



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

PURCHASING MEMORANDUM

DATE: July 24, 2024

PLEASE ADDRESS INQUIRIES TO:

Rachel Young, *Contract Management Specialist*
Telephone Number: (518) 776-2144
E-Mail: purchase@ag.ny.gov

REQUEST FOR PROPOSAL (RFP) NO.: 24-004

TITLE: eDiscovery Review Services (eDRS)

RFP DUE DATE: ~~July 11, 2024 July 18, 2024 July 24, 2024~~ **August 7, 2024 by 5:00 PM EST**

CONTRACT PERIOD: Three (3) years with two (2) one-year renewals

SUBJECT: Answers to Questions/Inquiries

TO: **ALL PROSPECTIVE BIDDERS**

In reference to the above Request for Proposal, the following questions/inquiries were submitted by the deadline indicated in the RFP. We are hereby providing answers to each question.

1. QUESTION: Across any or all lots, does the state expect the vendor to perform litigation holds?
ANSWER: **No, OAG does not expect the vendor to perform litigation holds.**
2. QUESTION: Across any or all lots, does the state expect the vendor to perform forensic data collections?
ANSWER: **No, OAG does not expect the vendor to perform forensic data collections.**
3. QUESTION: Across any or all lots, does the state expect the vendor to perform document productions?
ANSWER: **Historically, OAG only performs document productions in-house. However, this RFP aims to provide OAG alternate solutions if the need arises. Vendor would potentially perform document productions in Lot 2 (Document Based Review) only.**
4. QUESTION: How does OAG determine a project to be for a DRT or a MDRT?
ANSWER: **Historically, OAG projects are only DRT. A project will be MDRT only if OAG does not have the internal resources to manage the review. It would be rare that OAG would need a MDRT, but this RFP aims to provide OAG alternate solutions if the need arises.**
5. QUESTION: From your historical data, what is the percentage of projects assigned to a MDRT?
ANSWER: **No OAG project has been assigned to a MDRT yet.**
6. QUESTION: What is the anticipated percentage of data volume for DRT vs. MDRT review?
ANSWER: **Historically, OAG projects are only DRT. It would be rare that OAG would need a MDRT, but this RFP aims to provide OAG alternate solutions if the need arises. For purpose of**



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

responding to this question, we estimate 95% of data volume would be DRT and 5% would be MDRT.

7. QUESTION: Can the state provide historical information on annual Hourly Remote DRS projects and onsite DRS projects?
ANSWER: **Since March 2020, all OAG DRS projects have been remote. Prior to that, all OAG DRS projects were onsite at OAG or at vendor review sites. The OAG will not be hosting DRS at OAG facilities going forward. All DRS projects will be at the vendor's facility or remote.**
8. QUESTION: Can the state provide the criteria to determine how document-based services are preferred over Hourly based services?
ANSWER: **Historically, OAG projects are only hourly-based and with a DRT. A project will be document-based and with a MDRT only if OAG does not have the internal resources to manage the review. It would be rare that OAG would need a document-based MDRT project, but this RFP aims to provide OAG alternate solutions if the need arises.**
9. QUESTION: With regards to Bidder Reference Form – Attachment C: Can the bidder use an existing generic reference form with similar project or does it have to be a newly signed (Attachment C) provided with the proposal.
ANSWER: **Please provide a newly signed Attachment C – Bidder Reference Form.**
10. QUESTION: Are bidders expected to submit a printed version of the workbook or the native workbook with possible duplicate tabs?
ANSWER: **Please use native workbook with possible duplicate tabs.**
11. QUESTION: Can contractors provision MDRT with thin-client hardware that restricts user capabilities?
ANSWER: **Yes, MDRT contractors can provide thin-client hardware restrictions.**
12. QUESTION: 3.3.2 – Is there a required or preferred MFA service?
ANSWER: **No, there is no particular MFA service that OAG requires or prefers.**
13. QUESTION: 3.3.9 – Is there a required or preferred timecard keeping platform to be used?
ANSWER: **There is no particular timecard keeping platform that OAG requires, but OAG would prefer a platform where the timekeeper can input notes or comments for the time period worked, e.g., 9:00am-10:30am with note “Orientation meeting and reviewed reference materials.”**
14. QUESTION: 3.3.13 – Is there a preference for the use of facial recognition, gaze tracking, and/or screen blur technology?
ANSWER: **There is no use of facial recognition, gaze tracking, and/or screen blur technology preference.**
15. QUESTION: 3.3.14 – Is there a preference for allowing secure workspace screen drop-in?
ANSWER: **There is no secure workplace screen drop-in preference.**
16. QUESTION: 3.3.4 – Can system logs that indicate user activity substitute for a watermark?
ANSWER: **No, system logs do not provide sufficient security to protect OAG materials.**



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

17. QUESTION: 5.3.2 – Is there a requirement or preference for experience providing eDiscovery services to public sector clients?
ANSWER: There is no requirement or preference that Bidders have experience providing eDiscovery services to public sector clients.
18. QUESTION: 7.2.5.1 – Do specific individuals need to be named?
ANSWER: A contact person must be named, however individual names do not need to be identified when explaining specific roles and responsibilities of staff.
19. QUESTION: How will tasks be awarded?
ANSWER: Primary Contractor will be given first right of refusal. If the Primary Contractor is unable to provide services for the task, the service would then be requested of the Secondary Contractor. If the Secondary Contractor is unable to provide services for this task, it would then be requested of the Tertiary Contractor.
20. QUESTION: What is the historical breakdown of task awards to primary, secondary, and tertiary ranking contractors?
ANSWER: There is no historical breakdown data available. The prior contracts were not based on a primary, secondary, and tertiary award. Previously, a pool of five awarded contractors competed in task order mini-bids which were awarded based on best price.
21. QUESTION: How are task award determinations made between primary, secondary, and tertiary ranking contractors?
ANSWER: Primary Contractor will be given first right of refusal. If the Primary Contractor is unable to provide services for the task, the service would then be requested of the Secondary Contractor. If the Secondary Contractor is unable to provide services for this task, it would then be requested of the Tertiary Contractor.
22. QUESTION: If the location and time zones of our Onshore Teams and Reviewers is important to you, should we provide you with the specific U.S. states and cities?
ANSWER: Specific U.S. states and cities are welcome, but not required for RFP response.
23. QUESTION: Is it fine that we will submit pricing for Lot3 – Admin Fee as a “Blended” rate?
ANSWER: The “administrative fee” for the RFP is inclusive of, but not limited, to all costs including travel, licenses, insurance, administrative, and other ancillary costs. For the purposes of this contract, full service shall mean that the vendor's deliverable price includes: equipment cost; reporting or other requirements; all overhead costs and profit. Details of service not explicitly stated in these specifications, but necessarily attendant thereto are deemed to be understood by the Contractor and included herein. No additional charges, or fees, beyond the market rate established by OAG and the Administrative Fee will be given any consideration by the OAG.
24. QUESTION: We want to follow the OAG’s RFP process. In addition to providing all the required information for [Bidder’s] RFP response using only our Onshore teams and reviewers, would the OAG’s office appreciate reviewing an added tab in the excel file with a “Hybrid” hourly rate?



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

- a. Ex. Pricing for Onshore Project Managers and first line reviewers Offshore? We are inquiring in case additional cost savings are desired. If so, we will gladly provide any documentation related to security, resumes, any other related information the State may require in this scenario.
ANSWER: This RFP only contemplates Onshore DRT and MDRT.
25. QUESTION: Could we please get the case caption for this matter?
ANSWER: This is a bid for multiple matters current and future. There is no specific case information to share.
26. QUESTION: Is there an estimated average duration for audio/video files that will require Review? (Citation Information: Lot 2 Document Based Review tab: Specific to the consideration for Rows D9/D12/D15/D18/D21)
ANSWER: The volume of audio/video material for any project is case specific and cannot be estimated in advance.
27. QUESTION: Is there an estimated quality for “scanned hard copy” documents requiring review? (Citation Information: Lot 2 Document Based Review tab: Specific to the consideration for Rows D9/D12/D15/D18/D21)
ANSWER: Scan quality varies widely from case to case depending on the source. For the purpose of any RFP response, please assume an average quality of 300 dpi.
28. QUESTION: Are collected text message outputs expected to be hosted for review in rolled up format (i.e., groups of messages contained within a document, per 24 hours)? (Citation Information: Lot 2 Document Based Review tab: Specific to the consideration for Rows D10/D13/D16/D19/D22)
ANSWER: Text message and other short message formats vary from case to case and may include rolled up formats. Other potential formats include RSMF, TIFF or JPEG images, PDF, spreadsheet, XML or txt.
29. QUESTION: What is the assumed issue code count for “complex” issue coding? (i.e., 10 issue codes, 12 issue codes, etc.) (Citation Information: Lot 2 Document Based Review tab: Specific to the “complex technical documents and/or complex issue coding” required for consideration within rows C8 – C10)
ANSWER: Complexity is not measured solely by the number of issue codes. Other considerations would include the level of analysis required by a review protocol and the type of subject matter(s) involved. For the purpose of RFP response, consider a complex issue coding protocol to include more than 10 coding options.
30. QUESTION: What is the assumed issue code count for “Basic” issue coding? (i.e., 5 issue codes, 10 issue codes, etc.) (Citation Information: Lot 2 Document Based Review tab: Specific to the “basic issue coding” required for consideration within rows C11 – C13 and C14 – C16)
ANSWER: A basic review project would focus on responsiveness/relevance and privilege. For the purpose of RFP response, consider a basic issue coding protocol to include less than 10 coding options.
31. QUESTION: Relating to the population of 400,000 documents referenced within Cell J8, what percentage assumption should be used when estimating the number of documents within the 400,000 that will require redactions be applied? (i.e., 10% of the 400,000 will require redactions, 5%, etc.) (Citation



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

Information: Lot 2 Document Based Review tab: Specific to cell C8: complex technical documents and/or complex issue coding)

ANSWER: Projects vary widely but for the purpose of RFP response, please estimate 10% of the population will require redaction.

32. QUESTION: Relating to the population of 400,000 documents referenced within Cell R8, what percentage assumption should be used when estimating the number of documents within the 400,000 that will require redactions be applied? (i.e., 10% of the 400,000 will require redactions, 5%, etc.) (Citation Information: Lot 2 Document Based Review tab: Specific to cell C8: complex technical documents and/or complex issue coding)

ANSWER: Projects vary widely but for the purpose of RFP response, please estimate 10% of the population will require redaction.

33. QUESTION: Page # 9, Section # 3.4.4, Paragraph # 6: Tier 4 calls for redactions for PII and PHI on a per document basis. Because the quantity of redactions on any given document set can vary dramatically, how should organizations responding to this solicitation address the potential variance that may result in additional time spent per document? Will NYSOAG allow for additional markups for cost based on the quantity of redactions?

ANSWER: Lot 2 document-based projects are with MDRTs. The MDRT Project Manager would discuss redaction complexities and challenges with OAG team and ensure agreed upon resolution, e.g., automated redactions with eyes-on QC can be implemented to manage time spent per document. Document sets with particularly complex redactions would likely not be Lot 2 document-based MDRT projects, but rather Lot 1 or Lot 3 hourly-based DRT projects.

34. QUESTION: Page # 9, Section # 3.4.5, Paragraph # 8: Tier 5 calls for a redaction only project on a per document basis. Because the quantity of redactions on any given document set can vary dramatically, how should organizations responding to this solicitation address the potential variance that may result in additional time spent per document? Will NYSOAG allow for additional markups for cost based on the quantity of redactions?

ANSWER: Lot 2 document-based projects are with MDRTs. The MDRT Project Manager would discuss redaction complexities and challenges with OAG team and ensure agreed upon resolution, e.g., automated redactions with eyes-on QC can be implemented to manage time spent per document. Document sets with particularly complex redactions would likely not be Lot 2 document-based MDRT projects, but rather Lot 1 or Lot 3 hourly-based DRT projects.

35. QUESTION: What was the percentage of matters awarded to 3rd party suppliers in 2022 and 2023 for eDiscovery and Managed Review? Please break down that percentage by awards for per document fees versus per hour fees.

ANSWER: Historically, OAG projects have only been hourly-based and with a DRT. A project will be document-based with a MDRT only if OAG does not have the internal resources to manage the review. It would be rare that OAG would need a MDRT, but this RFP aims to provide OAG alternate solutions if the need arises

36. QUESTION: Page # 5, Section # 3.1: For eDRT reviews, it is stated that a full background check is required. Please clarify how long a background check is valid for before it will need to be performed again.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

ANSWER: Background checks will be valid for one (1) year.

37. QUESTION: What is your conflict check process and how does NYSOAG disclose matter information to its suppliers for purposes running a conflict check?

ANSWER: OAG will provide the awarded contractor the list of parties to check for conflicts as matters arise that require staffing review teams.

38. QUESTION: Page # 5, Section # 3.2, Paragraph # 8: This section calls for a scalable and efficient managed review team, and includes a dedicated Project Manager to help support. Assuming that the chosen supplier(s) are awarded multiple matters to support concurrently, what is the metric NYSOAG leverages to determine when additional Project Managers are warranted (i.e. if there are 4 matters, each with 20+ reviewers)? Or if there is a very large matter with many reviewers, what is the metric that NYSOAG will leverage to determine how many Project Managers would be needed (i.e. at matter with over 75 reviewers)?

ANSWER: Section 3.2 MDRT and dedicated Project Managers apply to Lot 2 document-based projects only, so suppliers can determine how many dedicated Project Managers are necessary per number of matters supported or size of review teams.

39. QUESTION: We do not see any mention of ESI Processing, data analytics, leveraging of AI, or Production Services in this solicitation. Is it to be assumed that this is out of the scope of this RFP, or should responding suppliers contemplate those services in the pricing response?

ANSWER: Historically, OAG handles all of the above services in-house. Vendor could potentially perform the services above during the course of Lot 2 document-based projects.

40. QUESTION: Bottom of Page 7 – top of Page 8, Section 3, Paragraph numbers 3.3.13 and 3.3.14: In the event Designated User Secure Workspace/Relativity® Security including facial monitoring or screen drop-in is required, will New York State be willing to contract directly with a third-party provider (e.g., SessionGuardian) to provide the required technology?

ANSWER: 3.3.13 and 3.3.14 are not required and New York State will not contract directly with a third-party provider to provide the technology.

41. QUESTION: Page 30, Section 10, Paragraph 10.3 Attachment A - Bid Response Cover Page: Do we have the option to choose which Lots we are providing bids for, or do we need to supply our bids for all 3 Lots?

ANSWER: Bidders are not required to bid on all Lots and may elect to submit a bid for one or more Lots (see Section 6).

42. QUESTION: Page 30, Section 10, Paragraph 10.4 Attachment B -Bid Response Checklist: We were unable to locate the Signed Addenda (if any, ex. Purchasing Memorandum - Questions & Answers, etc.) as mentioned in the Administrative Forms section in Attachment B. Can you please share the referenced material?

ANSWER: This document is the Purchasing Memorandum – Questions & Answers, which is to be signed and submitted by the bidder with their RFP response.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

43. QUESTION: Page 4, Section 1.2 (both paragraphs): What is the average length in pages of documents requiring redaction?
ANSWER: Projects vary widely but for the purpose of RFP responses, consider 5 pages the average length per document requiring redaction.
44. QUESTION: Page 14, Section 6, 6.3 References (Pass/Fail): Due to the confidentiality clauses in our contractual agreements with clients, we are prohibited from sharing confidential information and/or attorney work product. Please note that some of the requests on Attachment C – Bidder Reference Form (i.e., dollar value of the contract/project, review summary) may cause us to violate our contractual agreements with clients. Our clients may also require us to keep this information confidential and not share with a government agency in a competitive bidding process. They may also prohibit us from disclosing the dollars spent or the nature of the review, including the review strategy. Out of deference to our contractual agreements, can we ask that this requirement be revised and that only reference names/contact details are provided? We would commit to assisting the OAG with facilitating calls with our client references.
ANSWER: The section of Attachment C – Bidder Reference Form that asks for this information is to be completed by the client/reference, not the bidder. If the client cannot disclose this information, the reference should write “Confidential” or “privileged information”. If it is information that needs to be discussed on a call, they should write, “please call for further information”. However, bidders must provide references for projects that will meet the criteria of a complete reference. The OAG needs to be able to gather enough information to ensure the project is of similar size and complexity. If OAG cannot determine/document the size and complexity of the project from the reference, OAG may reject the reference as insufficient. OAG will make the final determination on the sufficiency of a reference.
45. QUESTION: Page 14, Section 6, 6.3 References (Pass/Fail): As a professional courtesy to our clients, would it be possible to reconsider how the reference information is provided? We are grateful to our clients for their business but certainly want to be sensitive to their work demands and do not wish to create additional burdens for them. As many of our clients as a matter of corporate policy may not be permitted to provide a reference form furnished by the OAG’s office with a written signature, can we ask for an accommodation? In the typical course of responding to RFPs for eDiscovery and Managed Review Services, the customary business practice is to provide the name of the reference, their company or law firm and their contact details. Will that suffice to satisfy the reference requirement given the concerns stated above? While we wish to comply with the OAG’s reference request, we also need to balance the request with the professional courtesy that our clients would expect when asking them for client testimonials and references. We wish to respect our client’s desire to provide this information in a telephone meeting rather than in a signed reference form where they don’t govern the questions being asked.
ANSWER: Please see answer to Question 44.
46. QUESTION: Please confirm if the RFP will take both the eDiscovery platform and the Managed Review service offering from [bidder name removed], not just the managed review offering?
ANSWER: Most OAG projects are expected to be hosted on OAG’s Relativity instance. For the hourly-based Lot 1 and Lot 3, the ability to provide a review platform is not required. Since Lot 2 is document-based, we anticipate Contractors may want to use their review platform of choice to complete the project.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

47. QUESTION: When would the prospective decision be made, will it be in 2024?
ANSWER: **Tentative award will be made in 2024.**
48. QUESTION: Will the RFP be for OAG Relativity instance only? We do see the notation of “OAG’s Relativity® (or equivalent)”. [Bidder name removed] would like to confirm that OAG will be able to use another software other than Relativity for the processing and hosting of the new data sets as well beside the Managed Document Review service offering, we do provide.
ANSWER: **Historically, OAG handles all processing and data hosting in-house on OAG’s Relativity instance. Since Lot 2 is document-based, we can assume that a MDRT could use both the supplier’s eDiscovery platform and managed review offering.**
49. QUESTION: [Bidder name removed] cannot agree to all Terms & Conditions at this point in the RFP process as per Section 8. We are happy to negotiate terms with NY State further along in the process to come to mutually beneficial terms. Is there a way to proceed with our bid based on this?
ANSWER: **In order for the bid submissions received from this RFP to be comparable, bidders’ responses must be submitted giving considerations to the same terms. Allowing one bidder to submit a response under different conditions would not be fair or equitable. Bidders must submit their proposal and pricing based on the terms outlined in the RFP as written. Proposals submitted that assume, or are based on, alternate terms and conditions will not be accepted. The OAG will be under no obligation to accept alternate terms and bidders should not make any assumptions that additional terms will be accepted by the OAG/State later. If contract terms cannot be negotiated between the parties, or bidders refuse accept the terms of the RFP/contract, the OAG reserves the right to reject a proposal, rescind an award, and/or issue an alternate award.**
50. QUESTION: Is the OAG open to using a provider that does not have a Relativity instance?
ANSWER: **Most OAG projects are expected to be hosted on OAG’s Relativity instance. Since Lot 2 is document-based, we can assume that a MDRT could use the supplier’s eDiscovery platform along with the supplier’s managed review offering.**
51. QUESTION: The July 4th Holiday is quickly approaching, many companies will be closed, our question would be, can there possibly be a 1 week extension as getting references to complete tasks asked of by the RFP might run into a time crunch due to the Holiday and where it falls in the work week.
ANSWER: **Bid responses are due August 7, 2024.**
52. QUESTION: Appendix B- General Specifications. Though we are largely agreeable to the terms, we cannot agree to all clauses of the General Specifications without some negotiation. How can we proceed? (Can you share a Word version for mark up? Can we negotiate later if awarded work?)
ANSWER: **Please see answer to Question 49.**
53. QUESTION: Section 3 “Scope of Work Requirements” at page 5: The RFP states that the acquisition of software and hardware is prohibited from the RFP, yet also allows for Contractor to use its own instance of Relativity and, in such circumstances, specifies that “Contractor shall provide at least one user account for on-line review of the documents by OAG” (section 3.3 intro). If Contractor uses its own platform, is the expectation that Contractor will host data for free and OAG will use only 1 complimentary license in



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

our instance? Or are hosting and licensing fees allowable? Are there any circumstances under which a review (whether DRT or MDRT) would be expected to be performed on the Contractor's platform?

ANSWER: Most OAG projects are expected to be hosted on OAG's Relativity instance. Since Lot 2 is document-based, we can assume that a MDRT could use the supplier's eDiscovery platform along with the supplier's managed review offering.

54. QUESTION: 3.5 LOT 3: We see the current FMV rate in the provided Excel. Can you please detail how OAG will determine market rate to reviewers and how often the rate can be adjusted?
ANSWER: The prevailing market rate constantly changes based on supply and demand, and other market conditions. OAG will evaluate market rate at the beginning of each Lot 3 project. OAG will determine the rate based on a sampling of contract vendors and online resources.
55. QUESTION: 3.5 LOT 3: Please confirm that by FMV you mean the gross hourly pay rate to the Talent, and that therefore, the "Administrative Fee" includes all payroll taxes, social security benefits (etc), in addition to administrative fees, licenses etc.
ANSWER: Yes, FMV refers to the gross hourly pay to the reviewer and "Administrative Fee" includes all taxes, fees, licenses, overhead, etc. No other fees will be accepted or given further consideration.
56. QUESTION: 3.5 LOT 3: Given that both Lot 1 and Lot 3 apply only to DRT, why is OAG requesting both pricing methodologies? What will be the criteria for selecting whether any specific DRT review will be priced on the Lot 1 or Lot 3 basis?
ANSWER: OAG matters vary in scope and size, having both Lot 1 and Lot 3 pricing provides more options for budgeting and staffing. OAG would utilize Lot 3 in circumstances where matters are extremely time sensitive, and retention and continuity of review staff is most critical.
57. QUESTION: Page 16- 7.2.5.2.2 - Please clarify how background checks can be run prior to staffing, but projects must be staffed within the proposed SLA (within 2 days of project request, per this section, for example). We presume that background checks can be run in advance and are good for 1 year to allow for fast staffing?
ANSWER: Yes, background checks can be run in advance and will be valid for one year.
58. QUESTION: General Pricing- Certain tasks, such as the optional need for preparing or processing electronic data for review or production, may be best performed by resources other than those described in the review attorney tiers. Could you please provide an extra pricing space for unique line items, such as this, that does not fit the given pricing grid?
ANSWER: Historically, OAG handles all processing and data hosting in-house on OAG's Relativity instance. Since Lot 2 is document-based, we can assume that a MDRT could use the supplier's eDiscovery platform for data hosting along with the supplier's managed review offering
59. QUESTION: Please confirm that if OAG's instance of Relativity is used, OAG will bear the costs of licenses and will supply licenses to Contractor review team.
ANSWER: Yes, if OAG's instance of Relativity is used, OAG will bear the costs of licenses and will supply licenses to Contractor's review team.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

60. QUESTION: Please clarify if RelOne in the Cloud is allowable (section 3.3.8 mentions Relativity Server 2023 or current version).
ANSWER: Most OAG projects are expected to be hosted on OAG's Relativity instance. Since Lot 2 is document-based, we can assume that a MDRT could use the supplier's platform of choice.
61. QUESTION: On what percentage of reviews would a MDRT be needed vs DRT?
ANSWER: Historically, OAG projects are only DRT. It would be rare that OAG would need a MDRT, but this RFP aims to provide OAG alternate solutions if the need arises. For purpose of responding to this question, we estimate 5% of reviews would be MDRT and 95% would be DRT.
62. QUESTION: Would non-Attorney reviewers ever be required (i.e. paralegals for privacy reviews or data breach) and if so, would they be priced at the entry level attorney level or would they be a separate category?
ANSWER: Non-Attorney reviewers are not contemplated for this RFP.
63. QUESTION: Section 3.3 (and elsewhere) references using the Contractor's review platform – is the ability to provide a review environment a requirement?
ANSWER: Most OAG projects are expected to be hosted on OAG's Relativity instance. For the hourly-based Lot 1 and Lot 3, the ability to provide a review platform is not required. Since Lot 2 is document-based, we anticipate Contractors may want to use their review platform of choice to complete the project.
64. QUESTION: Sections 3.3.11 to 3.3.15 all say "Contractor may" – please confirm that this means that these are not requirements but rather optional if able to provide.
ANSWER: Confirmed, Sections 3.3.11 to 3.3.15 are not requirements.
65. QUESTION: Would bidding on only specific lots impact the success of the overall bid?
ANSWER: No, bidding on only specific lots will not impact the success of the overall bid.
66. QUESTION: Section 3.3 – says Continental United States, does this specifically exclude Hawaii and Puerto Rico?
ANSWER: Yes, Continental United States does not include Hawaii and Puerto Rico.
67. QUESTION: Section 4.1 – Are background checks required to be completed or is it ok for it to have been initiated for personnel to start on a project?
ANSWER: Background checks should be completed in advance of personnel start date, but they do not need to be run or re-run at the beginning of each project. If a background check has been run in the previous year, that is sufficient.
68. QUESTION: Section 4.1 – is there a minimum period when a background check will be required to be run again for reviewers who have already had a check run previously?
ANSWER: Background checks will be valid for one (1) year before needing to be run again.
69. QUESTION: Section 4.5 – is there a requirement for how often training must take place?
ANSWER: OAG has mandatory annual trainings for OAG employees. OAG does not have a requirement for how often Contractor provides HIPAA/PII training to its own personnel.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

70. QUESTION: Based on last year's 8 cases (800 GB of data/about 2 million documents), what was the typical volume of instant messages/texts/SMS files reviewed per matter? (1.2/3.4_Page 4_Page 9)
ANSWER: The cases vary widely, but for the purpose of RFP responses, assume no more than 500 files.
71. QUESTION: Based on last year's 8 cases (800 GB of data/about 2 million documents), what was the typical volume of audio/video files reviewed per matter? (1.2/3.4_Page 4_Page 9)
ANSWER: The cases vary widely, but for the purpose of RFP responses, assume no more than 500 files.
72. QUESTION: What are the standard and/or common applications for instant messages, texts, or SMS files included in your standard reviews (I.e., Slack, Teams, etc.)? (3.4_Page 9)
ANSWER: Applicable short message formats include, but are not limited to, MS Teams, Slack, WhatsApp, SMS, and Cellebrite.
73. QUESTION: For the final submission via email, would you expect to receive (1) Excel file and (1) PDF file or would you like to receive (1) PDF file that contains the PDF Excels?
ANSWER: Please submit Excel file and PDF file.
74. QUESTION: Tab 2, Bid Response Checklist – Section 5.2.1. Do attorneys need to be licensed and barred in jurisdictions where they might be working remotely?
ANSWER: Remote review attorneys need to be licensed and barred in jurisdictions where they sit.
75. QUESTION: Tab 4, Lot 1 Hourly Based Review - Cells J7 – J10. Is it possible to submit an additional alternative price model which be even more cost effective?
ANSWER: Only pricing submitted in Attachments D-F will be evaluated.
76. QUESTION: Tab 4, Lot 1 Hourly Based Review - Cells A12. How should we add pricing for Technical Time support and additional services that might be required?
ANSWER: Tab 4, Lot 1 Hourly Based Review – Cells A12-L12 notes that the Project Manager rate is for informational purposes only. Project Managers are only staffed on Lot 2's document-based projects. Lot 1 projects expect to use OAG's Relativity instance so there is no pricing for technical time support or additional services.
77. QUESTION: Tab 4, Lot 1 Hourly Based Review - Cells A12. What level of management would we be required to provide?
ANSWER: Tab 4, Lot 1 Hourly Based Review – Cells A12-L12 notes that the Project Manager rate is for informational purposes only. Project Managers are only staffed on Lot 2's document-based projects. However, Lot 1 projects do expect Contractor to generate timesheet reports for OAG's review and approval, and troubleshoot review team issues with Contractor's timekeeping tool, remote desktop and email system.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

78. QUESTION: Tab 5, Lot 2 Hourly Based Review - Cells A5 – A20. What documents per hour productivity rate(s) assumptions are being used for each tier?
ANSWER: **Projects vary widely but for the purpose of RFP responses, consider the following documents per hour productivity rate(s) for each Tier:**
Tier 1 - 40 documents per hour
Tier 2 - 50 documents per hour
Tier 3 - 60 documents per hour
Tier 4 - 50 documents per hour
Tier 5 - 25 documents per hour
79. QUESTION: Page 5, Paragraph 1. What version of Relativity and SQL would need to be administered?
ANSWER: **Currently, Server 2022 with upgrade expected later this year to Server 2023. We do not foresee moving to RelativityOne during the next fiscal year. Contractors will not have access to OAG's SQL. OAG employees will be responsible for all SQL administration.**
80. QUESTION: Page 5, Paragraph 1. What is the recommendation for including charges for Project Management and Technical Time related to database management?
ANSWER: **Historically, OAG handles all project management and database management in-house on OAG's Relativity instance. Since Lot 2 is document-based, Bidders can build in the additional cost of project management and technical time related to database management in the price per document, so it reflects the use of supplier's eDiscovery solutions for the managed review offering.**
81. QUESTION: Page 5, Paragraph 1. Where is the data hosted?
ANSWER: **Most OAG projects are expected to be hosted on OAG's Relativity instance. However, this RFP aims to provide OAG alternate solutions if the need arises. Since Lot 2 is document-based, we can assume that a MDRT could use the supplier's eDiscovery platform for data hosting along with the supplier's managed review offering.**
82. QUESTION: Page 5, Paragraph 1. Would the winning bidder be named as Relativity "Partner of Record?"
ANSWER: **This RFP does not include services that would warrant designation as a Partner of Record. Partners of Record would be vendor services that would help us design, deploy, manage, and/or maintain our entire Relativity environment.**
83. QUESTION: Page 5, Paragraph 1. What level of access would be granted?
ANSWER: **For Lot 2's document-based project, supplier's dedicated Project Manager will have access and permissions similar to PTG's managed review team for OAG's Relativity instance, but only for the specific workspace and matter the supplier is engaged for.**
84. QUESTION: Page 78-80. Can notarization be electronic or is a hard copy required?
ANSWER: **Electronic notarization will not be accepted.**
85. QUESTION: If data is going to be reviewed in a vendor provided platform, how are the costs of data imports/exports processing accounted for?
ANSWER: **Historically, OAG handles all data imports/exports processing in-house on OAG's Relativity instance. Since Lot 2 is document-based, Bidders can build in the additional cost of data**



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

imports/exports processing in the price per document, so it reflects the use of supplier's eDiscovery solutions for the managed review offering.

86. QUESTION: If portions of the required services will be provided by subcontractors, is there a prescribed way to document that. What documents are required for each party?
ANSWER: Subcontractors must be identified in the bidder's proposal explaining what services will be subcontracted. If it is anticipated that the subcontract will exceed \$100K subcontractors must also complete the Vendor Responsibility Questionnaire. Additional documents may be requested by the OAG.
87. QUESTION: Section 1.2 Project Background (page 4): What is the average number of pages/images that OAG processed for review last fiscal year?
ANSWER: Across all cases that used contract attorneys for review, OAG processed 16 million pages/images for review.
88. QUESTION: Section 3 , Scope of Work Requirements (pages 5-10): After contract award, would a vendor need to submit bids for specific projects or tasks in the LOT(s) awarded to them under this RFP?
ANSWER: For each task, the Primary Contractor will be given first right of refusal. If the Primary Contractor is unable to provide services for the task, the service would then be requested of the Secondary Contractor. If the Secondary Contractor is unable to provide services for this task, it would then be requested of the Tertiary Contractor.
89. QUESTION: Section 3.2 , Managed Document Review Team (MDRT) (page 6): Is a dedicated project manager (PM) required for the performance of all contracts (LOTs 1- 3) or only for LOTs 2 and 3?
ANSWER: Only Lot 2 requires a dedicated Project Manager. The Project Manager title is included for informational purposes only in Attachment D Lot 1 and Attachment F Lot 3.
90. QUESTION: Section 3.4 , LOT 2: Document Based Remote Review (page 8): What is the average number of documents that OAG requires to be reviewed in an hour for each Tier?
ANSWER: Please see answer to Question 78.
91. QUESTION: It seems there are issues with the pricing formulas in the excel file. Should we populate the pricing tabs regardless of these formula issues? Do we make necessary formula corrections on the excel file and submit that way?
ANSWER: The financial response form has been updated. Please see "RFP 24-004 – Bidder Response Workbook – Revised".



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUDGET AND FISCAL MANAGEMENT BUREAU

This Purchasing Memorandum is to be signed, submitted and made a part of your submission. If you have any questions, do not hesitate to contact the person listed on top of this memorandum.

VENDOR: _____

ADDRESS: _____

SIGNATURE OF BIDDER: _____

DATE: _____