

The Supreme Court of Ohio

REQUEST FOR PROPOSALS

Number: 2012 - 4

ISSUING OFFICE: OFFICE OF THE REPORTER

Date: JANUARY 18, 2012

The Supreme Court invites proposals for the Official Publisher of the Ohio Official Reports in accordance with the following specifications:

Proposals Due to the Supreme Court: March 19, 2012, 5:00 p.m., EDT

NOTICE

R.C. Section 9.24 prohibits the Supreme Court from awarding a contract to any offeror against whom the Auditor of State has issued a finding for recovery if the finding for recovery is unresolved at the time of award. By submitting a proposal, an offeror warrants that it is not now, and will not become subject to an unresolved finding for recovery under R.C. Section 9.24, prior to the award of any contract arising out of this Request for Proposals, without notifying the Supreme Court of such finding.

(1) Overview

The Supreme Court of Ohio, by issuance of this Request for Proposals ("RFP"), is seeking the Official Publisher of the Ohio Official Reports. The Ohio Official Reports is currently published by West, A Thomson Reuters Business, pursuant to a contract that expires on June 30, 2012. The term of any contract awarded by the Supreme Court shall be for three years, with an option to renew for two additional one year periods.

(2) Scope of Work or Deliverables

The successful proposer will publish the Ohio Official Reports. Beginning July 1, 2012, the Ohio Official Reports will consist of the Ohio State Reports, Third Series (Ohio St.3d).

The successful proposer shall provide the Supreme Court with bound volumes of Ohio St.3d and of the bi-weekly advance sheets, or such equivalent books or services as the Supreme Court may direct.

It is the intent of these specifications to describe the minimum publishing requirements of the Court.

(3) Additional Requirements

Format; Paper Quality; Type Size

The series designation "Ohio St.3d" shall be maintained. Bound volumes shall be numbered consecutively to and as a continuation of the current bound volumes. The exact numbering of the initial volumes published under the contract will be determined during June 2012.

Each bound volume shall contain approximately nine hundred pages, including cases, tables, indexes, and other materials. The parties to the contract shall make all reasonable effort to produce individual bound volumes that contain approximately the same number of pages so as to give the bound volumes a uniform appearance. All other dimensions of the volumes must equal the dimensions of the current bound volumes of the Ohio State Reports and must be identical to their inside and outside layouts, cover, spine, style of type, color, format and look, and must be equal to the current bound volumes in quality of paper, cover, printing, and binding. Representative volumes of the Ohio Official Reports and representative copies of the advance sheets are available in the Reporter's Office for inspection.

Proposals must state the type and quality of paper that will be used in the bound volumes, which paper must be of library or archival quality. Bound volumes of the Ohio Official Reports are currently printed on Utopia Book Matte 60#. The successful proposer must use Utopia Book Matte 60# paper, or paper of a comparable archival quality. If a comparable-quality paper will be used, a sample of the paper must be included with the proposal.

Each page of Ohio St.3d shall be in a single column format (approximately 30 picas wide) with the text, excluding footnotes, set in type no smaller than ten points with Century Light Roman 2 as the style of type.

Advance Sheets

Uniform pagination shall be maintained between the advance sheets pages of Ohio St.3d and the corresponding pages of the bound volume. The advance sheets pages shall be in the same single-column, point-size, and type-style formats as the bound volumes. Advance sheets shall be published on a bi-weekly cycle.

The advance sheets need not be printed on the same quality of paper used for the bound volumes. Each proposal submitter shall state in its proposal the type and quality of paper it will use in its publishing of the advance sheets, which paper shall be of a commercially acceptable quality. A sample of the paper must be included with the proposal.

The dimensions of the advance sheet must equal the dimensions of the current advance sheet. The cover, spine, style of type, color, format and look must be equal to the current advance sheet.

The current advance sheets are generally saddle stitched (stapled). The successful proposer may use perfect binding if necessary to accommodate the pages for a particular issue of the advance sheets.

Materials must be published in the specific issue of the advance sheets as directed by the Reporter.

The Supreme Court will consider the ability of the proposal submitter to distribute the advance sheets as broadly and promptly as possible. The proposal submitter shall describe how it intends to distribute the advance sheets.

No advertisements shall be permitted in the advance sheets or bound volumes, except as permitted by the Supreme Court in writing.

Inventory

The successful proposer must maintain an adequate inventory of the bound volumes for three years and the advance sheets for three months to meet reasonably anticipated demands for these products.

Materials to be Published

Materials published in Ohio St.3d shall include, but are not limited to, the following materials that have appeared in Ohio St.3d: opinions, entries, announcement lists, proposed rules, final rules, notices, bar examination results, lists of judges, tables of contents, tables of cases, tables of rules and statutes, tables of orders announced, indexes, digests, memorials, addresses, reports, color photographs of justices, and everything required to be published by the Reporter. The publisher shall prepare at its expense all tables, lists, and indexes for the bound volumes.

To avoid confusion with official syllabus paragraphs, the selected publisher shall not publish headnotes to accompany the text of Supreme Court opinions; however, publisher's headnotes may be compiled as a digest in advance sheets issues and bound volumes.

Galleys and Their Correction

Ohio St.3d materials that have been received by the official publisher must be returned to the Reporter, at the publisher's expense, in galley form (5 copies) within two weeks of their receipt or earlier as may be required by the Reporter.

Proposers should state in their proposal whether they are able to assist in the proofreading of Ohio St.3d, and their qualifications for undertaking that work.

Corrected galleys shall be returned to the official publisher by the Reporter, at the publisher's expense. Materials corrected and returned will then be published in the advance sheets in the issue designated by the Reporter. Opinions shall generally be published in chronological order, with lower-numbered cases published before higher-numbered cases, unless a different order of publication is required by the Reporter.

Electronic Transmission

Opinions of the Supreme Court are presently transmitted electronically to the current publisher and sent to the current publisher in hard copy at the publisher's expense. The Supreme Court agrees to cooperate with the successful proposer to institute a system under which all Ohio St.3d materials and editorial changes are sent electronically to the successful proposer at the expense of the successful proposer. Proposers should detail in their proposal how they would establish an electronic transmission system. Details of such a system must be agreed to by the parties and will be subject to further negotiation.

The official publisher may be required to set materials into type by keyboarding, scanning devices, or other means, at its expense, and to publish materials, such as diagrams, charts, and exhibits, as photographs.

The official publisher will be required to maintain the confidentiality of all materials submitted to it prior to any official publication or other dissemination.

Reservation of Electronic Rights

The Supreme Court reserves the right to electronically transmit and post its materials and those of the other courts of Ohio (without the enhancement of any publisher) via the Supreme Court's website, or any other means. Materials posted to the Supreme Court's website may be maintained indefinitely as a publicly accessible database.

Cooperative efforts can be agreed to by the parties for the successful proposer to make accessible to the public, at no cost to the Supreme Court and the public, case reports and other materials that are not currently posted to the Supreme Court's website. Each proposal submitter shall state the

informational resources it will make accessible to the Supreme Court's website as part of the consideration it will offer the court for this contract.

Copyright

The official publisher shall obtain a copyright for the State of Ohio in all materials properly copyrightable by the state in each advance sheet and bound volume published by it, at the official publishers' expense. The State of Ohio claims a copyright in the opinions provided to the official publisher for inclusion in the Ohio Official Reports. A notice of copyright for the State of Ohio shall be prominently placed in each bound volume and issue of the advance sheets.

Permissible enhancements, such as tables, indexes and digests, made by the publisher may be copyrighted by it in its own name.

Initial Price

The price of the advance sheets and bound volumes shall be the market price for such goods. The Supreme Court will permit the proposal submitter to set the price for the advance sheet and bound volumes without approval by the Supreme Court. The advance sheets and bound volumes shall be offered to the public on non-discriminatory terms. Each proposal submitter shall state the prices it will charge initially for the bound volumes and the advance sheets.

Consideration to the Supreme Court

The successful proposer shall provide the Supreme Court with 70 copies of each bound volume of Ohio St.3d and of the advance sheets, 30 copies of annotated Ohio Revised Code volumes and updates, and 100 copies of the annual Ohio Rules of Court (State and Federal) or equivalent books or services as the Supreme Court directs. Proposers may offer other consideration in its proposal, including, but not limited to, copies of other legal and statutory publications and electronic services. All offers for further consideration shall be subject to further negotiations.

Other mediums

The successful proposer may produce editions of the Official Reports in mediums other than paper for its profit, but this right is not exclusive. Any other editions in other mediums shall not be designated as "official" unless approved by the Supreme Court of Ohio Reporter of Decisions.

(4) Official Joint Publishers

A joint publishing arrangement currently exists between the current vendor and the Ohio State Bar Association (OSBA). Both the OSBA and current vendor are designated, by the Supreme Court, as joint official publishers of the Ohio Official Reports. All proposal makers are strongly encouraged to consider joint publishing arrangements with the OSBA. Each proposal maker shall include in its proposal a statement indicating any intent by the proposal maker to enter into a separate joint publishing agreement with the OSBA.

(5) Terms and Conditions

The Supreme Court is exempt from taxation. Federal transportation and excise taxes, as well as state excise taxes shall not be included in the proposal prices. Excise tax exception certificates will be furnished upon request.

This purchase will not be subject to state taxes; tax exempt number: 31-6402047.

The Supreme Court has adopted a goal of utilization of certified minority business enterprises where possible in its awards for goods and services. Accordingly, the proposal submitter should indicate a minority business enterprise or when business operations are shared with a certified minority business enterprise.

The Supreme Court shall have at its option the right to terminate any resulting contract should its appropriations, spending authority, or other revenues be reduced or, if applicable, if grant funds used to support this project are reduced or terminated.

The proposal submitter warrants that it is not subject to an unresolved finding for recovery under R.C. Section 9.24. If the warranty is false on the date the parties sign a contract, the contract is void *ab initio*.

All proposals offered are firm. Check your proposal carefully because errors cannot be corrected after the proposals are opened. It is a condition of any award, under this proposal, that submitters shall deliver at prices quoted, even if in error.

A proposal, upon acceptance by the Supreme Court, immediately creates a binding contract between the successful submitter and the Supreme Court. Once accepted, it may not be rescinded, canceled, or modified by the successful submitter.

Any contract resulting from this request for proposals is binding on the successful proposer. Failure of the successful proposer to meet or perform any of the contract terms or conditions shall permit the Supreme Court to rescind or cancel the contract and purchase replacement articles or services of comparable grade in the open market. The successful proposer shall reimburse costs and expenses in excess of the contract price necessitated by such replacement purchases to the Supreme Court. The Supreme Court does not waive the right to insist upon future compliance with these proposal specifications when there is undiscovered delivery of non-conforming goods or services.

The Supreme Court may discuss or negotiate all aspects of a submitter's proposal after it has been submitted to the Supreme Court and at any time before the award of a contract.

Within 30 days of the acceptance of its proposal, the successful proposer shall demonstrate to the Supreme Court its compliance with Section 2503.25 of the Ohio Revised Code.

(6) Notice Regarding Disclosure of Confidential and Proprietary Business Information and Trade Secrets

The Supreme Court hereby advises proposers that all documents submitted in response to this Request for Proposals, including those documents that purportedly contain confidential and proprietary business information or trade secrets, may be considered administrative documents under Sup. R. 44 through 47 (Public Access Rules). The Supreme Court will allow the public, including other proposers, to inspect and obtain copies of these documents in accordance with Sup. R. 45, after the Request for Proposals deadline expires unless each of the following applies:

(A) In its response to this Request for Proposals, the proposer clearly identifies the document or document information the proposer believes is not an administrative document as defined by Sup. R. 44(G);

(B) In its response to this Request for Proposals, the proposer clearly identifies the state, federal or common law that exempts the document or document information under Sup. R. 44(G);

(C) Supreme Court staff independently determine that the document or document information is not an administrative document as defined in Supt. R. 44(G).

(7) Format and Content of the Proposal

Submitted proposals should provide a concise delineation of the publisher's capabilities to provide the equipment and perform the services requested. The proposal submitted must provide the requested information in sufficient detail to enable the Supreme Court to evaluate proposers pursuant to the specifications and other requirements. All proposers shall satisfy all the requirements specified in the Request for Proposals to qualify. One complete signed original and four copies of the proposal must be submitted for evaluation. Please provide the name; telephone and facsimile numbers, including area code; and street and email addresses of the representatives of the company who may be contacted regarding this proposal. In addition, any request for confidentiality regarding the proposal submitted must be clearly delineated by the bidder. Proposals shall be clearly marked as follows:

**Supreme Court of Ohio Request for Proposals Number 2012 -04
Attn: Sandra Grosko, Reporter of Decisions
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431**

(8) Evaluation Criteria

The proposals received will be evaluated by the Supreme Court, which may accept or reject any or all proposals, in whole or in part, and may waive minor defects in a proposal, if no prejudice results to the rights of another bidder or to the public.

All proposals will be evaluated on the basis of:

- (1) The publisher's understanding of the Supreme Court's process and procedures used to report its decisions and suggested areas for improvement and efficiencies;
- (2) The publisher's expertise in the area of legal publishing;
- (3) The completeness and responsiveness of the proposal;
- (4) The services and workflow plan offered by the publisher to publish the Ohio Official Reports; and
- (5) The consideration offered to the Supreme Court of Ohio for the right to publish the Ohio Official Reports.

All information should be presented in the format recommended by this Request for Proposals. With this information the Supreme Court will select a successful proposer who provides the lowest, responsive and responsible proposal.

Discussions may be conducted with responsible submitters who submit proposals determined to be reasonably susceptible to permitting a contractual agreement for the purpose of clarification to assure full understanding of, and responsiveness to, the RFP requirements.

(9) Submission of Proposal and Contact Information

Sealed proposals are to be received no later than March 19, 2012, at 5:00 p.m. The Supreme Court reserves the right to reject any and all proposals. The preparation of the proposal shall be at the submitter's expense. All proposals will be opened on March 20, 2012, at 9:00 a.m., in the Office of Reporter.

(10) Equal Employment Opportunity Policy

The Supreme Court is an equal opportunity employer. Persons conducting or seeking to conduct business with the Supreme Court are subject to Adm. P. 5 (Equal Employment Opportunity), a copy of which can be obtained from the office issuing this request for proposals.

(11) Discrimination and Sexual Harassment

The Supreme Court prohibits discrimination and sexual harassment. Persons conducting or seeking to conduct business with the Supreme Court are subject to Adm. P. 24 (Discrimination and Sexual Harassment), a copy of which can be obtained from the office issuing this request for proposals.

(12) Drug and Alcohol Free Workplace

The Supreme Court intends to provide a drug and alcohol free workplace. Persons conducting or seeking to conduct business with the Supreme Court are subject to Adm. P. 22 (A-C), a copy of which can be obtained from the office issuing the request for proposals.