

Request for Quote (RFQ): PTO1200046  
United States Patent and Trademark Office  
Court Reporting Support Services  
Amendment 1: Question and Answers

1. How many BPA's are you planning to award?  
USPTO plans on awarding a minimum of seven (7) BPAs to accommodate an anticipated 100% increase in the current requirements.
2. Typically how many BPAI hearings are scheduled on a single day?  
BPAI: It varies depending on the scheduling for each month. For example, for the month of February we have 10 dates of hearings with 21 sessions and the number of cases heard in each session varying from 1 to 8.
3. Are all the BPAI hearings transcribed? If not, what percentages of the hearings are transcribed?  
Yes, all of OGC and BPAI hearings are transcribed.
4. Is the vendor allowed to sell copies of the transcripts to parties to the case?  
OGC: Yes.  
BPAI: No.
5. Is Item 0005 on the pricing matrix the cost of additional copies to the Agency and/or for sale copies to other parties?  
BPAI: The Agency only.
6. What is the difference between Item 0008 (Reporting Fee) and Item 0010 (Attendance Fee)?  
  
Both terms are used interchangeably. The Reporter/Attendance Fees are the fees paid up front for the court reporter showing up for the hearing. To eliminate confusion Section B has been revised combining both Reporting/Attendance Fees (Item 0008). See attached Amendment 1, pg. 2
7. How will vendor prices be evaluated? How will the vendor proposed percentage deductions be evaluated?  
Pricing will be evaluated for fairness and reasonableness, and a best value approach will be taken when selecting vendors.
8. Who is the current vendor? What are the current rates?  
The current vendors are (1) Diversified Reporting Services (2) Casamo & Associates, Inc. (3) Lipka, Inc. (4) Free State Reporting, Inc. (5) MAR Reporting Group  
  
Current rates are proprietary information and specific to each vendor.
9. What types of reporters are required by reporting method? Stenotype only?  
Digital recording devices are acceptable.

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10. Are the hearings conducted on a docket-type schedule? Several short hearings one after another?

BPAI: Yes, the maximum number per session is usually six (6) hearings.

11. Does the agency always order the transcript? Are sales allowed to the participating parties?

OGC: Yes, OGC always order transcripts and sales are allowed to the participating parties.

BPAI: Yes, BPAI always order transcripts and sales are not allowed to the participating parties.

12. For the price chart, do lines items 001 through 0003 entail hard copy delivery, while items 0012 through 0014 entail e-mail-only delivery?

Yes.

13. Also for the price chart, please describe how the reporting fee and attendance fee are billed. Is the "reporting fee (each)" line item a daily appearance fee? Is the per-hour attendance fee billable for off-record time or when a transcript does not order?

The different categories are made available as optional line items with the understanding that different vendors may have different pricing structures. For clarification, we will combine these two line items and allow each vendor to provide pricing as it pertains to their own practices.

14. How often do non-native English speakers participate in hearings and other reported events? Are interpreters provided?

OGC: OGC may have 1-2 per year and generally the deponent/opposing counsel should provide their own interpreter.

BPAI: Varies. We do have speakers where English is their second language, but this is hard to estimate. There are no hearings allowed in any other language. Only English is allowed in our court rooms. Interpreters are not provided.

15. Are attending court reporters required to be notaries?

No, attending court reporters are not required to be notaries.

16. How many BPA vendors are expected for selection and rotation?

USPTO plans on awarding a minimum of seven (7) BPAs to accommodate an anticipated 100% increase in the current requirements.

17. Could you tell me if the bid for court reporting is for audio transcription only or is it for hearings/depositions?

OGC: The bid for court reporting is for both hearings/depositions.

BPAI: There could be a need for all described, but we are currently using court reporters for primarily audio transcription.

18. Are there incumbent(s) to this requirement? If incumbent(s) exists, can you please provide the incumbent's name(s) and corresponding contract number(s)?

Yes, the incumbents are as follows:

(1) Diversified Reporting Services [DOC45PAPT0702400]

(2) Casamo & Associates, Inc. [DOC45PAPT0703000]

(3) Lipka, Inc. [DOC45PAPT0702200]

(4) Free State Reporting, Inc. [DOC45PAPT0702100]

(5) MAR Reporting Group [DOC45PAPT0702300]

19. Does the maximum value of \$500,000 correspond to the entire effort or to each respective issued BPA?

The maximum value of \$500,000 corresponds to each respective BPA.

20. Section 3.2 states that some "Calls may be placed for other locations within the United States." Are there particular locations that are more commonly used, such as New York City, and what is the frequency of these out-of-town orders compared to the Virginia location orders?

The USPTO is in the process of setting up a small satellite office in Detroit, MI as the first of possible other nation-wide locations. Capability for nationwide services is not a requirement, but it may be required on an infrequent basis and those vendors who can provide services without requiring travel will be the preferred vendor for such circumstances. We would like to know each offeror's capabilities for this purpose.

21. Section 3.6(f) addresses participation in "telephonic and Video Telecommunication Calls." Will the reporter be required to attend the session or will they be able to remain in their office location and connect remotely?

OGC: In general, they should be required to attend the session.

BPAI: The court reporter is expected to attend each session physically in our hearing rooms here on the 9<sup>th</sup> floor of 600 Dulany Street-Madison East, even if participants are attending the hearing via VTC or telephone.

22. Section 6.1 states "Each transcribed page shall consist of a minimum of 22 lines with a minimum of 61 characters per line, including spaces." The sample transcript attached shows 25 line pages and 23 line pages (excluding the appearance and certificate pages which are 38 lines with many spaces and 3 lines respectively). Will you take into

consideration in your cost evaluation how many lines per page a bidder is submitting its page rate for?

**BPAI:** No. The sample in the RFQ is just showing the bidders how we expect the transcript to be set up for the final product.

**OGC:** As stated in the RFQ, each page must contain a minimum of 22 lines and 61 characters per line. The sample transcript page included in the RFQ which exceeds the minimum requirement is attached only as a formatting example. If an offeror proposes pricing per page that exceeds the minimum number of lines and characters, this will NOT be taken into consideration when evaluating price.

23. Section 11.7 Confidentiality of Files addresses the confidential nature of audio files, other media formats and transcribed content. Are sales of hard copy transcripts and electronic transcripts prohibited to parties to PTO hearings and depositions?

**OGC:** Except for sales to parties in the case, the sale of confidential information, including transcripts, regardless of format, is prohibited.

**BPAI:** Yes

24. The page description in the written RFQ (item 6.1) differs from the sample pages provided. Which page description should be used for our proposal?

**BPAI:** The sample in the RFQ is just showing the bidders how we expect the transcript to be set up for the final product.

**OGC:** As stated in the RFQ, each page must contain a minimum of 22 lines and 61 characters per line. The sample transcript page included in the RFQ which exceeds the minimum requirement is attached only as a formatting example. If an offeror proposes pricing per page that exceeds the minimum number of lines and characters, this will NOT be taken into consideration when evaluating price.

25. Will it be possible to do a site visit and see the court and conference rooms where the reporting services will be performed?

**Due to time constraints a site visit will not be permitted. IF we are able to obtain pictures within the next 1-2 business days, they will be posted via an Amendment on FedBidOpps.**

26. I do not have any questions at this time concerning the new Court Reporting Support Services solicitation, but I do have a question about the Federal Procurement Data System (FPDS) data associated with the 5 BPAs previously awarded for those services. FPDS shows a very small amount of contracting activity (please see attached), both in numbers of funded actions and dollar amounts awarded on the BPAs (approximately \$15,000 total over 5 years). Is the attached a true representation of what

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has occurred in the past, or are there many more actions that have occurred that simply have not been reported through FPDS (due to dollar amount, etc.)?

No, the attached is not a true representation of what has occurred in the past. Almost all calls placed on the current BPAs were placed using Government purchase cards, which are not recorded under FPDS. We anticipate the increased use of bulk-funded Purchase Orders with monthly invoicing on the new BPAs.

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