extraneous Terms."
57	3.2.1.2	Regarding the requirement "The hosting provider must provide 20 document reviewers to assist with the engagement initiation." Does the State expect to consistently use 20 reviewers over the life of the contract? Or is there an anticipated need for up to 20 to support a surge in requests?	Document reviewers will be used on an "as needed" basis over the life of the contract. The hosting provider must be able to provide <u>up to</u> 20 document reviewers, as needed, during the term of the contract.
58	3.2.1.2	Regarding the requirement "The hosting provider must provide 20 document reviewers to assist with the engagement initiation." Can the document reviewers be remote?	Yes, the document reviewers can work remotely; however all work must be performed within the continental United States.
59	3.2.1.2	Does the State have an estimated number of users who will require access to Relativity initially? Is this number anticipated to grow over the life of the contract and if so, by how much?	The Board anticipates an average of 15 users/month.
60	Paper Production ID 23 - 30	How much paper scanning happens on a monthly basis?	The volume of documents requiring scanning will vary from month to month, as scanning volumes will be dependent on document productions, from other parties, that need to be uploaded to a workspace. For informational purposes only, during the last year, the Board uploaded approximately 4,000 additional documents to a workspace.
61	General Data Ingestion ID 7 - 22	What is the average size of the WCB NSF?	The original upload contained 5,786,807 Lotus Notes (NSF) files which have, for the most part, been converted to HTM emails and uploaded to the Master File. The Master File still contains 95 NSF spreadsheets which appear to have been converted to .WK4 files. The Board does not anticipate any additional NSF documents being processed or uploaded to the system.
62	General Data Ingestion ID 7 - 22	What is the estimated expansion rate for the NSF after processing?	All Lotus Notes (NSF) documents have been previously uploaded to the Master File. The Board does not anticipate any additional NSF documents being processed or uploaded to the system.
63	General Data Ingestion ID 7 - 22	What was the de-duplication rate across the NSF post processing prior to hosting?	The original upload contained 5,786,807 Lotus Notes (NSF) files which have, for the most part, been converted to HTM emails and uploaded to the Master File. The total documents uploaded to the Master File was 8,290,405 and after de-duplication the number of total unique documents was 6,872,360 (de-duplication rate of 17%).
64	General Data Ingestion ID 7 - 22	What is the reduction rate across the eData set after de-duplication, date filtering and keyword filtering?	The de-duplication rate after processing the Master File was 17%. Keyword filtering for the individual workspaces will be performed on a case-by-case basis, as searches are conducted based on agreed upon search terms.
65	Document Redaction ID 40- 42	Will there be a need to redact native excels?	Yes. Excel native files will need to be redacted and produced.
66	Document Production ID 80 -83	Will there be a need to redact and produce native excels?	Yes. Excel native files will need to be redacted and produced.
67	Document Production ID 80 -83	What is the average size of the opposing side production or initial intake documents?	Productions from opposing parties will vary on a case-by-case basis. The last production that was uploaded from an opposing party was approximately 4,000 documents.
68	3.2.1.1 General System Requirements	How will new data be transferred to the contractor?	The documents will be transferred to the new vendor utilizing a Relativity Archive (ARM) which will include, among other things, coding layouts. In the unlikely event that the ARM transfer cannot be completed due to compatibility issues, a full export of documents with the electronic data could be made.

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69	3.2.1.1 General System Requirements	In what format will the data be transferred in?	The documents will be transferred to the new vendor utilizing a Relativity Archive (ARM) which will include, among other things, coding layouts. In the unlikely event that the ARM transfer cannot be completed due to compatibility issues, a full export of documents with the electronic data could be made.
70	3.2.1.1 General System Requirements	Will there be any State Classified data involved?	It is unclear what is meant by "State Classified data". There will be documents that need to be withheld or redacted on the grounds of privilege or because they are otherwise subject to protection/non-disclosure.
71	3.2.1.1 General System Requirements	Is it preferred that contractor own, manage, operate all aspects of the Relativity environment to insure compliancy with all cyber requirements?	Yes, the Board prefers the contractor to own, manage, and operate all aspects of the Relativity environment.
72	3.2.2 Managed Document Review	Does the Managed Document Review team need to be in the NY Schenectady area, on site or within the state?	The Managed Document Review team does not need to be located in NYS; however, all work must be performed within the continental United States.
73	General	Does NY State WCB prefer the contractor, other than managed document review staff, to be full time employees vs 1099?	WCB does not have a preference.
74	General	Will NY State WCB take in to consideration, contractors employee benefit package as part of the overall cost evaluation?	Any cost a bidder will expect reimbursement for during the course of the contract must be included on Attachment J or they will not be reimbursed.
75	3.2.2 Managed Document Review	"Reviewers should have a minimum of six months experience using Relativity and be a law school graduate or a licensed attorney." However, section 4.5.2.K, page 48 states that "Review to be performed within Relativity and with English-language licensed attorneys (any jurisdiction)." Please confirm whether licensed attorneys (any jurisdiction) are required or if law school graduate reviewers are also sufficient.	Reviewers should have six months experience using Relativity 10.1 or higher and must (1) have graduated from an accredited law school or (2) be a license attorney in any state. Accordingly, law school graduates are sufficient; however, they should have six months experience using Relativity 10.1 or higher and must have the necessary knowledge and expertise to satisfactorily review and analyze the content of each document for relevance and/or privileged content.
76	General	Will WCB be supplying a list of intended bidders?	No.
77	3.2.1.7	This section calls for the contractor site to not be within a 100-mile radius of WCB Schenectady, NY for primary or recovery site. Can you please confirm if we are performing our work for this contract at our site unless otherwise specified such as onsite training or onsite managed review? Or is the entirety of the contract expected to be performed completely on government site except during Disaster Recovery type purposes?	Contractor is not expected or intended to work on-site at a Board location. However, Contractor must be available to attend in-person meetings at the Board's location in limited circumstances, as necessary. Specifically, to conduct training sessions (unless vendor has another means of conducting training sessions, which is acceptable to the Board) or to attend depositions, hearings or court appearances relative to eDiscovery and/or productions.
78	Section 1	What is the current workflow of the Board? How frequently does the Board bring on new cases?	The six current workspaces were created over the course of the last three years. The Board currently has several pending actions which will potentially require the creations of additional workspaces.
79	Section 3	ID111 on the deliverables requires an EDRM XML export but also requires all work product and saved searches to be captured. A Relativity ARM export would satisfy that requirement more effectively than an EDRM XML export. Would this be acceptable?	A Relativity ARM export would be acceptable; however, the vendor must be able to complete an EDRM XML export, if necessary (i.e., compatibility issues or data no longer to be hosted on Relativity platform).
80	Section 4	In Attachment K, how did the Board calculate the estimated volume for 3 years?	Volume is estimated based, in part, on past usage under the WCB's current contract for e-Discovery.
81	Section 4	In Attachment K, how is the Board calculating Project Management time?	This is an estimate based on recent history.

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82	Section 4	In attachment K there is no line item for Black & White scanning. Was this done in error?	No. WCB requests only one price for scanning.
83	Section 4	In Attachment K, can you please elaborate on the estimated 540 review licenses	This is an estimate of 15 licenses per month, times 12 months, times 3 years.
84	Section 4	Attachment K Section 4.5.2 K states " Hourly rate includes monthly Relativity user access charges for contract attorneys" is this separate from the estimated 540 review licenses?	Yes. The fee under this line should include any costs associated with vendor's reviewers having access to the system.
85	Section 4	Attachment K Section 4.5.2 E 13 states "Cost for making print production" is this referring to Black & White printing?	Printing would not be limited to B&W. If there are color documents within the production, they will need to be in color.
86	General	Will the Board be holding in person interviews or public hearings?	No.
87	General	Is there consideration or interest in having the offering exist in Relativity One?	No.
88	General	Is the work currently being performed by one entity or are managed review and Relativity hosting currently conducted independently?	Currently, the eDiscovery and Managed Document Review Services are being performed under separate contracts.
89	C140396_RFPe-Discovery_.pdf: 3.2.1.1 General System Requirements	It lists the Master File which is 8.3 M documents and 3 TB of data. It also lists 6 Cases which will need to be transferred. What is the size of the 6 workspaces and will they need to be kept online and accessible for a period of time or just migrated?	The size of the current workspaces vary, with each workspace containing between 85K documents and 450K documents; the average size workspace is approximate 150K documents. All of the six workspaces would be migrated. However, only one of the workspaces is being actively used at this time; the selected vendor could archive the other workspaces until the workspace(s) needed to be restored, if ever, for use by the Board.
90	C140396_RFPe-Discovery_.pdf: 4.4.2 Service Requirements	Can clarity be provided for the question "Describe your organization's process for auditing cases." Is this question in reference to auditing of a case that is imported from another hosting instance or specific to audit information such as case metrics, actions, searches, or edits?	Please provide your auditing process for all aspects of the services to be provided to the Board (i.e., quality control procedures). This would include, but not be limited to, auditing measure associated with importing data, processing documents, searching batches and auditing statistics of reviewers.
91	Attachment K: 4.5.2 D 1 to 4.5.2 D 3	For clarity on pricing, is the expectation that 1,200 GB would be pre-processed in a 3 year period and the result of that would be 50 GB for NSF and 100 GB for Standard Office files. Can added clarity be given to per GB per Load aspect? Is there significance in the "per Load" aspect?	The cost contemplated in 4.5.2 D 1 to 4.5.2 D 3 relate only to the costs associated with any new data uploads to the system. In the last year, an additional 4K documents were uploaded to the Relativity platform in one upload.
92	Calendar of Events	Regarding the requirement: " <i>The Estimated Contract Term Begins Wednesday, August 12, 2020 12:00 am (ET).</i> " Would NYS WCB please provide the expected timeline for implementation in terms of a number of days or deadline?	WCB expects within 2 weeks of contract start, the consultant will be fully up and running.

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93	3.2.1.7 Business Continuity/ Disaster Recovery	<p>Regarding the requirement: "<i>The contractor's location for both primary and recovery site should not be within a 100-mile radius of WCB Schenectady, NY location but must be located within the United States.</i>"</p> <p>Our interpretation of this requirement is that as long as either the primary site or the recovery are more than 100 miles away from Schenectady, that will be acceptable rather than both the primary and recovery site need to be located further than 100 miles away from Schenectady. Please confirm if our understanding of this requirement is accurate. If not, would the NYS WCB allow either the primary or the recovery site to be within a 100 mile radius of Schenectady?</p>	<p>It is preferred that both the primary and recovery sites be located at least 100-miles away from the WCB's Schenectady, NY location. However, a bidder who submits a proposal which provides that either the primary or recovery site will be at least 100-miles away from the WCB's Schenectady, NY location and the other site is at least 100-miles away from that site, will be considered. For example, a bidder who proposes that the recovery site will be 150 miles away from the WCB's Schenectady, NY location, and proposes that the primary site will be 50 miles away from the WCB's Schenectady, NY location and 100 miles from the recovery site, will be considered.</p>
94	3.2.1.2 Functional Requirements	<p>Regarding the requirement: "Mandatory – <i>The Board deems these requirements to be necessary for satisfactory performance of the services described in this RFP. If a requirement is identified as "Mandatory," the Contractor must meet the requirement. Failure to meet any of the Mandatory requirements during the term of the Contract may result in termination of the Contract. By submitting a proposal in response to this RFP, the Bidder warrants that it is capable of meeting, and will meet, all Mandatory requirements.</i>"</p> <p>Would the NYS WCB please share if the current vendor is providing/meeting all of the mandatory requirements?</p>	<p>Yes, the current vendor is providing/meeting all of the mandatory requirements that were provided for in the solicitation that their contract was awarded under. Alvarez & Marsal Disputes and Investigations, LLC currently performs hosted e-Discovery for WCB under Contract C140347A. This new RFP C140396 includes Managed Document Review, which was not included in contract C140347A.</p>
95	3.2.1.1	<p>Would the NYS WCB please clarify which processing tool has been utilized for the existing databases? Are there any standard settings that can be communicated? If multiple tools have been used, is it possible to provide the tools and dates they were used?</p>	<p>The Master File was initially processed using LAW tools. The individual workspaces have been created utilizing the standard Relativity processing tools. All specifications have been documented and will be provided to the new vendor.</p>
96	3.2.1.2 Task ID 2	<p>For the 3TB of NSF and standard Native files: does the 3TB comprise the NSFs themselves, only the email files and attachments within the NSF, or all together?</p>	<p>The 3TB Master File consists of ALL of the Board's documents which include emails with attachments in NSF format (most of which have been converted to HTM emails), as well as emails, attachments, documents in Microsoft and adobe formats. The Board no longer utilizes Lotus Notes.</p>
97	3.2.1.2 Task ID 2	<p>Will the selected vendor receive the Preprocessed, original electronic data that is being migrated or will only the processed data be migrated?</p>	<p>It is contemplated that the vendor will initially receive the processed data. Any updates to the Master File would need to be processed and uploaded to the platform.</p>
98	3.2.1.1	<p>Would NYS WCB please provide a breakout report of total GB and document size for existing projects?</p>	<p>The size of the current workspaces vary, with each workspace containing between 85K documents and 450K documents; the average size workspace is approximate 150K documents.</p>
99	3.2.1.1	<p>How often are new projects started?</p>	<p>New workspaces would be generated on an "as needed basis" based on the phase of litigation being handled by the Board.</p>
100	3.2.1.2	<p>How many concurrent users of the review platform, on average, are active on a given project?</p>	<p>It is anticipated that the Board will have up to 20 reviewers working in the various workspaces, at any point in time. This number does not include any Managed Document Review team members.</p>
101	3.2.2	<p>Would WCB be willing to limit "most favorable terms" clause to pricing conditions-only, and make any adjustments forward-looking?</p>	<p>Please refer to Section 2.2.11, "Extraneous Terms."</p>
102	3.2.2	<p>Is there a number of documents or volume threshold that triggers the engagement of a Managed Document Review service provider?</p>	<p>No. It is intended that the Board will utilize Managed Document Review services when necessary to meet court imposed discovery deadlines.</p>

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103	4.5.2 E 5-8	Typically we pass media fees 'at cost' without markup. Can we specify that in a note or do you require a listed fee?	No. All costs have to be accounted for in the pricing components provided for on the cost proposal worksheet. The Board cannot enter into a contract with any undefined costs.
104	4.5.2 E 9 -	Cost for making additional copies of the outgoing production, if duplicate production is requested by the WCB. Is this for duplicate media at time of production, or a reproduction in full at a point in the future?	The cost contemplated in this subsection is the cost for making a second copy of any production. For example, if the production was downloaded onto a flash drive, but the Board required multiple copies of the flash drive to be disclosed to all of the parties to an action, what would be the additional cost for creating each of the potential delivery mechanisms (i.e., DVD-R, 54GB Flash Drive, 500GB External Drive, 1 TB external drive).
105	4.5.2 E 11	Cost for redacting files that can't be dynamically turned into a tiff image. Can the State clarify if this is slip-sheeting the document in full, native redactions via a tool or by a reviewer?	It is anticipated that this would be completed by the tool. This would be an occasional occurrence, if ever.
106	4.5.2 E 12	Is the redaction & privilege log per production fee meant to include the export of the log, or the generation of the contents to be included in the log?	The "per production fee" should contemplate all costs associated with the production of the redaction & privilege log within any workspace generated by the vendor (i.e., created, sorted and/or modified as requested by the Board).
107	4.5.2 F 1-9	Would NYS WCB please clarify what is the assumed or desired trainer time commitment for each training session?	The Board does not have a preference regarding the length of time devoted to training sessions. However, it is expected that the vendor will provide training sessions, which are adequate in duration and substance, to successfully train the Board's staff/attorneys to effectively and efficiently utilize the system.
108	4.5.2 F 7	Would NYS WCB please clarify what "Technical Software Development training" is in reference to?	This would be training for reviewers associated with any customization of the software completed by the vendor for the Board.
109	6.2.1	Would NYS WCB be willing to limit liability to 2x TCV? Will the State consider adding a mutual exclusion for indirect damages?	Please refer to Section 2.2.11, "Extraneous Terms."
110	General Pricing/Cost Proposal	Would NYS WCB be open to receiving alternative fee structures for some or all of your line items?	No.
111	General Pricing/Cost Proposal	Would NYS WCB be to a comprehensive fixed fee, alternative, or bundled fee arrangement?	No.
112	General Pricing/Cost Proposal	Would NYS WCB permit inclusion of a list assumptions, caps, or notes to each pricing line item?	Vendors cannot alter pricing if it turns out that their "assumptions" are not correct.
113	Section 3.2.1.1	Is there any requirement for case coding to be stored in the Master File?	Yes, on occasion. The current vendor has pushed some coding from previously coded workspaces to the Master File to leverage/use prior coding to reduce the size of newly created workspaces.
114	Section 3.2.1.1	What is the typical document volume for a case workspace?	The size of the current workspaces vary, with each workspace containing between 85K documents and 450K documents; the average size workspace is approximate 150K documents.
115	3.2.1.2 Functional Requirements (ID10)	Does WCB have a preference on whether the data load folder specified in ID#10 should be a static folder on the main Document Folders page in Relativity or whether it should be a Saved Search?	The preference of whether a data load folder should be a static folder on the main documents folder page (i.e., its own or within a previously created workspace) or a saved search would need to be determined on a case by case basis depending on the nature of the materials to be uploaded.

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116	3.2.1.2 Functional Requirements (ID15)	Please define the construct of workflow folders. Are these provided via saved searches, custom views, batches or some other feature within Relativity?	The workflow folders are created through the use of agreed upon search terms provided to the vendor. After the initial documents are culled, it is anticipated that the vendor would then apply any agreed upon technology assisted review that the parties have agreed upon (i.e., email threading, de-duplication, TAR).
117	3.2.1.2 Functional Requirements (ID1)	Is the for 20 reviewers applicable for each project, or will reviewers be added as required by volume and timing per project?	Currently, the Board anticipates needing a maximum of 20 reviewers at a given point in time. Document reviewers will be used on an "as needed" basis over the life of the contract. The hosting provider must be able to provide up to 20 document reviewers, as needed, during the term of the contract.
118	3.2.1.2 Functional Requirements (ID55)	Does this requirement apply to CAL models? Are there any specific verification requirements for CAL models?	Yes, even with CAL models, the Board would require procedures for auditing junior reviewers.
119	3.2.1.2 Functional Requirements (ID98)	Does the On-Line training pertain to training on tools and technology or training reviewers for a specific project? If the latter, can we assume online training means "remote" training such hosting teleconference or videoconference meetings to train reviewers?	Online training would pertain to training reviewers (such as new employees) how to use Relativity, conduct searches within the workspaces, ect. It is contemplated that these sessions would be conducted primarily remotely via hosting teleconference or videoconference.
120	General	Is there any foreign language pricing required?	No.
121	General	What is the typical document volume for a manual document review project?	It is unclear what is meant by "manual document review project." The Board does not anticipate that the vendor will be required to complete any "paper" document review. All required managed document review services provided will be provided within the Relativity platform.
122	General	What are the top 3 to 5 matter types for document review (e.g., contractual dispute, labor & employment, etc.)	Recovering losses associated with the insolvency of various group self-insurance trusts.
123	General	Any managed review requirements for privacy review and redactions?	Yes, it is contemplated that the managed document reviewers will be responsible for completing 2L reviews, at times, which will require that necessary redactions be made for privacy (i.e., personal or claims information), where a confidentiality agreement is not in place, as well as for any privileged information.
124	General	Is there a specific format/process for deposition preparation support?	It is contemplated that the vendor will train and/or assist the Board attorneys, or other staff, in utilizing search features and creating saved searched files/folders within Relativity to assist in locating documents necessary for deposition preparation. It is also possible that if the vendor is subpoenaed relative to a document production, that an in-person meeting or conference call will be required to prepare for the deposition and/or trial testimony.
125	4.5.2.A 2 Attachment K	Please confirm if the "initial data" is the Master File + 6 existing cases? If yes, was the initial data not deduplicated when originally processed and loaded?	The initial data upload is the Master File and 6 existing cases which have already been deduplicated.
126	4.5.2 C 3 Attachment K	WCB is requesting pricing for hosting data, performing backups and maintaining the appropriate off-site solutions for disaster recover with an estimated volume over the 3 year contract at 360GB. That equates to roughly 10GB of hosted data per month. Can you confirm the 10GB monthly average as an accurate representation of the expected monthly hosting volume?	The Master File itself is 3TB of data that will need to be hosted for the duration of the contract, along with any active workspaces. The Board utilizes 10GB as a benchmark to compare prices across vendors. If you have tiered pricing, please provide that information with your bid.