

IEFS PNCO Questions and Answers

Questions Submitted Prior to August 13, 2014:

1. There is minimal discussion of training for the courts, clerks and other staff that may work with the EFM. Is training of the EFM a responsibility of the vendor?

A: The vendor will be expected to provide classroom training for court and clerk staff in the administration and use of the EFM and the Basic EFSP. In addition, the vendor will support the training of users in the use of the Basic EFSP through the provision of online training materials and classroom trainings.

2. In section 1.1 a payment processor is discussed, and three options are discussed. Is the intent of that paragraph to indicate that one of the three options mentioned must be provided?

A: The EFM vendor may specify either of the two payment processors already under contract with the State of Indiana, or a different payment processor of the vendor's choice. Any costs incurred in processing payments will be considered in the total cost of the EFM service.

3. The infrastructure used to support the implementation of the statewide EFM will potentially require integration with CMS and DMS systems distributed in the various counties.
 - a. Will any of the current Indiana State infrastructures be used in this solution, or should we assume that the complete infrastructure for the EFM must be included in the solution?

A: The EFM vendor will offer the EFM solution as a hosted service. However, the vendor may physically deploy servers in the data center of the Indiana Office of Technology (IOT) and manage the servers remotely. The Division will provide a reasonable amount of resources necessary to integrate each pilot court's CMS and DMS with the EFM.

- b. Will documents be stored locally on the county DMS?

A: It is anticipated that the documents will be stored locally in each of the courts included in the pilot. Where the master instance of the DMS is located elsewhere, the court may have a local replication of the DMS.

- c. If all of the infrastructure must be provided, would that include county network capabilities, Internet accessible workstations, scanners, printers, or any other hardware?

A: The EFM vendor should submit a bid for the cost of the hosted service and describe the minimum requirements for local infrastructure. Local costs of hardware, network, and integration with the CMS/DMS vendors will not be borne by the EFM vendor.

4. Will EFSPs be chosen during this PNCO, or will the opportunity to apply as an EFSP be a separate procedure?

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- a. Is there any determination of how many EFSPs might be allowed?

A: The vendor selected through this PNCO will provide the statewide EFM services and a basic EFSP. Subsequent EFSPs will submit proposals to the Division for approval and must successfully earn a technical certification. The Division will not place a limit on the number of EFSPs; the market will determine which and how many EFSPs are viable in Indiana.

- b. Can the provider of the EFM and the Basic EFSP also provide services as one of the available EFSP choices?

A: Yes, the EFM vendor can offer a higher-end EFSP, provided that the basic EFSP continues to offer the necessary services.

5. Section 2.7 Compensation including the costs to integrate with the CMSs in use in the counties. It states that the individual courts in the pilot program will work with their corresponding CMS/DMS vendors to configure their systems to integrate with the EFM. Does that mean that those courts would absorb the cost for that configuration work?

A: The Division will provide the local resources necessary to integrate each pilot court's CMS and DMS with the EFM. Post-pilot implementation plans will be finalized with the selected EFM vendor and each affected county. Each proposal should include a plan that outlines the timeline, resources and milestones for each pilot program, including a recommended order of deployment for the five pilots. The proposal does not need to include the local or separate costs each county will incur to integrate with the EFM.

6. Question 82 of the Functional Requirements; are there any examples that can be offered?

A: For instance, in the case of service on a corporation, the filer may be prompted to provide the name of the corporation's registered agent. In a protective order case, the filer may need to assured that the address they provide is protected under state law.

7. Can you please explain functional requirement 160?

A: Certain counties may decide to automatically accept certain filings without clerk review. However, these filings must satisfy certain requirements to be automatically accepted. For instance, subsequent filings must include a valid case number and corresponding case caption.

8. Can you please give examples for functional requirement 181?

A: The system must support filing and distribution of court notices (e.g. judicial orders, system or business disruption alerts, and changes to case assignments) by court or clerk staff. Please describe how your system supports the generation and/or distribution of notices.

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Questions Submitted at the Vendor Conference on August 13, 2014:

9. Will there be an FTP site provided to allow larger document submissions?

A: The Division can accept emails up to 25 MB in size. If your submission may approach or exceed these limits, we suggest breaking it into multiple emails or submitting it via US mail.

10. If an EFM has existing integrations with an EFSP or CMS/DMS that conforms another standard (e.g. LegalXML 1.1 or 2GEFS), could those be used to enable faster integration?

A: The PNCO requires that the EFM must provide interfaces with EFSPs and CMS/DMSs that conform to ECF 4.01.

11. Relating to question 7, Will every filing require case captions?

A: Per Indiana rules, filed documents must include the case caption. However, it is not necessary to resubmit the case caption via the EFSP for each subsequent filing.

12. When does a clerk reject a document/filing?

A: Indiana counties have varying ways of handling filed documents. Some clerks return filings for reasons such as an incorrect case number. The EFM solution needs to allow for these configurations. The implementation of e-filing will not alter the authority of the clerk to manage the integrity of the court record.

13. Regarding proposed rule 86, will it be implemented? If so, when would it take effect?

A: There is no current information regarding the implementation of proposed Rule 86. The commentary period on proposed changes has closed and the comments that were received are mostly positive. The Rules Committee has considered the comments and made recommendations to the Supreme Court. The Court has reviewed the comments. The Division anticipates the adopted Rule 86 will include changes the time frame for filing of physical documents with the clerk from 1 to 3 days after electronic filing date. The Division also anticipates the Rule will be adopted prior to January 2015. The rule will be implemented in phases and the schedule will depend on the deployment of the EFM and EFSPs.

14. What is the expected future process for paper filing?

A: Case initiation will require both electronic and paper filing in order to support service of process. Subsequent filings should be solely electronic.

15. Vendor Comment: "3 days for paper filings might not be enough to have reference number/case number to all parties for subsequent electronic filings."

A: We plan to start with 3 days and make adjustments if the need arises.

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16. Will the Court absorb common fees, like credit card processing fees, or would that be built into the project costs?

A: Please refer to question 2.

17. Will there be an opportunity for Indiana to raise fees?

A: The Supreme Court will consider funding options for the EFM project. The focus of submissions for this PNCO should be the total cost of the EFM and Basic EFSP. Please refer to Section 2.7 of the PNCO.

18. Will the EFM or Basic EFSP provide public access?

A: Public access is outside the scope of this PNCO. **Technical requirement T50 is eliminated.**

19. Would Indiana allow the use of a subscriber type service that would generate revenue from fees charged for public access to case information and document copies? Could proposals be submitted with fee generation solutions?

A: See the answer to question 17. PNCO submissions should not include revenue proposals.

20. When will questions and answers be posted for vendor review?

A: Vendor meeting questions and answers will be posted Friday, August 15, 2014.

Thank you to all who participated in the vendor conference for your patience during the emergency that interrupted our meeting. The Indianapolis Star has a report on the event that you might find interesting.

<http://www.indystar.com/story/news/2014/08/13/transformer-explosions-reported-downtown/14007705/>

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Questions Submitted after the Vendor Conference:

21. Financial Solvency and Insurance: Our firm is a privately owned partnership and considers its financial information confidential. While we are able to provide both year-end financial statements and requested proof of insurance, we cannot provide a blanket release of our financial records as requested in Exhibit H. We are able to provide additional financial information upon request by the Indiana Supreme Court and under appropriate confidentiality agreement. Please confirm that this approach is acceptable for purposes of this Contracting Opportunity, as we are not able execute Exhibit H.

A: EXHIBIT H is eliminated from the PNCO and is no longer required in responses to the PNCO. Instead, responses must include the solution provider's most recent audited year-end financial statements. If deemed necessary, the Division may request additional financial information from responders during the solution evaluation process. Solution providers will be expected to fully cooperate with the Division's requests for additional information. Responsiveness to the Division's requests will be a factor in the solution evaluation process.

The Division will sign a mutual confidentiality agreement if additional financial information is requested. However, the Division reserves the right to make final determinations of confidentiality. If the Division determines that the documents were incorrectly declared confidential, then the Division (1) will so inform the Vendor; (2) will destroy or return the documents; and (3) will not consider the documents in relation to the PNCO.

22. Timeline: What is the desired timeline for implementation at each of the pilot 5 pilot sites?

A: Ideally, the first pilot would go live within 6 months of contract signing with each remaining pilot staggered at intervals of 1-3 months. However, the Division encourages solution providers to propose a reasonable schedule including the time required to configure the solution, train users and integrate with third party solutions based on the solution provider's experience with similar implementations.

23. Lake and Marion Pilots: We understand that Lake and Marion counties were authorized as e-filing pilot sites in 2006. Please provide available details on the pilot from these counties, including the case types as part of the pilot, number of filings, software utilized, cost structure and any feedback received from users in the pilot.

A: The Marion County pilot uses a solution from File & Serve Xpress and supports e-filing in civil collections (\$35 fee per case), mortgage foreclosures (\$55 fee per case) and miscellaneous civil cases (\$7-\$16 fee per filing) with transaction fees charged to the filers. Filers are also charged for on-line alerts (\$2 setup, \$0.10 per alert) and paper invoicing (\$5 per month). Based on data provided by File & Serve Xpress, since 2010, the Marion County Clerk has received the following e-filings through this system:

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Mortgage Foreclosure	2,010	2,011	2,012	2013*
New Cases	1,646	2,250	2,694	1,748
Transactions	9,576	22,221	32,632	27,464
Documents	20,679	44,128	61,786	49,761
Pages	88,588	192,030	250,282	194,148
Transactions per case	5.8	13.5	19.8	16.7
Documents/transaction	2.2	2.0	1.9	1.8
Pages/document	4.3	4.4	4.1	3.9
Civil Collections	2,010	2,011	2,012	2013*
New Cases	172	122	145	75
Transactions	733	1,422	1,755	918
Documents	1,644	2,866	3,183	1,622
Pages	4,022	8,495	9,898	5,391
Transactions per case	4.3	11.7	12.1	12.2
Documents/transaction	2.2	2.0	1.8	1.8
Pages/document	2.4	3.0	3.1	3.2

The Lake County pilot uses a solution from Cenifax and supports e-filing in mortgage foreclosure (MF), civil tort (CT), plenary (PL), civil collections (CC), and miscellaneous (MI) civil cases. Registered users are assessed fees for annual registration (\$80 for attorneys and media, \$200 for others), access to court records (\$17.50 per case), filings (\$1.50 per file), on-line alerts (\$0.10 per alert) and printing (\$0.25 per page). Based on data from Cenifax, since 2010, the Lake County Clerk has received the following e-filings through this system:

	MF	CT	PL	CC	MI
New Cases Filed	10,673	63	222	1,895	26
New Filings on Existing Case	66,464	407	2,003	11,490	73

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Clerk Filings	70,134	201	1,748	9,068	914
Print Captures	7,545	8	22	71	0
Emergency Filings	576	9	20	102	1
Court Filings	35,264	394	1,983	12,815	346
Attorney eService sent	66,883	567	1,307	6,296	13
Clerk Filing eService sent	101,835	342	2,216	11,302	114
Clerk Print Capture eService sent	7,545	8	22	71	0
Court Filing eService sent	69,070	886	3,034	19,211	75
The Total Number of Electronic RJO Filed	35,206				
Total Documents Filed	900,000				
Total Pages Filed	3,460,000				
Total Firms Registered for eFiling	561				
Total Attorneys Registered for eFiling	977				

We have received no formal feedback from the users in either pilot.

24. Is the IEFS to be exclusive e-filing system in the state courts?

A: Whether the IEFS will be used for by prosecutors, public defenders, and other government entities is under consideration. The current goal is a single statewide e-filing system for all other filers, including private attorneys and unrepresented litigants. The Indiana appellate courts have elected to use the IEFS exclusively.

25. Is participation in IEFS by any given court mandatory, provided success of the pilot(s)?

A: The Indiana Supreme Court has stated that e-filing will be mandatory; however, the Court has not yet mandated that the IEFS be used in any specific court. The proposed Trial Rule 86 anticipates that the EFM will be used in all Indiana courts upon completion of the EFM roll-out and that all documents will be filed electronically through the IEFS, except for the exceptions defined in proposed Trial Rule 86(B) and the possible exceptions listed in the answer to question 24. Courts that choose not to integrate electronically with the EFM may still participate in the IEFS by printing the filings from the EFM for manual processing.

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26. What are the interpretations for COTS software package vs licensed service? Is that premises based software vs SaaS, or?

A: Yes. Commercial off-the-shelf software (COTS) implies the purchase of a perpetual license to use the vendor's software, whether deployed on premises or elsewhere. COTS solutions may require separate investments in hardware, whether on premises or in the cloud. Software-as-a-Service (SaaS) implies the purchase of a packaged service that is all-inclusive – hardware, software, and support. The Division prefers the SaaS model but would consider a COTS solution that is fully managed by the vendor.

27. What is the budgeted amount for the acquisition of IEFS if there is one?

A: The Division has proposed a budget framework for all of its operations within the normal budgeting process of the State of Indiana.

28. Would the proposed orders and other documents presented for judicial review and use must be in PDF format?

A: While PDF will be the standard format, certain filings (e.g. proposed orders) may be accepted in source formats (e.g. Microsoft Word).

29. It's stated in 2.1..4 [sic] that IEFS will be deployed in four pilot courts while in 2.3 is stated in five pilots, please clarify?

A: The five pilots include four pilot courts and, potentially, one pilot third-party EFSP.

30. The Pilot Program description identifies the five categories of pilots, but does not include the specific counties that would be included as pilot participants. Should the vendor specify specific counties to be included in each of the pilots other than the Appellate Court?

A: The Division will determine the counties to be included in the trial court pilots after consultation with the judges and clerks in those counties. In the plan for the pilots included in their offers (refer to Section 2.3 of the PNCO), solution providers may optionally propose specific counties for each trial court pilot.

31. The Pilot descriptions state that they would include multiple civil case types. Would that mean all civil case types, or should our pilot plan identify the case types proposed by the vendor?

A: The Division will determine the civil case types to be included in the pilots. In the plan for the pilots included in their offers, solution providers may optionally propose specific case types for each pilot.

32. Your answer posted on question 10 which is A: The PNCO requires that the EFM must provide interfaces with EFSPs and CMS/DMSs that conform to ECF 4.01. does not correspond with the chart on page 7 of the PNCO which indicates that other than the 4 MDEs listed, the Clerk, Court,

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CMS and DMS integration are out of scope of the ECF 4.01 technical standards. Is that not the case?

A: As shown in the chart on page 7, the EFM will include a Filing Review Major Design Element (MDE) and a Court Record MDE, as defined by the ECF 4.01 technical standards. Integration between the Filing Review and Court Record MDEs will conform to ECF 4.01. Integration between the Court Record MDE and each pilot CMS and DMS is outside the scope of the ECF 4.01 standard. For the pilots, the EFM must integrate with Tyler Odyssey, JTS, CourtView and DocuWare.

33. If the answer above is that the CMS/DMS side of the integration must be ECF 4.01 compliant, what will make the CMS/DMS vendors provide for the ECF 4.01 integration standard, and who will absorb that cost?

A: As defined in Section 2.1.4, the Division intends to cover the reasonable one-time costs of integrating Tyler Odyssey, JTS, CourtView and DocuWare with the EFM. Courts using another CMS or DMS will be expected to work with their solution providers to implement a Court Record MDE that integrates with the Filing Review MDE in conformance with ECF 4.01.

34. Section T1 of Technical Requirement: The EFM API shall be a secure, non-proprietary, access controlled web service that allows commercial EFSPs, large law firms, government agencies and others to submit filings to the EFM. Must the web service must be in a form a SOAP message or could it be in JSON message format as well? Also can the API be a REST API?

A: Yes, the web service should be SOAP. The ECF 4.01 technical standards include a Web Service Service Interaction Profile (SIP) which uses SOAP. To date, there are no ECF SIPs that support JSON or REST.

35. In Exhibit G – Vendor Questionnaire section B. References it states that the vendor must provide at least 4 state agencies, corporations, or other entities for which the vendor has provided the requested services in the PNCO during the past 3 years. The questions are; what is the definition of the requested services, and how specifically must the match of the services provided be to those requested by the PNCO? As examples, must the prior services provided match the E-Filing Architecture and ECF 4.01 standards specified in Section 2. Statement of Work? Must the prior services have provided integration with the Case Management and Document Management Systems specified in the Statement of Work?

A: The references should be for the provision of e-filing and/or e-service solutions, preferably statewide. References that demonstrate conformance with ECF 4.01 and/or integration with the CMSs and DMSs specified in the Statement of Work are desirable but not required.

36. Another question is the definition of the entities for which services were provided. Can the entities be different users/departments within a larger entity?

A: Yes.

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37. And a final question would be since References are scored at 10% of the decision process, could less than 4 references score as a partial meeting of this score, such as a 5% score?

A: 4 references are requested. Therefore, providing fewer than 4 references will likely result in a lower score for that evaluation component.

38. Questions on Indiana Functional and Technical Requirements from Worksheet "Efile Copy of stad-pnco-requirements-worksheet-2013-0731". Functional Tab. Requirement 16/29: *Can you please provide some examples of the business rules?*

A: Attorneys may be required to provide a valid Indiana Attorney Registration Number.

39. Requirements 66/67: *Can you please provide some examples of what other types of filers would be filing for this requirement?*

A: Per Indiana Small Claims Rule 8(C)(5), someone filing on behalf of a limited liability entity (e.g., corporation, LLC) may need to be provide a certificate of compliance with the rule.

40. Requirement 219/220: *What would IN plan to do with the data dictionary if [the solution provider] hosts the solution?*

A: The courts may need this information to support the development interfaces with the EFM and Basic EFSP. In addition, the courts may need to audit the personally identifiable information tracked in the EFM and Basic EFSP.

41. Technical Tab. Requirement 8: *Can you please provide further explanation and an example of when this would occur?*

A: This is a generalization of Requirement T7. Please respond and answer whether your system supports the automation of paper processes other than the use of web-based forms.

42. Requirement 88: *Can you please provide further explanation of this with an example?*

A: Some courts may already use forms processing software (e.g. Adobe LiveCycle). Please respond and answer whether your system supports integration with this type of software.

43. Requirement 123: *Can you please provide some examples of this?*

A: The software should maintain a log of security events (e.g. failed logins).

44. Pricing Questions. The volumes that were provided in the PNCO are for new cases. Does the Division have statistics on the number of subsequent filings that occur for civil cases?

A: Based on a limited sample in a single circuit court, the Division estimates there are approximately 10 filings per small claims case. Please refer to the tables provided in the answer to question 23 for other case types.

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45. We would like to clarify the following statement in section 3.4.e. "Submission pages must be numbered and contain an organized, paginated table of contents corresponding to the section of the Statement of Work."

A: Please include page numbers and a table of contents with the contents of the submission ordered as defined in the Response Submission (section 3.4.e) section of the PNCO.

46. How does the state anticipate funding the transaction fees charged by the vendor?

A: The Indiana Supreme Court will determine the source of funding for the E-Filing Manager Contract. However, it's not expected that any appreciable amount of current JTAC funding or resources will be dedicated to the e-filing project.

47. Is it conceivable that a court would auto accept an initiating document, as is done in the great majority of federal courts through the CM/ECF system?

A: Please refer to answer 7.

48. Will attorneys be given statewide remote access to case information and documents for cases that they are not directly involved in through the EFM?

A: Please refer to answer 18.

49. Does the state plan to provide public access to e-filed documents directly, or will the EFM vendor handle public access to e-filed documents?

A: Please refer to answer 18.

50. Would the EFM vendor need to provide computer terminals in each courthouse in order to provide free access to the e-filed documents?

A: Please refer to answer 18.

51. Would the EFM vendor need to provide statewide access to e-filed documents from a public access computer terminal in an individual Indiana courthouse (in other words, would an e-filed document filed in Allen County need to be accessible from a computer terminal in Marion County)?

A: Please refer to answer 18.

52. Would the court consider allowing or directing the EFM vendor to make a free, read-only intake queue of new, non-sealed, e-filed documents available to the public and/or media, either remotely or locally at the courthouse? (This approach is currently implemented in several federal courts).

A: This is not currently within the planned scope of the EFM.