

1. Please provide additional information regarding the consultation services in developing sound, legally defensible computer-based examinations and test forms sought by the USPTO (Ref. pages 5 and 36 of the RFP). For example, the development of sound, legally defensible examinations can include any or all of the following. Does the USPTO request consultation services in these areas? a) Job analysis b) Examination item development and test creation c) Passpoint analysis d) Test validation (content, construct and/or criterion) e) Evaluation of adverse impact f) Legal support/Expert witness testimony in the event of challenges

Response to Question 1: There is no predetermined scope of consultation services in developing sound, legally defensible examinations and test forms; vendors are free to propose what they believe to be appropriate services. Job analysis currently is not seen as a requirement. Examples of consultation services may include designing the current format of the examination (90 scored items, ten development questions) to ensure compliance with psychometric requirements, providing ongoing analysis of question items to ensure they provide a useful measure of an applicant's qualifications. providing occasional consultation services on issues as they arise in performance of the contract (e.g. reasonable accommodations requirements) and on the feasibility and impact of possible changes to the examination format. At least to date there has been no need for legal support or expert witness testimony from the incumbent in connection with challenges.

2 Is the USPTO interested in a branching or computer adaptive type of examination to increase test security and enhance prediction?

Response to Question 2: Computer adaptive testing currently is not implemented in the USPTO registration examination and there is no immediate plan to move to adaptive testing. The USPTO is, however, open to moving to adaptive testing if appropriate. Vendors are free to propose computer adaptive testing and any such proposal will be evaluated as part of the total value to the government.

3 Will the vendor have access to the current items?

Response to Question 3: The successful vendor will have access to existing question items.

4 Will the vendor have access to the current test data (such as item statistics)?

Response to Question 4: The successful vendor will have access to existing item statistics.

5 How often will tests be updated?

Response to Question 5: Tests will be updated on an as-needed basis based on a number of factors, including changes to the patent laws, regulations and procedures and the exposure of existing tests. Vendors can expect to publish new test forms as frequently as twice per year with multiple test forms (typically two to four) released each time new forms are published. See also question 7.

6 Could performance on the current contract be improved?

Response to Question 6: The USPTO looks to improve at all times.

7 How often does the USPTO anticipate revising test items and/or the entire examination? Are revisions scheduled periodically or are they event-triggered (i.e., changes in relevant law)?

Response to Question 7: See response to question 5.

8 What is the USPTO's expectation in regard to test validation work for the initial administration of the current exam? Other words, would all vendors, including the current CTA, be required to validate the current exam upon award?

Response to Question 8: No.

9 In the General Requirements Bulletin, Section IV A, you state that "As an alternative to test administration by Thomson Prometric, a USPTO administered examination will be offered once per fiscal year at a date and location to be determined." Of the 3200 examinations administered in 2007, how many were administered by the USPTO and how many by the current CTA?

Response to Question 9: The USPTO administered fewer than 40 examinations in 2007; the remaining examinations were administered by the incumbent. The volume of USPTO administered examinations was similar in 2005 and 2006.

10. Does the USPTO anticipate continuing to administer examinations itself after the computer based system requested in this RFP is implemented?

Response to Question 10: Yes.

11. Is the current solicitation a result of an event or part of the customary rebid process?

Response to Question 11: The current contract is set to expire this year. This solicitation differs at least in part from the existing contract.

12. Is it correct that the incumbent currently collects a fee of \$150, with no other fees going to the CTA?

Response to Question 12: Yes.

13 We see that the incumbent CTA collects a fee of \$150 from the examinee, has that fee amount been consistent of over the course of the entire length of the contract?

Response to Question 13: Yes.

14. Following contract award, when does the USPTO expect the selected CTA to begin administering the exam?

Response to Question 14: As soon a practicable. See also section C.4.3 of the Solicitation. See also response to question 22.

15. How often is a new version of the MPEP released? (RFP page 18 IX).

Response to Question 15: There is no regular schedule for MPEP releases. The Title page of the current MPEP lists the recent revision history. See http://www.uspto.gov/web/offices/pac/mpep/mpep_e8r6_title.pdf

16. Does the 6-hour testing window include the time allotted for the initial 15-minute test system tutorial and the 15-minute post-test survey?

Response to Question 16: No. The 6-hour testing window is for the two 3-hour sessions of 50 questions each. The 15-minute tutorial and the 15-minute post-test survey, along with the one hour optional lunch break, require a seat time of at least 7.5 hours. See also responses to questions 21 and 35.

17. Section C.1.2 of the RFP states that there have been steady increases in the number of candidates over the past three years; do you anticipate this growth trend to continue at this pace over the next three to five years?

Response to Question 17: The USPTO has not conducted an analysis of volume trends and, other than providing historical data, makes no representation as to the growth trend.

18. Section C.4.1.d of the RFP states that the computer testing system must be able to time parts of the exam; can you explain what is meant by parts or, more specifically, how the examination is split into parts?

Response to Question 18: The current examination has two parts; each part includes 50 multiple choice questions administered over a three hour time period (assuming no extended time). Each test part is timed independently, and an applicant may not go back to the first part of the examination once it is completed.

19. Section F.3 of the RFP states that the CTA shall enter required personal candidate information and test information into the candidate's data file. Can you describe the process by which the selected CTA will initially receive data files for candidates approved to take the examination?

Response to Question 19: In the current system, USPTO systems generate an eligibility files for each applicant approved to sit for the registration examination. The eligibility files are created in a delimited text format. New eligibility files are pushed by the USPTO to an SFTP site nightly. The incumbent then imports the new eligibility files from the SFTP site.

20. You state that there is an "optional" break between 3-hour testing sessions. Who or how is the determination made if the optional break is implemented?

Response to Question 20: The applicant determines whether to take a break. As currently implemented, a message is posted at the end of the first examination session explaining that the applicant may take up to an hour for a lunch break. Within that hour, the second session of the examination will launch only when the applicant instructs the system to continue. The second session will launch automatically at one hour if the applicant has not returned from the break, and any portion of testing time elapsed before the applicant returns is effectively forfeited.

21. We understand the testing session is a 3-hour session in the morning and a 3hour session in the afternoon. How long does the current CTA allot for the total day of exam administration? Considering the check-in and check-out time, the optional break in the middle, and the 15-minute tutorial and survey; the total time for test administration could approach 8 hours. Is that a fair assumption?

Response to Question 21: The USPTO does not know how much seat time the incumbent allots for the total day of exam administration. However, 8 hours appears to be a reasonable estimate. See also responses to questions 16 and 35.

22. What is the USPTO's targeted implementation date?

Response to Question 22: See response to question 14.

23. A due date of March 26 means that bidders would have to finalize and ship their proposals to the USPTO by March 24 in order to ensure a timely delivery. This only allows 10 working days to receive responses to questions from the USPTO and craft a thorough and accurate proposal response. Would the USPTO consider extending the proposal submission date to April 2?

Response to Question 23: The deadline for proposal submissions has been extended to April 4, 2008.

24. Should appendices, supporting materials, resumes, forms, etc. be included in the 50-page limit for this proposal?

Response to Question 24: Yes, unless otherwise specified. See also response to question 50.

25. Could the USPTO provide the candidate volume by test center location? Is this for current test center locations?

Response to Question 25: The USPTO does not have an analysis of candidate volume by test center location.

26. Could the USPTO provide the file containing the zip codes of the testing candidates for 2006 and 2007? For example, a comma delimited file containing records that reflect the month and year of testing and the corresponding home address zip code of each candidate that tested. This will allow us to complete a zip code analysis and provide more accurate access data in the proposal.

Response to Question 26: The USPTO does not intend to release such a file.

27. Does the USPTO currently own test questions that will be shared with the selected vendor for the new contract term, or does the USPTO expect the selected vendor to develop questions?

Response to Question 27: The USPTO owns the test questions.

28. How will existing test questions and test specifications be transferred if a new vendor is selected?

Response to Question 28: The questions may be transmitted through secure electronic communications in a mutually agreeable file format.

29. How many items are in the current item banks?

Response to Question 29: Vendors should expect to maintain a dynamic question bank containing between 1000 and 2000 question items.

30 Please clarify the selected vendor's expected role in the test/item development process.

Response to Question 30: The USPTO will provide subject matter experts to author new questions. The vendor will be expected to provide guidance on appropriate question format and will evaluate the performance of new "beta" items to determine whether they may be used as scored items on future test forms. In producing new test forms, the vendor will be expected to propose a question set based on a subject matter blueprint and the level of difficulty of the questions determined from analysis of previous administrations of the questions. The USPTO will review the proposed question set and may propose substitute items. The vendor, working with the USPTO, will then adjust the proposed question set to account for USPTO input while maintaining test forms at a consistent level of difficulty.

31 How often are item development meetings held? Is the vendor or USPTO responsible for organizing and conducting item writing workshops?

Response to Question 31: The USPTO develops new items. The incumbent is currently not responsible for conducting item writing workshops. However, vendors are free to include item writing workshops in any proposal and they will be considered as part of the overall value to the government.

32 How many new items need to be developed each year? How many test forms are in the field at any time? How often are new test forms deployed to the field?

Response to Question 32: Test items and forms are developed on an as-needed basis depending on a number of factors. There is no fixed schedule. Typically there are four to six test forms in use at any particular time. See also responses to questions 5 and 7.

33 Please clarify the USPTO's plans for arranging data imports of existing data from the current vendor (candidate records, exam information, etc.) should the USPTO select a new vendor?

Response to Question 33: Most candidate information is imported into USPTO databases on a daily basis. It is unclear what the questioner means by "exam information," however the USPTO is aware of the examination items included on each test form.

34 Please provide an estimated number of ADA requests received annually. Please describe the types of ADA requests seen historically.

Response to Question 33: The USPTO estimates that requests for reasonable accommodations appear in approximately 1% of all applications. The determination of what constitutes a reasonable accommodation is made on a case-by-case basis, but common accommodations include extended time (typically time and a half or double time), testing over multiple days, separate testing room, and assistance in operating the computer.

35 C.1.3. How long is the lunch break that separates the morning and afternoon session? Is it a requirement that this break be over lunch or could it be earlier or later in that day, dependent on the test start time? Do the 3-hour sessions include any time for tutorials or breaks?

Response to Question 35: The break is intended to take place between sessions of the examination; it is not necessarily a lunch break. See also responses to questions 16 and 21.

36 C.1.3 Please explain all components of a testing session and the amount of time allocated to each.

Response to Question 36: See responses to questions 16 and 21.

37 C.1.3 Please clarify the candidate eligibility period. Is it typically 90 days per candidate, or are eligibility files submitted in a group format?

Response to Question 37: The eligibility period is typically 90 days per candidate, but in the case of candidates requiring reasonable accommodations is routinely extended to 120 days to allow appropriate arrangements to be made.

38 C.1.3 Please provide detail on the current candidate eligibility process (how data is sent, how often is the data sent, etc.).

Response to Question 38: Applicants submit an application and supporting materials to the USPTO. The USPTO reviews the application to determine whether the applicant possesses the necessary technical and scientific qualifications. A Notice of Admission is mailed to applicants meeting USPTO requirements. The Notice of Admission sets a testing window that starts one week after the mailing date of the Notice of Admission to allow for mail time and to ensure the eligibility file has been imported into the vendor's system. The USPTO pushes new eligibility files to an SFTP site nightly. The vendor may then import the new eligibility files from the SFTP site. See also response to question 19.

39 C.4.1.g. Please clarify what the USPTO means by: "The computer testing system must allow the simultaneous administration of examinations to a minimum of 50 candidates across the United States."

Response to Question 39: The successful vendor must permit concurrent testing of at least 50 candidates across the country. That does not mean each of the 50 examinations must start and stop at the same time; the requirement is intended to ensure a capacity of at least 50 examinations per day across the country.

40 C.1.4. r. Please provide examples of item format. Please provide a sample item.

Response to Question 40: Questions currently are presented in multiple choice format with 5 answer options. Examples of the format are available from the past registration examinations published on the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/oed/pastexams.htm>

41 C.4.1.u. How often must the selected vendor administer a test form specified by the USPTO for a particular candidate? Is this feature meant for transitional purposes (i.e., retake exams to assure the candidate does not receive the same test form), or will the USPTO request specific test forms for each candidate long-term?

Response to Question 41: Candidates are permitted to retake the examination an unlimited number of times, but must wait at least 30 days between test administrations. The USPTO currently assigns the test form to be administered to the candidate and includes that information in the eligibility file transmitted to the vendor.

42 C.4.3. Will the USPTO host the item bank, or will the selected vendor?

Response to Question 42: It is expected the vendor will host the item bank with appropriate security safeguards. All questions remain the property of the USPTO.

43 C.4.3, Please provide a sample of an accepted format for applicant test records, validation data records, and applicant survey data records.

Response to Question 43: Records submitted to the USPTO from the incumbent vendor are presented in a delimited text file. The vendor writes the file to an SFTP server to be pulled by the USPTO on a daily basis.

44 C.4.4. The USPTO wants electronic access to the statistical evaluation data. Can this information be provided in an electronic report for fixed and specified time periods, or does the USPTO need to generate that information on demand and for whatever time period it wants?

Response to Question 44: Reports for fixed and specified time periods is useful. However, the ability to generate *ad hoc* reports is also desired. Information concerning reporting capabilities provided in submissions will be considered as part of the analysis of total value to the government.

45 C.4.6. Is it permissible for the selected vendor to retain a current list of personnel but to keep the file electronically instead of physically at each test center, as the list may change? Is it permissible for this list to be updated quarterly?

Response to Question 45: Electronic lists are acceptable but must be maintained current and the ability to produce a hard copy is required. Electronic lists must be properly backed up and archived.

46 C.6.1. Is it permissible for the selected vendor to use an existing electronic system to complete the daily log?

Response to Question 46: Electronic logs otherwise that meet the requirements of section

C.6.1 are acceptable. Electronic lists must be properly backed up and archived.

47 C.6.2 Are all aids, reference materials, and test materials in electronic form, or are there some hard copy references that the selected vendor must make available? If the materials are hard copy, what size are they?

Response to Question 47: All reference materials and test materials are in electronic form. The current format of the examination uses the Manual of Patent Examining Procedure (MPEP) presented in a number of PDF files. A PDF viewer is provided on the test system to allow text searches within MPEP chapters. Samples of the PDF files are available at <http://www.uspto.gov/web/offices/pac/mpep/mpep.htm>.

48 C.6.4 Does the USPTO expect the selected vendor to monitor test takers whenever they leave the test center, i.e., the during the lunch break when they leave the center or use the bathroom? Is it permissible for test centers to use best judgment and monitor only suspicious activity?

Response to Question 48: Best judgment is acceptable.

49 C.6.5 Is the USPTO amenable to a variation of cheating incident reporting procedures? Has the USPTO experienced cheating incidents in past?

Response to Question 49: The USPTO has investigated instances of possible cheating. It is unclear what is meant in the question by “variation of cheating incident reporting procedures,” but it is noted that the procedures specified in C.6.5 are the preferred procedures. Any substantive variation from the specified procedure should be fully explained as part of any proposal for proper consideration.

50 L.16 Does the USPTO really want actual resumes for each test administrator? This would mean that each bidder would be required to submit potentially hundreds of resumes with their proposal responses. Would a few representative sample resumes for test administrators, along with those of managerial positions, be acceptable?

Response to Question 50: The solicitation does not require submission of a resume for each individual associated with administering tests. The solicitation requests submission of qualifications for the Computer Test Manager (CTM) responsible for overall management of computer-based testing and qualifications for the Test Center Supervisor (TCS) responsible for overseeing the test center network. It is expected that this typically would require submission of qualifications for two individuals. Vendors are free to submit qualifications for additional individuals if desired, subject to the 50 page limit for specified in section L.15 of the solicitation. See also response to question 24.

51 Section C 4.5 h - If *the selected Vendor* maintains at least one test center in each of the 50 states which is larger than 3 workstations, can we waive the requirement for having at least 3 workstations in each additional test center?

Response to Question 51: For purposes of this solicitation, any test center that does not meet the minimum specified requirements will not be considered as part of the test center network.

52 Do you have a current job analysis (within the last five years) to validate the examination?

Response to Question 52: No existing job analysis is available to bidders.

53 How large is your current item bank?

Response to Question 53: See response to question 29.

54 Are there item statistics available for the current items?

Response to Question 54: The USPTO has item statistics for the current items. These statistics will be made available only to a successful bidder.

55 Is the passing score of 70 scaled or is it the raw score?

Response to Question 55: As currently implemented, the examination includes 90 scored items and 10 development (beta) questions. A successful applicant must correctly answer at least 63 of the 90 scored items (70%) to obtain a passing score.

56 How many forms of the examination are administered concurrently?

Response to Question 56: See response to question 32.

57 How are the examination forms equated?

Response to Question 57: See response to question 30.

58 What is the percentage of overlap of questions on each form of the examination?

Response to Question 58: There is no set percentage of overlap of questions between forms of the examination.

59 How many new examination items do you typically develop annually?

Response to Question 59: See responses to questions 5, 7 and 32.

60 How many subject matter specialists/experts (SMEs) do you have available to develop the examination items and publish (construct) new test forms?

Response to Question 60: There is no set number of subject matter experts available to develop new examination items. See also responses to questions 5, 7 and 32.

61 How often do you anticipate publishing new examination forms, e.g., how many per year?

Response to Question 61: See responses to questions 5, 7 and 32.

