

The Supreme Court of Ohio

REQUEST FOR PROPOSAL

RFP No. 2021-02

OFFICIAL PUBLISHER OF OHIO OFFICIAL REPORTS

ISSUING OFFICE: OFFICE OF THE REPORTER

Date of Issuance: September 18, 2020

Response Due Date:

October 16, 2020

NOTICE

Section 9.24 of the Ohio Revised Code prohibits the Supreme Court from awarding a contract to any Respondent 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, a Respondent warrants that it is not now, and prior to the award of any contract arising out of this Request for Proposal will not become, subject to an unresolved finding for recovery under R.C. 9.24 without notifying the Supreme Court of such finding.

1. Overview

The Supreme Court of Ohio (“Court”) is seeking proposals to select the Official Publisher of the Ohio Official Reports (“Official Publisher” or “Publisher”), beginning January 1, 2021. The Official Publisher will be responsible for the production of bound volumes of Ohio St.3d and bi-weekly advance sheets as described herein, as well as the provision of additional publications or services as agreed upon by the Publisher and the Court. The initial contract terms for these services shall be for six (6) years.

2. Information for Respondents

Questions in relation to this Request for Proposal (“RFP”) will be received until September 25, 2020, and should be sent to Cindy Collins, Purchasing Officer at Cindy.Collins@sc.ohio.gov. Verbal inquiries will not be accepted. Proposal responses are to be received by the Court, via e-mail no later than October 16, 2020, and should be sent to Cindy.Collins@sc.ohio.gov. Product samples, as requested herein, shall be sent to the Court separately, and must be received no later than October 21, 2020. Please note that responses received after the specified date shall be considered late, and as a result, not considered for evaluation and award. The Court is not responsible for late mail or deliveries, and reserves the right to reject any and all proposals. The preparation of the proposal response shall be at the Respondent’s expense.

Listed below are specific dates and times related to this RFP. Actions with specific dates and times shall be adhered to unless changed by the Court via an addendum. All addenda in relation to this RFP will be posted to the Supreme Court of Ohio, Office of the Reporter web page, which can be accessed at <http://www.supremecourt.ohio.gov/ROD/default.asp>. It is the sole responsibility of Respondent to ensure receipt of all documentation issued by the Court.

Schedule of Key Milestone Events

RFP Issuance	September 18, 2020
Deadline for submitting Questions	September 25, 2020
Final Addendum to be Issued (If Applicable)	October 6, 2020
Proposal Responses Due	October 16, 2020 by Midnight EST
Product Samples to be received by the Court	No later than October 21, 2020
Contract Start Date (Estimated)	December 1, 2020

Respondents shall not meet or initiate communication with Court personnel during the RFP process, except as otherwise provided in this RFP or with respect to current or ongoing work. The RFP process is considered to have begun on the date on which it is issued, and is considered concluded on the date on which any resulting agreement is fully executed. Any attempts to meet and/or initiate contact during the RFP process, other than that expressly authorized by the RFP, may result in the disqualification of said Respondent.

3. Specifications and Requirements

Beginning January 1, 2021, the selected publisher shall serve as the Official Publisher of the Ohio Official Reports. The Official Publisher will be responsible for all tasks, personnel, and materials required for the production and distribution of the bound volumes of Ohio St.3d, bi-weekly advance sheets and Galleys as described herein, as well as the provision of additional publications or services as agreed upon by the Publisher and the Court.

3.1 Preparation and Publication of the Ohio Official Reports

- (1) Materials published within the Ohio Official Reports shall include, but are not limited to: 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, diagrams, charts, digests, memorials, addresses, reports, photographs (both color and black-and-white), and other content as specified by the Court's Reporter of Decisions, Douglas M. Nelson, Esq., or his designee.
- (2) Unless otherwise determined by the Court, the current series designation of the Ohio Official Reports, "Ohio St.3d", shall be maintained. Bound volumes of the Ohio Official Reports produced after January 1, 2021, 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 in December, 2020.
- (3) Bound volumes are currently printed on Utopia Book Matte 60# paper. Utopia Book Matte 60# paper, or an alternate which is equal in all aspects to the current paper, must be utilized for all bound volumes of the Ohio Official Reports. In the event that an alternate paper is proposed, Respondent must identify the brand name and specifications within their proposal response. If an alternate is provided, upon receipt, the Court will review to determine whether the proposed alternate is acceptable as an equal.
- (4) Each bound volume of the Ohio Official Reports shall contain approximately nine hundred pages. The Official Publisher and the Court shall make all reasonable effort to produce individual bound volumes that contain approximately the same number of pages as to give the bound volumes a uniform appearance. All other dimensions must also equal the current bound volumes of the Ohio Official Reports and incorporate the current layouts, both inside and out.
- (5) Each page shall be in a single column format (approximately 30 picas wide) with text, excluding footnotes. *The font type must be Century Expanded BT, size 10.*
- (6) To avoid confusion with official syllabus paragraphs, headnotes to accompany the text of Supreme Court opinions shall not be published; however, the Publisher's headnotes may be compiled as a digest in advance sheets issues and bound volumes.
- (7) The Ohio Official Reports cover (including color), spine, format, and overall look and quality, shall be equal to the current bound volumes. Representative volumes of the Ohio Official Reports are available in the Reporter's Office.

3.2 Preparation and Publication of Advance Sheets

- (1) Advance sheets shall be published on a bi-weekly cycle.
- (2) Materials shall be published in the specific issue of the advance sheets as directed by the Reporter.
- (3) The same page numbers as utilized in the advance sheets shall be maintained for the pages of the corresponding Ohio St.3d bound volume. Advance sheets pages shall be in the same single-column, point-size, and style formats as the bound volumes. The font type must be Century School Book, size 10.
- (4) The paper used for the advance sheets shall be of a commercial grade quality typically used for this type of publication, but does not need to be of the same or equal quality as the paper required for the bound volumes. Respondents shall identify the brand name and specifications of the paper that will be used for the advance sheets within their proposal response.
- (5) The publication dimensions, cover color, spine, font style, overall format, and appearance shall be equal to the current advance sheets. *The current advance sheets are produced with a squareback binding*, although perfect binding may be utilized as necessary to accommodate a particular issue. Representative samples of the current advance sheets are available in the Reporter's Office.
- (6) No advertisements shall be permitted in the advance sheets or bound volumes, except as permitted by the Court in writing.
- (7) The Court will consider the ability of the Official Publisher to distribute the advance sheets as broadly and promptly as possible to other interested parties and entities. As part of their proposal response, Respondents shall describe how they intend to distribute the advance sheets to other interested parties and entities.

3.3 Galleys and Their Correction

- (1) All documentation to be included in Galleys shall be distributed between the Court and the Official Publisher in an electronic format. In the event that the Official Publisher cannot receive or distribute materials electronically for any reason, all materials shall be provided and exchanged in hard copy at the Publisher's expense.
- (2) Ohio St.3d materials received by the Official Publisher must be returned to the Reporter's Office electronically within two weeks of their receipt.
- (3) Following the Court's review, the Reporter's Office shall return the corrected Galleys to the Official Publisher in accordance with timelines outlined between the Reporters Office and Publisher. This content will then be published in the advance sheets in the issue designated by the Reporter of Decisions. Generally, opinions shall be published in

chronological order with lower-numbered cases published before higher-numbered cases, unless the Reporter of Decisions requires a different publication order.

- (4) Respondents shall state in their proposal whether they are able to assist in ~~spellchecking~~ and proofreading of Ohio St.3d and, if so, their qualifications for undertaking said work.

3.4 Reservation of Electronic Rights and Copyright

- (1) The Official Publisher shall obtain and maintain throughout the life of the contract a copyright for The Supreme Court of Ohio to be documented in all materials properly copyrightable by the state at the Official Publisher's expense. *The Supreme Court of Ohio claims a copyright in all materials that are properly copyrightable that are provided to the Official Publisher for inclusion in the Ohio Official Reports.* A notice of copyright for The Supreme Court 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 Official Publisher may be copyrighted by it in its own name.
- (2) The Court reserves the right to electronically transmit and post its materials and those of other courts of Ohio (without the enhancement of any publisher) via the Court's website and all other means. Materials posted to the Court's website may be maintained indefinitely as a publicly accessible database.

4. Additional Requirements and Considerations

- (1) The Official Publisher will be required to maintain the confidentiality of all materials submitted to it prior to any official publication or other dissemination.
- (2) The Official Publisher must maintain an adequate inventory of published bound volumes for three years, and advance sheets for three months, to meet reasonably anticipated demand for these products.
- (3) The Official Publisher must have staff available to receive and respond to questions or inquiries from Court staff Monday – Friday, 9:00 a.m. – 5:00 p.m. EST.
- (4) Both the bound volumes and advance sheets shall be made available for purchase by outside parties upon request. The Official Publisher shall be permitted to identify the purchase price of these materials; however, the identified purchase price shall not exceed the current market price for such goods. In the event that the Court determines that the purchase price of these materials exceeds the current market price for such goods, the Court reserves the right to determine the selling costs of the materials. Respondents shall identify within their proposal response the prices that will be charged for each bound volume and each advance sheets.
- (5) The Official Publisher shall provide the Court with 70 copies of each of the bound volumes of Ohio St.3d and advance sheets, 30 copies of the Ohio Revised Code volumes and updates, and 100 copies of the annual Ohio Rules of Court (State and Federal). Although

not required, Respondents shall identify within their proposal response any other considerations for the right to publish the Ohio Official Reports.

- (6) The Official Publisher 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.

5. Proposal Response Criteria

Proposal responses shall include all information as requested and be organized per the specified categories listed below, with all sections clearly labeled. Failure to submit all information and samples as requested may result in the proposal response being found non-responsive.

- (1) Please describe your entity’s overall experience in the area of legal publishing.
- (2) Please identify the states in which you currently serve as the Official Publisher.
- (3) Please describe your approach to ensuring the successful completion of the requested services.
- (4) Please describe the method or process in which electronic transmissions will occur.
- (5) Please describe what quality control measures are currently in place specific to the services being requested, including how compliance with required timelines will be ensured.
- (6) Please indicate whether staff are available to assist in ~~the spellchecking and~~ proofreading of the Ohio Official Reports Ohio St.3d during the Galley process. If so, please describe current staff’s qualifications and experience in completing said work.
- (7) As stated in Section 3.1, bound volumes are currently printed on Utopia Book Matte 60# paper. Utopia Book Matte 60# paper, or an alternate which is equal in all aspects to the current paper, must be utilized for all bound volumes of the Ohio Official Reports. Please identify the brand and type of paper which will be utilized for the bound volumes of the Ohio Official Reports.
- (8) As stated in Section 3.2, the paper used for the advance sheets shall be of a commercial grade quality typically used for this type of publication, but does not need to be of the same or equal quality to the paper required for the bound volumes. Please identify the brand and type of paper that will be utilized for the advance sheets.
- (9) As stated in Section 4, the Official Publisher must have staff available to receive and respond to questions or inquiries from Court staff Monday – Friday, 9:00 a.m. – 5:00 p.m. EST. Please describe what support services will be available to the Court for fielding questions and inquiries from the Court.

- (10) *As stated in Section 4, both the bound volumes and advance sheets shall be made available for purchase by outside parties upon request. Please identify the prices that will be charged for each bound volume and each advance sheets to outside parties. If proposing the use of binding other than sewn binding for the bound volumes, please explain the reason and the cost difference to purchasers.*
- (11) As stated in Section 4, please identify any other considerations for the right to publish the Ohio Official Reports.
- (12) Product samples, as requested herein, shall be sent to the Court separately. The following samples must be submitted to the Court no later than Wednesday, October 21, 2020:
- (a) Paper that will be used for the bound volumes of the Ohio Official Reports;
 - (b) Material that will be used for the cover of the Ohio Official Reports;
 - (c) Paper that will be used for the Advance Sheets;
 - (d) Optional – Example of publication which contains burst binding.*

Samples should be sent to the following address:

The Supreme Court of Ohio
Attention: Cindy Collins
65 South Front St.
Columbus, Ohio 43215

6. Evaluation Criteria

All proposals will be evaluated based on the Respondent's qualifications, experience in completing the identified services, capability of completing the identified services, and quality of proposed products. It is Respondent's responsibility to provide all documentation as required. Additionally, the Court may contact any customer of the Respondent to inquire about Respondent's experience and capabilities specific to these services, and use that information in the evaluation process. Upon completion, the Court will select the proposal response that best meets the Court's needs for these services.

7. General Terms and Conditions

The Court assumes no responsibility for costs incurred by the Respondent prior to the award of any Contract resulting from this RFP.

All proposed offers submitted to the Court are firm and shall remain in effect for 180 days from the proposal due date. Respondents are well-advised to check their proposal carefully before submitting. Errors cannot be corrected after the proposals are opened.

A proposal, upon acceptance by the Court, immediately creates a binding contract between the Respondent and the Court. Except as otherwise provided in this RFP, once accepted, the proposal may not be rescinded, canceled, or modified by the Respondent unless mutually agreed in writing by the parties.

At the Court's sole discretion, the RFP may be cancelled or reissued, in whole or in part, or a contract may not be awarded, if any of the following apply:

- (1) The goods or services offered are not in compliance with the requirements, specifications, or terms and conditions set forth in this RFP;
- (2) It is determined that the award of a contract would not be in the Court's best interest.

The Court requires all Respondents to provide their Federal Taxpayer Identification Number. The Court does this so that it can perform statutorily required "responsibility" analyses on those Respondents doing business with the Court and, under limited circumstances, for tax reporting purposes.

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

Respondent warrants that it is not subject to an unresolved finding for recovery under R.C. 9.24. If the warranty is false on the date the parties sign a contract awarding Respondent's submittal, the contract is void *ab initio*, and the Respondent shall immediately repay to the Court any funds paid under the contract.

Any contract resulting from this RFP is binding on the successful Respondent. Respondent's failure to meet or perform any of the contract terms or conditions shall permit the Court to rescind or cancel the contract. In that situation, the Respondent shall reimburse costs and expenses in excess of the contract price necessitated by the Court having to seek replacement services. The 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 Court advises Respondents that all documents submitted in response to this RFP, including those documents that purportedly contain trade secret information, shall become public records. The Court is required to allow the public, including other Respondents, to inspect and obtain copies of these documents in accordance with Rules 44 through 47 of the Ohio Rules of Superintendence. If, in its response to this RFP, the Respondent clearly identifies the document or document excerpt that the Respondent believes is not a public record and the legal basis for that determination, the Court may restrict public access to the document. In weighing whether a Respondent's proposal contains trade secret information that may be protected from disclosure under Sup.R. 44 through 47 and *State ex rel. Seballos v. School Employees Retirement Sys.*, 70 Ohio St.3d 667 (1994), the definition of "trade secret" in R.C. 1333.61(D) and the factors described in *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513 (1997), should be considered.

8. Equal Employment Opportunity Policy

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

9. Discrimination and Sexual Harassment

The Court prohibits discrimination and sexual harassment. Persons conducting or seeking to conduct business with the Court are subject to Adm. P. 6(A) (Discrimination and Sexual Harassment), a copy of which can be obtained from the office issuing this RFP.

10. Drug and Alcohol-Free Workplace

The Court intends to provide a drug and alcohol-free workplace. Persons conducting or seeking to conduct business with the Court are subject to Adm. P. 19 (A) through (C), a copy of which can be obtained from the office issuing this RFP.