

JUDICIAL COUNCIL OF CALIFORNIA

QUESTIONS AND ANSWERS REGARDING

Services for Telephone Appearances

RFP#: TCAS-2022-01-MS

- 1) Approximately what percentage of the courts lack a phone line, internet connection and computer where they would take calls?

All courts have telephones within the court facilities. The type of telephone solution varies within each court and courthouse. Vendors will need to work with the individual courts on their telephone solution.

- 2) Is video service any part of this offering?

No

- 3) If the JCC executes an RFP with a provider, and the provider earns \$100 of service and another provider provides \$900 of service, the providers are responsible for 10% and 90%, respectively, of the FY 2009-2010 amount, even though they are operating at a loss?

The FY 2009-2010 amount will be apportioned among the vendors, as provided in Government Code section 72011(c)-(d).

- 4) If the JCC executes an RFP with a provider, and the provider earns no income, is the provider responsible for a portion of the FY 2009-2010 amount?

The FY 2009-2010 amount will be apportioned among the vendors, as provided in Government Code section 72011(c)-(d).

- 5) Please provide an estimate of the number of calls on an annual basis.

Call volume varies by court. Courts can provide estimated call volume if they enter into a Participation Agreement.

- 6) In 9.2.3, you request "estimated base costs". Please provide further description of what is being requested.

The “estimated base costs” include the per call cost to run the telephonic appearance services, including the cost of a telephone line or conference line. This does not include the cost of hardware or moderator service.

- 7) By way of informational background, CourtCall, Zoom, Teams, LACourtConnect, WebEx, BlueJeans and other platforms offer participants the ability to join a session by using a telephone number (either toll or toll-free) in addition to allowing participants to join a session via audio and/or video via an internet connection. As a result, there are instances on all such platforms where all participants (including the judge) join a session by using a telephone number (with no internet connection). With this background in mind, CourtCall has the following questions.

This question presents hypothetical situations that are not before the Judicial Council, seem unlikely for vendors responding to this RFP, and appear speculative. Specifically, this RFP is for telephone appearance services. Please see the definition of “telephone appearance” included in section 1.0 of the RFP.

- a) If a judge joins a session on any such platform by using a telephone number, is that considered a “telephonic appearance” for which a fee is due from participants who join the session using a telephone number?
- b) Would this scenario be considered a “telephonic appearance” for which a fee is due from participants who join the session via an internet connection?
- c) Would this scenario be considered a “telephonic appearance” for which a fee is due from participants who join the session using a telephone number without video participation via an internet connection?
- d) Would this scenario be considered a “telephonic appearance” for which a fee is due from participants who join the session using a telephone number to receive and transmit audio while also joining the session via an internet connection to receive and transmit video?
- 8) At page 3, the RFP states: “For purposes of this RFP, a “telephone appearance” or “telephonic appearance” is an appearance that can only be made using a telephone number.” Please more specifically define the phrase “is an appearance that can only be made using a telephone number”. For example, and consideration but without limiting the scope of a reply:

See response to question 7.

- a) Is a session defined as a “telephonic appearance” where technology at the court or other location limits a judge’s ability to only using a telephone number?
- b) Is a session defined as a “telephonic appearance” where the preference of a judge limits the session to being accessed only using a telephone number?
- c) Is a session defined as a “telephonic appearance” where one or more of the participants has a technology limitation that limits access to only using a telephone number?
- d) Is a session defined as a “telephonic appearance” where one or more of the participants has a preference for using a telephone number?

- 9) If a judge joins a session using a telephone number, is that considered a “telephonic appearance” for each and all of the participants regardless of whether the participants join the session using a telephone number or via an internet connection?

See response to question 7.

- 10) If a judge joins a session by using a telephone number and two participants join by using a telephone number and one participant joins via an internet (audio) connection how many fees are due?

See response to question 7.

- a) Three because the judge used a telephone number and therefore the session is considered a “telephonic appearance” because that is how the judge joined.
- b) Two because two participants used a telephone number (and there is no charge to the party who joined audio via internet connection).
- c) Other – please explain.
- 11) If a judge joins a session via an internet connection with audio being transmitted and received via that internet connection but does not transmit or receive video is that considered a “telephonic appearance” for which a fee is due for those participants who join the session via of internet connection?

See response to question 7.

- 12) If a judge joins a session via an internet connection with audio being transmitted and received via that internet connection but does not transmit or receive video is that considered a “telephonic appearance” for which a fee is due for those participants who join the session by using a telephone number?

See response to question 7.

- 13) If a judge joins a session via an internet connection with audio and video being transmitted and received via that internet connection, is that considered a “telephonic appearance” for which a fee is due from those participants who join the session by using a telephone number?

- a) In this scenario is a fee due from those who join the session via an internet connection instead of by using a telephone number?

See response to question 7.

- 14) If a judge joins a session via an internet connection and either transmits or receives video but also joins the session by using a telephone number in order to receive and transmit audio, is that considered a “telephonic appearance” for which a fee is due from those who join the session via an internet connection?

See response to question 7.

- a) In this scenario, is a fee due from those who join the session by using a telephone number?

b) In this scenario, is a fee due from all participants, regardless of whether they join the session via the internet or by using a telephone number?

- 15) Assuming a single Contractor completes a single telephonic appearance in a given quarter, and there are no other Contractors, is that single Contractor obliged to pay the entire \$235,960 apportionment for that quarter?

The FY 2009-2010 amount will be apportioned among the vendors, as provided in Government Code section 72011(c)-(d).

- 16) Historically, the amount of revenue that is uncollected in association with fee waivers approximated \$442,800 in 2018, \$506,700 in 2019, 637,300 in 2020 and \$401,380 2021. Should those responding to the RFP anticipate an increase or decrease in fee waiver volume during the contract term?

The Judicial Council does not have any basis to make this type of projection. Fee waivers are determined on a case-by-case basis.

- 17) Regarding Section 2.2 Administration and Coordination of Services for Telephone appearances:

2.2.1 Will proposals be considered that would specify a minimum number of courtrooms that are required to utilize the service by a participating court?

No, section 1.0 of the RFP clarifies requirements:

“A master agreement does not obligate the trial courts to enter into a Participation Agreement with the Contractor, nor does it guarantee that the Contractor will receive a specific volume of business. No Contractor may refuse to enter into a Participation Agreement if a trial court elects to enter into such an agreement.”

2.2.1.2 Can you provide examples of, or more detail on what information is conveyed in notices and updates to attorneys and other others of their calendar status?

Notifications may include email or physical reminders with information on how to access a telephonic appearance, as well as the date and time of a scheduled telephone appearance.

2.2.1.3 Can you provide additional detail on the forms, aids and other materials that must be prepared and distributed?

Contractor should provide training material and other user aids on how to use and access telephonic appearance services.

2.2.1.4 Is the vendor required to complete forms, or merely distribute them?

Contractor is responsible for ensuring the court receives or has access to the telephonic appearance calendar two days prior to the matter on calendar.

2.2.1.5 Is the Judicial Council receptive to an alternative model that does not rely on live personnel?

Yes, a vendor can propose alternative models.

2.2.2 Is there an example of the calendar and case information data elements that might be available electronically? If not, will the JCC consider a bid, whereby the bidder, specifies the minimum requirements to provide a solution to an interested participating court? Most of the Superior Courts have modernized case management systems capable of exporting this data.

The Judicial Council will allow a bidder to specify minimum requirements for case information.

18) What was the number of telephonic appearances and corresponding revenue generated by all vendors over the last four years broken out on an annual and quarterly basis?

The Judicial Council will reply to this question as soon as possible (estimate: March 29).

19) Can you include separately the revenue generated by the cancellation and late request fees?

The cancellation and late request fees revenue are retained by the vendor, and not currently reported to the Judicial Council.

20) What was the breakdown by the different Superior Courts (e.g. by county) of telephonic appearances and corresponding revenue generated by all vendors over the last four years broken out on an annual basis?

The Judicial Council will reply to this question as soon as possible (estimate: March 29).

21) What was the number of telephonic appearances and corresponding revenue generated by all vendors over the last 8 years broken out on an annual basis?

The Judicial Council will reply to this question as soon as possible (estimate: March 29).

22) Can you provide the quarterly reports provided by all vendors over the course of the last four years?

Yes, the Judicial Council has the ability to provide quarterly reports.

23) Over the last 8 years, can you clarify how much (if any) vendors paid in addition to the \$20 revenue share per telephonic appearance each year? E.g. If in 2021 the vendors collectively generated \$2.5 million from telephonic appearances and paid the court \$500,000 for the corresponding revenue share; then the 2009-2010 Revenue Obligation additional money paid to the Court would have been \$443,840. We would like these figures for the last 8 years, but particularly for the last 4 years.

The Judicial Council will reply to this question as soon as possible (estimate: March 29).

24) Which Superior Courts currently have telephonic equipment installed in their courthouse? Can you estimate the extent of this equipment that has been provided in each of these courts and the date that this equipment was installed? For instance, how many courtrooms, chambers and other

rooms have speakerphones, microphones and telephone lines installed? Can you also specify which courts run Voice Over IP versus an analogue telephone line? We would like to get a sense of the age of the equipment in each of the courthouses.

All courts have telephones within the court facilities. The type of telephone solution varies within each court and courthouse. Contractors will need to work with the individual courts on their telephone solution.

- 25) On page 3, it is noted that "No Contractor may refuse to enter into a Participation Agreement if a trial court elects to enter into such an agreement." Does this mean that a Participating Trial Court will contact us if we are awarded the bid and then we must enter into a negotiated Agreement? or does this mean that should we solicit a court and if the court agrees to use us we cannot then withdraw?

If a Participating Court decides to enter into a Participation Agreement with a Contractor pursuant to an awarded Master Agreement, the Participating Court would contact the Contractor, and the Contractor may not refuse to enter into the Participation Agreement.

- 26) Does the Prevailing Wage under the DIR apply to anyone working on the project or just California Residents?

Prevailing wage applies regardless of residency status.

- 27) If we are awarded the bid (Master Agreement), do we need approval by the Judicial Council to publicize it?

Please see section 21 of Attachment 2 (General Terms and Conditions) to the RFP.

- 28) Is there a standard term (duration) in the Participation Agreement with the individual courts or is this court-specific?

The term of a Participation Agreement may vary from Court-to-Court but cannot extend beyond the term of the Master Agreement.

- 29) Does the obligation to pay a proportionate share of an amount equivalent to the revenues received from vendors providing services for telephone appearances from all Trial Courts in FY 2009-2010 come from only those revenues collected, or is there a minimum payment amount?

Under the current statutory structure, participating vendors would be obligated to pay the 2009-2010 Revenue Obligation.

- 30) How many vendors participated or were awarded a Master Agreement from the last RFP for Telephonic Appearance Services?

In the last RFP for telephonic appearance services, a master agreement was awarded to one vendor.

- 31) How many vendors entered into individual Agreement with Participating Courts in the last 4 years? If more than one, who were they?

In the last four years, master agreements have been in effect with one vendor. Participating Courts executed Participation Agreements to the master agreements with that vendor.

- 32) If we are awarded a Master Agreement, when would we need to have our insurance carrier specifically name the Judicial Council as a Beneficiary-after signing the Master Agreement or after signing a contract with the Participating Court prior to starting work?

Upon the execution of the Master Agreement, the Contractor's insurance policy would need to be endorsed to name the Judicial Council as an additional insured (see Attachment 2 to the RFP, section 14(E)).

- 33) Can the late Request Fee (Currently at \$30) and Cancellation Fee (Currently at \$5) also be set lower? Or are those fees fixed?

Yes, the late request fee and the cancellation fee can be set lower.

- 34) Does the current incumbent access the courts' WAN (Wide area network) or Guest Network; if not are telecom lines brought in by a telecom carrier? How many locations are using Hard wire connections?

All courts have telephones within the court facilities. The type of telephone solution varies within each court and courthouse. Contractors will need to work with the individual courts on their telephone solution.

- 35) Is there a preference for a specific phone model or manufacturer? As a example, Cisco, Polycom, Avaya?

All courts have telephones within the court facilities. The type of telephone solution varies within each court and courthouse. Contractors will need to work with the individual courts on their telephone solution.

- 36) Regarding the Toll-Free Number, what is the expected time to resolve a call?

All issues submitted to the Toll-Free line should be resolved prior to the scheduled telephonic appearance. If issues cannot be resolved, vendor should provide alternative solution for telephonic appearance participant. The Toll-Free line must operate Monday through Friday, and access hours, at a minimum, must be 8:00 a.m. to 5:00 p.m. Pacific Time.

- 37) The RFP indicates "telephone appearances". Are you looking for a video conferencing proposal? We are a video conferencing company and can assist with remote appearances use case, wanted to be clear on what you are looking for i.e., telephone appearances=video conferencing? Please let me know.

The Judicial Council is not looking for a video conferencing proposal. This RFP is for telephone appearance services.