

**STATEMENT OF WORK
INVITATION FOR BID FOR**

Stenographic Court Reporting And Transcription Services for Office of Attorney General

ISSUING OFFICE



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES
BUREAU OF PROCUREMENT
555 Walnut Street
Forum Place, 6th Floor
Harrisburg, PA 17101**

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Solicitation 6100057430
Stenographic Court Reporting
And Transcription Services for Office of Attorney General

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IV-1. Objectives:

ONLY CERTIFIED SMALL BUSINESSES ARE ELIGIBLE FOR AWARD

The Department of General Services has designated this contract as a Small Business Procurement to provide DGS-certified small businesses with opportunities to compete against other DGS-certified small businesses for Commonwealth agency and DGS statewide contracts. Only certified small businesses are eligible to submit a bid and receive an award. The small business requirements and certification process can be found on the following site: www.smallbusiness.pa.gov.

The Small Business Certification will be provided after the self-certification process on the Small Business Contract Program site: <http://www.smallbusiness.pa.gov/>. A valid Department of General Services (DGS) Small Business certificate will be required as part of the bid in order to be deemed a responsive bidder. Any business without a valid certificate as of bid due date and time may be rejected as non-responsive.

- A. General: The purpose of this contract is to provide Stenographic Court Reporting Services and Transcription Services for the Grand Juries for the Pennsylvania Office of Attorney General (OAG) in Norristown, Harrisburg and/or Pittsburgh Pennsylvania.
- B. Questions regarding this statement of work should be directed to Peggy Trevenen at petrevenen@pa.gov, Subject Line: Question Re: Solicitation 6100057430.

IV-2. Type of Contract:

A. Method of Award:

The Commonwealth intends to award a Contract to all responsive and responsible bidders for the types of services offered for the geographical area indicated on their bid submission. Award of a contract only renders an awarded supplier to be eligible to perform services under the contract and does not guarantee that an awarded supplier will receive any work under the contract. Services will be procured through the Determination to awarded supplier(s).

B. Best Value Determination:

- 1. For services over \$10,000 in a fiscal year per location, OAG is required to solicit all awarded bidders who can provide the specific service needed and make a best value selection. The best value selection shall, in addition to price, include consideration of the suppliers' capacity, availability, and performance. The best value determination shall indicate ranking that will be used to determine award of purchase order. The Supplier selected by OAG, through the Best Value Determination process, shall receive a Purchase Order (PO) for performance of the needed services. The OAG may issue blanket purchase orders to one (1) or more

selected suppliers and then may use the selected Suppliers on an as needed basis and pay only for the services rendered.

2. For services procured that are less than \$10,000 in a fiscal year per location, and handled with P-Card, services must be handled in accordance with Management Directive 310.23 http://www.oa.pa.gov/Policies/md/Documents/310_23.pdf.
3. When soliciting awarded suppliers (and attached to any Request for Quotes), OAG shall include a Statement of Work outlining their specific requirements.
4. OAG's specific requirements shall include, but are not limited to:
 - a) When scheduling a service after a purchase order is issued, OAG shall notify the awarded supplier, in writing, when the schedule is available, and the awarded supplier shall confirm receipt in writing. Timeframes of the scheduling and confirmation shall be addressed in the OAG's statement of work.
 - b) Type of services requested (i.e., transcription, court stenographers, etc.)
 - c) The specific stenographic equipment to be used if applicable.
 - d) Arrival time of the stenographer, if applicable (i.e. 30 minutes before proceeding).
 - e) Copies of transcripts needed (i.e., original plus one copy, etc.).
 - f) Method of transcript delivery (i.e., mail, electronic, etc.).
 - g) Delivery times of the transcript (i.e., standard, priority, etc.).
5. An OAG Purchasing Agent will provide the bidder with results of the best value determination via email. The awarded purchase order quantities herein are estimated only and may increase or decrease based upon the service requirements of the OAG. The awarded supplier(s) shall be paid at the unit price for actual work performed.

C. Contract Terms and Renewals:

1. The initial term of the contract shall begin on the effective date listed on the contract, and will end on June 30, 2028.
2. The awarded Suppliers shall not start the performance of any work prior to the Effective Date of the Purchase Order and the Commonwealth shall not be liable to pay the awarded Suppliers for any service or work performed or expenses incurred before the Effective Date of the purchase order.
3. The current Grand Jury Schedule and specific time period for services requested will be detailed in the Request for Quote.

4. The Issuing Office will fix the Effective Date after the contract has been fully executed; all approvals required by the Commonwealth contracting procedures have been obtained.
5. The rates for the first two fiscal years of the contract shall be fixed at the same rate for each year; however, the rates for the three (3) remaining fiscal years, if so desired by the supplier, may be increased up to two (2) percent each fiscal year from the previous years.

D. Supplemental Enrollment:

Additional suppliers for this Multiple-Award contract may be publicly solicited through supplemental bids periodically as determined by the Issuing Office.

E. Termination of Contract:

The OAG reserves the right to terminate the awarded purchase order at any time in accordance with the Commonwealth Standard Terms and Conditions. At the discretion of the OAG, a written notice shall be issued fifteen (15) days in advance of actual termination date for unsatisfactory performance, not adhering to the terms of the billing rates submitted by the awarded supplier, or any form of non-compliance of the purchase order.

IV-3. Eligibility Requirements:

A. Minimum Eligibility for Bidders:

Experience: Bidders shall have been in business for a minimum of three (3) years with proof submitted with the bid; acceptable proof of business includes but not limited to letters of reference, business license, articles of incorporation, and/or articles of organization.

B. Minimum Eligibility for Court Reporters.

1. Experience: Court reporters shall have two (2) years of verifiable court room experience or 250 hours of stenographic court reporting experience prior to being proposed for background checks and assignments on the Statewide Investigating Grand Jury. This requirement is necessary due to the difficulty and significance of the type of court reporting required. Proof of experience to be submitted with the bid; acceptable examples of proof of experience include, but not limited to: pay statements, letters of reference, dates of work scheduled, evidence of self-employment.

2. Background Investigation and Secrecy Oath: Prior to bid award, the OAG will perform a complete Background Investigation on the awarded bidder(s) and their employees who will complete the work. The background investigations/records check must be deemed satisfactory for the awarded bidder and their employees to begin performing any contract work. To conduct the background investigations, awarded bidder and their employees will be required to complete, sign, and return **Attachment E – Authority for Release of Information and Records for Temporary Contractual Appointment with the Pennsylvania Office of Attorney General Form**. **Note: the OAG will conduct a**

maximum of four (4) Background Investigations per Supplier. Cost for additional background investigations, if necessary, will be the responsibility of the awarded supplier.

In addition to the background investigation, the Grand Jury also requires the awarded bidder and their employees, to execute a signed Secrecy Oath for the Statewide Investigating Grand Jury. The Secrecy Oath is required for any and all person(s) who will be in direct contact with the transcripts/testimony; viewing, printing and/or packing transcripts for distribution; saving testimony to CD/DVD; and invoicing. The Secrecy Oath will be provided to the court reporter by the respective court prior to court proceedings.

3. Competency. Awarded bidder shall ensure that the court reporters in their employment are trained and have demonstrated an ability to accurately record and transcribe verbatim all proceedings in a court of law. (*THE GRAND JURY REQUIRES THAT THE COURT REPORTERS TRANSCRIBE AND CERTIFY THEIR OWN NOTES OF TESTIMONY*).
4. Schedule. Court reporters are asked to report at 8:30 AM. The day typically ends at 5:00 PM but may occasionally go to 6:00 PM. There may also be days when the session ends earlier than 5:00 PM.
5. Substitute Court Reporters. Additionally, the awarded supplier shall maintain an adequate pool of cleared relief court reporters to substitute for the absence of a regular court reporter.

IV-4. Bid Submission Requirements:

Bid Submission Online Process: Bids must be electronically received through the PA Supplier Portal, www.pasupplierportal.state.pa.us prior to Bid Due Date and Time as posted at www.emarketplace.state.pa.us. Bids submitted after the Bid Due Date will not be considered for award. For assistance with the SRM supplier registration and/or the online bidding process please visit:

<https://www.dgs.pa.gov/Materials-Services-Procurement/Supplier-Service-Center/Pages/default.aspx> or contact the Supplier Registration helpdesk at 877-435-7363 Option 1 or the Online Bidding Helpdesk at 877-435-7363 Option 2 or via email at SRMhelp@pa.gov

To be considered for Contract award, bidder must complete and return the following documents in response to this Invitation for Bid:

- A. Attachment A – Cost Submittal Form:** When completing **Attachment A – Cost Submittal Form**, indicate if rates are submitted for Harrisburg, Norristown, or Pittsburgh. If Bidder has different rates based on location, submit an **Attachment A – Cost Submittal Form** for each Grand Jury location.

The **Attachment A – Cost Submittal Form** Court Reporting Services requires the following information:

1. Appearance Fee (if any) per session
2. Cancellation Fee per session
3. Cancellation Notification (Amount of time required to avoid cancellation fee).
4. Transcript Fees: Cost per page for one (1) original and one (1) condensed copy of each transcript with word index – (one condensed copy is to be provided at no additional cost).
NOTE: Each transcript must include a certification page signed by the court reporter to ensure that the proceeding has been accurately transcribed, Reference **Attachment G – Notary Certificate Sample**.
5. Delivery Fees
 - a) Rates for delivery within ten (10) business days (STANDARD and PREFERRED delivery practice)
 - b) Rates for delivery within four (4) business days (ONLY upon request of Grand Jury Coordinator/Assistant Grand Jury Coordinator).
 - c) Rates for delivery within one (1) business day (ONLY upon request of Grand Jury Coordinator/Assistant Grand Jury Coordinator)
 - d) Overnight Delivery, flat rate
6. Fee to Copy Exhibits
7. Cost for each ASCI II disk (CD/DVD) – One (1) disk per day’s session to include master and witness transcripts in PDF format
8. Additional Court Reporting services, if applicable:
 - a) Appearance Fee for additional court reporter during the Grand Jury Session (per day).
 - b) Appearance Fee for additional court reporter when Grand Jury is NOT in session (per day).
 - c) Mileage (if applicable), not to exceed the Commonwealth of Pennsylvania’s state mileage rate, currently @ 0.625 / per mile. Other travel expenses will be billed in accordance with Management Directive 230.10, <https://www.oa.pa.gov/Policies/md/Documents/230-10.pdf>
 - d) An additional court reporter may be requested for a specific day and time during the Grand Jury session for hearings or other matters relating to the Grand Jury before the Supervising Judge.
 - e) An additional court reporter may be requested on a particular day and time when the Grand Jury is not in session for hearings, arguments, etc., which may require the court reporter to travel within the grand jury area and occasionally to courthouses or locations outside of the grand jury area. Advance notice is provided whenever possible. There may be occasions where the services of a second court reporter are needed immediately.
 - f) Miscellaneous charges, if any, must be itemized.

- B. Attachment B – Domestic Workforce Certification Form** – Please complete form and include with bid submission.
- C. Attachment C – Lobbying Certification and Disclosure Form** – Please complete form and include with bid submission.
- D. Attachment D – Iran Free Procurement Certification Form** – Please complete form and include with bid submission.

The completed and signed Iran Free Procurement Certification form must be submitted with the Bid Response. Iran Free Procurement Certification and Disclosure: Prior to entering a contract worth at \$1,000,000 or more with a Commonwealth entity, a bidder must: a) certify that is not on the current list of persons engaged in investment activities in Iran created by the Pennsylvania Department of General Services (DGS) pursuant to Section 3503 of the Procurement Code and is eligible to contract with the Commonwealth under Sections 3501-3506 of the Procurement Code; or b) demonstrate it has received an exception from the certification requirement for that solicitation or contract pursuant to Section 3503 (e). All bidders must complete and return the Iran Free Procurement Certification Form, which is attached hereto and made part of this IFB.

See the following web page for current Iran Free Procurement list:

<https://www.dgs.pa.gov/Documents/Procurement%20Forms/ProposedIranFreeProcurementList.pdf>

- E. Attachment K – Worker Protection and Investment Certification Form** – Please complete form and include with bid submission.
- F.** Refer to **IV-3. Eligibility Requirements** for additional bid submission instruction.

IV-5. OAG Court Reporting Procedures and Specifications:

- A. Stenographic Court Reporting**
 - 1. The court reporting service must provide delivery of an original, and one (1) condensed copy of each transcript (witness and daily master), and a CD/DVD or acceptable storage device with that day’s testimony to the Grand Jury Coordinator/Assistant Grand Jury Coordinator no later than the tenth business day (unless a request has been made to receive expedited delivery) following the close of a session. Invoices are to be broken down by date, and on each date the invoice further broken down on a separate sheet of paper by witness and page count are to be submitted with the transcripts at the time of delivery. Reference **Attachment H: Transcript Cover Sheet Sample**, and **Attachment I: Transcript Invoice Sample**.
 - 2. The court reporter shall take each session by machine shorthand. The use of a cassette player or recording device is for **back-up only**. Use of a “mask, steno mask” is not an acceptable means of recording testimony.

B. Transcripts

All transcripts must be forwarded to the Grand Jury Coordinator/Assistant Grand Jury Coordinator **within** the ten (10) business day limit (but not before the fifth business day). Invoices are to be included at the same time, so the number of pages and miscellaneous charges may be reconciled. If negligent, contract can be terminated.

1. Preparation of Transcripts. Preparation of transcripts must be prepared in accordance with the following requirements which are based on Pennsylvania Code Uniform Rules Governing Court Reporting and Transcripts effective January 1, 2017, and expanded to avoid interpretation and to promote consistency:

The transcripts must be legible and easy to read, with proper spelling and free of typographical errors. It must be a true transcription, with every possible effort made to transcribe any garbled or weak portions.

Interpretation shall be avoided. Spoken words only will be transcribed. Sounds which are not speech (laughing, crying, background noise, etc.) will not be repeated on the transcript. Neither will there be any emphasis added (capitalization, underlying, bold print, etc.) to denote loud voices unless otherwise specified in the grand jury's statement of work.

2. Format of Transcripts:

- a) No fewer than 25 typed lines on standard 8-1/2" x 11" paper,
- b) No fewer than nine (9) or ten (10) characters to the typed inch,
- c) Left-hand margin to be set at no more than 1-3/4" inches,
- d) Right-hand margin to be set at no more than 3/8" inch,
- e) Each question and answer to begin on a separate line,
- f) Each question and answer to begin no more than five (5) spaces from the left-hand margin with no more than five (5) spaces from the Q and A to the text,
- g) Carry-over Q and A lines to begin at the left-hand margin,
- h) Colloquy material to begin no more than fifteen (15) spaces from the left-handed 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,
- i) Quoted material to begin no more than fifteen (15) spaces from the left-hand margin, with carry-over lines to begin no more than ten (10) spaces from the left-hand margin,
- j) Interruptions of speech shall be denoted using a dash at the point of interruptions, and again at the point the speaker resumes speaking,
- k) Parenthetical and exhibit markings to begin with an open parenthesis on the fifth space from the left-hand margin, with the remark beginning on the sixth space from the left-hand margin.
- l) If the OAG provides the Supplier with a recording to transcribe, a word (e.g., difficult proper name) not clarified by any transcribing aids, but spelled to the best of the transcriber's ability, should be followed by – (PHONETIC). However, if the grand jury

requires a stenographic court reporter to be present, the stenographic court reporter must clarify all spelling issues prior to the dismissal of the meeting.

- m) On the final page of the transcript, the transcriber will type and sign the certification, indicating date completed. This certification must be on the last typed page, and not on a separate additional sheet, unless pre-approved by the using OAG. Reference: **Attachment H - Notary Certificate Sample.**
 - n) If exhibits are provided, they must be properly identified and submitted with the transcript. The court reporter may be required to mark the exhibits at the hearing, meeting or deposition.
3. Confidentiality and Copies of Transcripts: **All Grand Jury documents are confidential.**
- a) Awarded bidder shall be bound to confidentiality of any information its employees may become aware of during performance of contracted tasks. Consistent and/or uncorrected breaches of confidentiality may constitute grounds for cancellation of the purchase order.
 - b) The court reporting service will provide transcripts to the Grand Jury Coordinator/Assistant Grand Jury Coordinator as stated in the contract.
 - c) The awarded supplier is prohibited from selling or distributing copies of any and all Grand Jury testimony unless a court order from the Supervising Judge has been issued through the Grand Jury Coordinator/Assistant Grand Jury Coordinator.
 - d) If a witness, or the witness' counsel, requests a copy of a transcript, they must petition the court. The court reporting service is not at liberty to provide transcripts to anyone other than as specified in the contract unless directed by the Court.
 - e) The OAG reserves the right to make copies of transcripts or compact disks (if applicable) for internal use only. The OAG will not supply copies to any litigant in a proceeding or any other person unless court order or rules of discovery require it.
4. Format. Disks of each day's sessions are requested at the time the transcripts are sent and must note the Grand Jury, Date, and Notice Numbers.
5. Transcription Accuracy. All transcripts must be transcribed accurately. If there are any questions regarding spellings, please contact the attorney in charge of the investigation. Necessary phone numbers and/or email addresses may be obtained through the Grand Jury Coordinator/Assistant Grand Jury Coordinator. In the event an error is discovered, the Deputy Attorney General in charge of the case will request the correction of transcript through Grand Jury Coordinator/Assistant Grand Jury Coordinator. Grand Jury Coordinator/Assistant Grand Jury Coordinator will either verbally request or send an email requesting correction. After correction is made a new original and two copies of the transcript are to be returned to the Grand Jury Coordinator/Assistant Grand Jury Coordinator.

6. Types of Transcripts. The following transcripts must be prepared each day:
- a) Master Transcript — This transcript generally includes:
 - i. Rights, warnings and swearing of witnesses by the supervising judge, immunity applications and orders, administrative matters (such as secrecy oaths), preliminary and administrative matters before the grand jury (such as reading notices of submission or statutes), questions by the grand jurors during questioning of a witness after the witness has been temporarily excused from the grand jury room, and generally all matters held before the judge in his chambers; and
 - ii. All presentments and reports read to the grand jury.
 - b) Hearing Transcript – A matter regarding a specific investigation will need to be addressed to the supervising judge or if the supervising judge scheduled a hearing on a specific matter.
 - c) Witness Transcript – This transcript generally includes:
 - i. The testimony of a civilian witness (excluding the questions asked by the grand jurors which are placed in the Master Transcript described above). When the witness leaves the court room that should be reflected in the transcript. The questions asked by the grand jurors must be reflected in the master transcript. When the witness returns to the court room, the questions asked and the witness’ testimony must be reflected in his/her transcript. All transcripts should indicate the time the witness entered and left the courtroom.
 - ii. When an investigating law enforcement officer testifies, the officer (based on a judgement from the Attorney for the Commonwealth) may remain in the courtroom to answer grand jurors’ questions. These activities must be maintained in the transcript of the officer’s testimony
 - iii. Occasionally a witness will testify for more than one investigation. In this situation, his/her transcript must be split by investigation number and cannot be placed in one transcript.

IV-6. Performance Standards and Audits:

- A. Performance Standards The following examples of unsatisfactory performance include, but are not limited to:
- 1. The awarded bidder’s failure on two (2) occasions to appear within thirty (30) minutes of the time schedule for commencement of such appearance, or
 - 2. The awarded bidder’s failure on two (2) occasions to submit a transcript in a timely manner when expedited transcription has been requested by the Grand Jury Coordinator/Assistant Grand Jury Coordinator as outlined above, or
 - 3. The awarded bidder’s failure on three (3) occasions to submit a non-expedited transcript in a timely manner as outlined above, or
 - 4. The awarded bidder’s failure on three (3) occasions to produce a transcript of suitable quality, or
 - 5. The awarded bidder’s refusal on three (3) occasions to accept an assignment to appear, or

6. The awarded bidder's failure to supply the OAG with proof of insurance or a performance bond in a form acceptable to the OAG.

B. Audits

1. To ensure quality and adherence to the specifications and requirements outlined in the Statement of Work, the Department of General Services, Bureau of Procurement and/or OAG reserve the right to conduct random audits of completed transcripts.
2. If an audit determines the supplier is not adhering to the performance standards of the contract, the OAG reserves the right to terminate the awarded purchase order by providing fifteen (15) days written notice to awarded supplier.

IV-7. OAG Billing Requirements:

Awarded Bidder shall provide invoices with the following information:

- a) Each invoice must specify date and on each date the invoice must further specify (on a separate sheet of paper) witness and page count.
- b) Invoices must reflect a "unique" invoice number,
- c) The awarded purchase order number,
- d) Itemized service description and pricing,
- e) Awarded bidder's SRM 6-digit Supplier Number,
- f) Invoices shall be submitted with the transcripts at the time of delivery to Diana Bashinsky, Grand Jury Coordinator, or Ben Robinson, Assistant Grand Jury Coordinator, 16th Floor Strawberry Square, Harrisburg, PA 17120.
- g) A reference, **Attachment I - Transcript Invoice Sample** has been included for the bidder's reference.