

**Hearing Reporter Services for Department of Health hearings
 Invitation for Bids Control #1001261150 Task #6788**

Questions and Answers

| topic | Question | Answer |
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| CURRENT CONTRACTS | | |
| Current rates | <p>Q #1: I would appreciate knowing the names of the current contract holders for regions 8 & 11, plus what the current charges per page are per their bid. I have looked at SeeThroughNY and can find gross totals for Regions 1, 2, 3, 4, 5, & 10, but not for Regions 8 & 11.</p> <p>Q #2: Could you please advise me how to obtain the pricing of the present OPMC Hearing Reporter services contract.</p> | <p><u>Region 1, 2 & 3:</u> Accu-Scribe Reporting, Inc (C020251) Their most recent charges per page were: Normal Delivery: \$4.75/page Priority Delivery: \$6.25/ page Overnight Delivery: \$7.25/page Immediate Delivery: \$8.00/page Cost of Copies: \$0.25/page</p> <p><u>Regions 4 & 5:</u> Alliance Reporting Service, LLC (C020252). Their most recent charges per page were: Normal Delivery: \$4.35/page Priority Delivery: \$5.40/ page Overnight Delivery: \$6.45/page Immediate Delivery: \$7.50/page Cost of Copies: \$0.13/page</p> <p><u>Region 8 & 9:</u> Action Reporting Services, LLC (C020253). Their most recent charges per page were: Normal Delivery: \$4.20/page Priority Delivery: \$6.30/ page Overnight Delivery: \$6.90/page Immediate Delivery: \$7.75/page Cost of Copies: \$1.20/page</p> <p><u>Regions 10 & 11:</u> Alliance Court Reporting, Inc (C020254). Their most recent charges per page were: Normal Delivery: \$9.50/page Priority Delivery: \$10.00/ page Overnight Delivery: \$11.50/page Immediate Delivery: \$12.00/page Cost of Copies: N/C</p> |

| IFB section | Question | Answer |
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| C DETAILED SPECIFICATIONS | | |
| 1 General | <p>Q #3: C. Detailed Specifications 1. General (b) The contractor shall provide to the Department one original transcript following each proceeding day. Does this mean you need the original transcript before the 10 day delivery? Or does this mean you need the original, one copy and up to 5 condensed copies by the 10 day delivery or any other requested delivery.</p> | <p>A hearing may cover a single date or extend over a series of dates. The series can begin with a pre-hearing and end with the final hearing date.</p> <p>The term “following each proceeding day” means that contractors are to provide all of the required transcripts and copies after each day of the hearing, and not wait until the entire hearing has concluded. The delivery requirements for each date are identified on page 8 and 9 of the IFB in Section 9 Delivery Requirements.</p> <p>The term “at the conclusion of the hearing” means that contractors are to provide a compact disc (CD) to the Department at the conclusion of the series of hearing dates, and not after each hearing date.</p> |
| | <p>Q #4: Under "C, DETAILED SPECIFICATIONS" states "At the conclusion of the hearing the contractor shall provide a compact disc to the Department." This can be confusing, the use of the words "At the conclusion --, which is used repeatedly throughout the IFB, along with "Following the hearing --." Is what is meant by this to mean that a transcript, in whatever form, be provided at the conclusion, immediately thereafter? In answer to this question, I am presuming the delivery specifications would take effect in category 9, "DELIVERY REQUIREMENTS A-G" of the RFB in the instances where this wording appears. Or wherever DELIVERY requirements are at all questioned in the IFB, one should look at page 9 of the IFB. Please clarify.</p> | |
| | <p>Q #5: What are grounds for removal on appearance issues?</p> | |
| 2 Reporter Requirements | <p>Q #6: What is the general time at which the hearings will be held?</p> | <p>Most Department hearings start between 9:00 am and 11:00 am and last till 4:00 to 5:00 pm. A few hearings may extend past 5:00 pm.</p> |

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| | <p>Q #7: What is the procedure for ordering a court reporter as far as advanced notice? Are they there for set hearings or is the reporter hired for a series of hearings over a period of time?</p> | <p>Calls to schedule hearing reporter services for a hearing are typically made on the Monday of the week before the hearing. For example, calls will be made on April 5th for hearings scheduled during the week of April 12th. Reporters may be scheduled for a single hearing date or for a series of dates for the same case. When hearings are held over a series of dates, the same assigned reporter should remain throughout the series, as recommended on page 6, Section 2 Reporter Requirements, Part e).</p> |
| 3 Recording Requirements | <p>Q #8: Given that electronic coverage would potentially save the State 30% across the Board, what is the rationale for limiting coverage to stenographic coverage?</p> | <p>Stenographic recordings for Department of Health hearings are required under statute Public Health Law (PHL) §230 (10) (c) (5), §230 (10) (p) and §230 (19).</p> |
| | <p>Q #9: From reading both the SAPA and the Health Law seems as though SAPA supercedes Health in this case.</p> | <p>The above PHL sections supersede State Administrative Procedure Act (SAPA) Section 302 paragraph 2 which states “The agency shall make a complete record of all adjudicatory proceedings conducted before it. For this purpose, unless otherwise required by statute, the agency may use whatever means it deems appropriate, including but not limited to the use of stenographic transcriptions or electronic recording devices”.</p> |
| | <p>Q #10: Can tape recorders be used in the courtroom as a supplement to the stenographer's notes? In conjunction with this, is audio-synch -- a type of wave file, audio recording system used by court reporters -- allowed in hearings?</p> | <p>Taped recordings can be only used as a backup to the stenographic recordings. They are not legal documents and cannot replace the stenographic records.</p> |
| 4 Transcript Format Requirements | <p>Q #11: Are there certain guidelines for the format of the transcript?</p> | <p>The format guidelines are listed on page 6 and 7 under Section 4 Transcript Format Requirements.</p> |
| 7 Transcripts in Compact Disc (CD) Format | <p>Q #12: Can the use of e-mails be substituted for the CD-ROM? If so, is NYS now requiring e-mails be encrypted?</p> | <p>Yes, emails can be substituted for the CD-ROM requirement on page 8 section 7. <i>See Modification #2 allowing this substitution.</i> NYS does require all emails to be encrypted.</p> |

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| 9 Delivery Requirements | <p>Q #13: What is the expected turnaround time for the transcripts?</p> | <p>The turnaround times for transcripts are listed on page 8 and 9 under Section 9 Delivery Requirements. The Presiding Officer will provide specific instructions regarding delivery. Normal delivery transcripts must be received within 10 business days; priority delivery within 3 business days; overnight delivery by 1:00 pm of the following day and immediate delivery by 9:00 pm of the same day.</p> |
| | <p>Q #14: Can a ten-day delivery be stipulated the same as a two-week delivery</p> | <p>Section 9 Delivery Requirements, c) Normal delivery, states that transcripts must be delivered “within ten (10) business days after the recorded proceeding, excluding Saturday, Sunday and New York State designated holidays”. We cannot stipulate that ten days is the same as two weeks because of the excluded designated state holidays.</p> |
| 11 Charges and Payment Reductions | <p>Q #15: The 4-to-1 transcripts, billing is for the one page containing four pages of transcript?</p> | <p>See page 9, Section 11 Charges and Payment Reductions, Part b) Copies: “The Contractor may charge a per page fee... for each page printed on a condensed format”. This means that each of the condensed copies (4 transcript pages on one sheet) should be billed at four pages, not one.</p> |
| | <p>Q #16: 11. c) "MINIMUM FEE" states "The Contractor shall be entitled to a minimum payment for each hearing scheduled equal to the value of 25 pages at the normal delivery rate." In order for a billable system to be in place, Contractor must be informed by the state of remaining hearings on calendar just prior to the 24-hour cut-off time. Is there a system currently in place whereby the State is required to inform Contractor in writing 24 hours immediately prior to the scheduled hearing or hearings, in this case referral hearings, of how many cases are still on the calendar at the 24-hour cut-off time?</p> | <p>Section 11 Charges and Payment Reductions, Part c) Minimum Fee, allows a contractor to bill a minimum fee of 25 pages for each hearing date. Part d) Proceeding Cancellation, allows for contractors to bill the minimum fee for cancellations with less than 24 hour notice. For minimum payment, a hearing is defined as each scheduled proceeding date.</p> <p>When a Pre hearing or Intra hearing are also held on the same date as the hearing, they may each be considered a separate hearing date. A Direct Referral proceeding normally includes multiple cases. For minimum payment, it is the Direct Referral that is the proceeding, rather than each individual case. The contractor can only bill the minimum fee if all pages combined for the Direct Referral are below 25, or if the entire Direct Referral is cancelled with less than 24 hour notice.</p> <p><i>See Modifications #4 and #5.</i></p> <p>There is no need for a system or requirement in writing to</p> |

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| | | inform contractors of the number of Direct Referral cases scheduled at the 24 hours cut off. |
| | <p>Q #17: In the case of a referral hearing, and according to the terms used in the IFB, is a no-show a cancellation? Is it correct to say that the use of the term "cancellation" in the IFB would refer to a hearing wherein nothing was put on the record?</p> | The correct term for when a respondent does not appear for a hearing is "default", rather than "no-show". When this is the case, hearing reporter services will still be needed to record the evidence. A default can only be considered as a cancellation if there are no records made. |
| | <p>Q #18: It specifies in the IFB that an evening rate can apply if a hearing continues after 5:00. Is there a provision in the IFB for evening rates?</p> | <i>See Modifications #1, 3, 6 and 9.</i> These modifications change the term from Evening Delivery to Evening Rate and specify that the contractor may charge an evening rate for all pages transcribed past 5:00 pm. |
| D PROPOSAL REQUIREMENTS | | |
| 1 Requirements | <p>Q #19: Also, where in the contract would the provision of pricing of e-mails and or CDs be? Regardless whether a CD or e-mail, a per page rate for the price of an e-mail and or CD plus the cost of the physical CD itself needs to be addressed. Is there a provision on the bid form where this is addressed specifically?</p> <p>Q #20: Is there a provision for pricing of a dirty disc? If a requested service, or pricing, is not provided for under the current IFB, or possible future contract, would it be safe to assume it's whatever the parties agree to?</p> | All cost associated with sending emails or CDs and for providing a dirty disc (or rough draft) are to be included in the per page costs. <i>See Modification #7.</i> |
| 2 Method of Award | <p>Q #21: Are you looking for multiple agencies to cover the proceedings or just one agency for all? Are you looking for one agency to cover the whole area, or are you creating a list of approved contractors to cover the hearings? Please advise.</p> <p>Q #22: Is there any preference given to certified WBEs on contract award?</p> <p>Q #23: In order to be considered for this bid, must our company file as a woman-owned business enterprise?</p> | <p>As stated on page 4, under A INTRODUCTION, "Due to the number of hearings, the Department intends to contract with one or more vendors in each designated region". The agency with the lowest cost in each region will be the primary contractor. We will select additional bidders as back up contractors in regions, as needed.</p> <p>At this time, preference will not be given to WBE.</p> |
| E Administrative | | |
| 3 Submission of | <p>Q #24: I will be sending in my paperwork for the above</p> | You are correct that Attachments 1, 13 and 14 must be |

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| Bids | bid. Am I correct that all I have to send in initially to be considered are the following: The bid form (Attachment 1), Bidder Qualifications (Attachment 13) and The Cost bid form (Attachment 14). All other forms to be sent if the bid is accepted. Please confirm the above. If this is not correct, please advise me which forms have to accompany my bid. | submitted to be considered. Also, all of the information requested on Part B of Attachment 13 must be included for the bid to be considered. <i>See Modification #8.</i> Attachments 5 to 11 are required to be submitted by bidders once they are selected as contractors. |
| | Q #25: In summary, only forms 1, 13 and 14 are required to be filled out to be considered eligible for awarded contract? | |
| | Q #26: If we are not interested at this time, is there a form we need to submit to remain on the list for notification next time? | If a vendor is not interested in placing any bids and wishes to remain on the mailing list, they should complete the No-Bid Form (Attachment 2) and check the third box, "Please retain our firm on your mailing list". |
| | Q #27: Is there a Word document, or typable document, on the DOH website where responses to the IFB may be typed in? If not, is handwritten response acceptable? | The Bid Forms for the IFB cannot be released in a Word document. Handwritten or typed responses are acceptable. |
| F Appendices | | |
| Appendix D | Q #28: Why is there a necessity to have a solution for turn of the century issues related to change from 1999 to 2000. (Page 30) | A request has been made to eliminate the Y2K warranty language in section 3 of Appendix D, however it has not yet been changed. |
| G Attachments | | |
| 12 Estimated Volume of Hearing Reporter Services and List of Regions and Counties within each Region | Q #29: Are the proceedings held in Troy? (In years past I remember them being held in the agency buildings on the Plaza.) | Most of the hearings and proceedings in Region 5 are held at Hedley Park Place, 433 River Street, Troy. Occasionally another location in Troy or Albany will be needed. |
| | Q #30: What is the general vicinity of where the disciplinary hearings will be held? | The cities where most of the hearings will be located are listed on Attachment 12 of the IFB. They are: New York City, Troy, Syracuse, Rochester and Buffalo. |
| | Q #31: We are interested in submitting a bid for the New York City area. How many reporters would you need per week and per day? Is it every day or a few times a week? | The number of hearing reporters needed in New York City per day or week depends on the hearings. Hearings can range from only one for the week to 3 or 4 held at the same day and time. They average a few days a week. |
| | Q #32: How many copies would we be supplying? | Each of our Department programs has their own copy requirements. Programs and their copy requirements are listed on page 4 of the IFB under B BACKGROUND. Requirements vary from no copies to one full size copy plus 5 sets of 4-on-1 |

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| | | condensed copies. You can find an estimate of the total number of copies required per region on Attachment 12. |
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