

**Addendum No. 1 to the Delaware Department of Justice Request for  
Proposals for Professional Services for eDiscovery Software and Services  
RFP No. LGL20100-eDiscovery**

The Delaware Department of Justice (the “DDOJ”) issues the following RFP questions, answers and clarifications in response to questions submitted. All other terms and conditions of the RFP remain unchanged.

1. Q: Is the RFP open to Canadian Service providers as well?

A: A vendor must be able to host documents and ESI in the United States on secure, remotely located services with robust data encryption that are backed up on a regular basis.

2. Q: Do you anticipate extending the bid due date?

A: Not at this time.

3. Q: What additional details are you willing to provide, if any, beyond what is stated in bid documents concerning how you will identify the willing bid?

A: There are no additional details beyond what is stated in the RFP.

4. Q: Other than your own website, where was this bid posted?

A: The RFP was posted on [MyMarketPlace.Delaware.Gov](http://MyMarketPlace.Delaware.Gov). – [bids.delaware.gov](http://bids.delaware.gov). as well as the DOJ website at [attorneygeneral.delaware.gov](http://attorneygeneral.delaware.gov).

5. Q: Was the bid posted to the nationwide free bid notification website at [www.mywatch.com](http://www.mywatch.com)?

A: See the response to Question No. 4 above.

6. Q: How will the data be collected?

a. If known sources of the data:

- i. Server
- ii. Computer (laptop, desktop, tablet, etc)
- iii. Mobile Phone (Android, Apple)
- iv. Apps
- v. MS365 Suite

A: The DDOJ expects the data to come from parties that are responding to DDOJ subpoenas requesting documents or other discovery conducted by the DDOJ in administrative, civil or criminal proceedings.

7. Q: If known, number of custodians/users, estimated volume of data and deadlines?

A: At this time, the estimated number of custodians/users is unknown. The Vendor must support access to up to 70 users at any time. Right now the DDOJ is storing approximately 240 GB with a third party.

8. Q: Will the required user count fluctuate significantly month to month?

A: Yes, that is possible. A model allowing unlimited users is preferred.

9. Section III.A.6. deals with financial stability and states that “All evidence should be ... independently certified.”

Q: Is it acceptable to submit bank statements to support case on internally prepared financial statements? Will we be disqualified if we submit this for demonstrating our financial stability?

A: Bank statements are not sufficient.

10. Section III.A, and B. covers Minimum Requirements and General Evaluation Requirements.

Q: Should vendors provide responses to all items under both sections even when requirements are repeated?

A: Yes.

11. Q: Would the DDOJ be able to provide a Microsoft Word version of Appendix B, C, and D along with Attachments 2, 3, 4 and 5 to make it easier and neater to fill out?

A: The DDOJ is not able to provide a Microsoft Word versions of those Appendixes and Attachments.

12. Q: Can the DDOJ provide any pricing information for the RFP work?

A: No.

13. Q: How much does the DDOJ intend to spend for the RFP work?

A: How much the DDOJ intends to spend for the RFP work is not relevant for purposes of the RFP.

14. Q: How much has the DDOJ spent in the past for this kind of work?

A: How much the DDOJ has spent in the past is not relevant for the prospective work under the RFP.

15. Section III.A.5. states that “[v]endors must provide at least three (3) references serviced within the past five (5) years of their proposal... Ideally, at least one (1) must be a government entity.” However, in Attachment 5 on page 41, it is stated, “[p]lease do not list any State Employees as a business reference.”

Q: Does this mean that pursuant to the aforementioned paragraph, the “government entity” must be at the federal level, or are all three references to be corporate or law firm references and the “government entity” requirement under the paragraph should be ignored with the language of Attachment 5 superseding?

A: Attachment 5 indicates that “If you have held a State contract within the last 5 years, please provide a separate list of the contract(s).” You can list employees from government entities (other than the State of Delaware) as references. Three (3) references must be submitted with a preference for one (1) of the references to be a governmental entity (State/Federal is acceptable).

16. Section III.A.5. discusses references and the final sentence of this paragraph states, “[t]he vendor must identify three (3) distinctly different project/client references from three (3) distinctly different project/client sites/locations.”

Q: Does this mean that if we have multiple offices around the U.S. that you would like us to provide at least one reference from each of at least three of our main offices/locations?

A: No, that is not a requirement so long as the Vendor otherwise meets the requirements of Section III.A.5. One location of the Vendor

might service three distinct client sites that could satisfy this requirement.

17. Appendix C – Pricing Schedule states that alternative pricing structures are allowed.

Q: If we offer an alternative pricing structure that is tied to an alternative service deployment model, in light of the statements about assumptions made in Appendix B, may we supply our own assumptions on volume tiers, matter count and users simply to illustrate an example of these pricing models in context?

A: Yes. Appendix C provides that the pricing schedule must be complete and, that, in addition, you can propose an alternative pricing structure.

18. Section II.C. covers the implementation of a web-based document review platform that provides robust document search and organization functions.

A. Q: The solution is to be hosted on-premises or on cloud?

A: The solution can be hosted on the cloud.

B. Q: Are you open to using managed or cloud hosting such as Pantheon, Heroku, or AWS ?

A: Yes, so long as the subcontractor requirements as set forth in Section IV.B.13.b. are satisfied.

C. Q: Are you currently using any solution to meet your requirement?

A: Yes.

D. Q: If so, what are the challenges faced by you?

A: This question is not relevant to the prospective work under the RFP.

E. Q: Do you have any preferences with regard to selecting the technology of the solution?

A: The DDOJ does not have a technology preference.

F. Q: We received many questions asking if the DDOJ has a current hosting/solution provider, who is it, will they participate in the RFP process and what is the current scope of services?

A: The DDOJ has a current hosting/solution provider. Whether the provider will participate in the RFP process is up to them. It is not relevant for the prospective work under the RFP who the current hosting/solution provider is and what the scope of services are.

19. Section II.C.8. states that providing technical assistance/support may be needed during the document review process and extended hours access to staff.

A. Q: Is tech support required on-site or off-site using remote desktop?

A: Either on-site or off-site is acceptable.

B. Q: Do you require technical support 24 x 7 over the phone or by email?

A: The DDOJ's preference is for technical support by phone.

C. Q: Is there a 24/7 monitoring solution in place?

A: Whether the DDOJ currently has a 24/7 monitoring solution in place is not relevant to the prospective work under the RFP.

D. Q: What is the scope of extended hours?

A: The scope of extended hours would include addressing technical problems, answering questions and processing data.

E. Q: Does this also include holidays and weekends.

A: Yes.

20. Section II.C.7. states that DDOJ has a need for end-user training, including robust online resources.

A. Q: How many users of your staff will need the training?

A: Everyone who will be using the platform (see answer to Question No. 7 above.

B. Q: Should we make a video tutorial, or a step-by-step walk through?

A: Both a video tutorial and an in person step-by-step walk through is beneficial.

C. Q: Are you open to video training user guides as opposed to typed user guides?

A. The DDOJ would prefer a combination of both video training user guides and written user guides.

21. Section II.C.9. covers the need to host documents and ESI in the United States on secure, remotely located servers with robust data encryption that are backed-up on a regular basis.

A. Q: Will the Vendor be responsible for backup, and providing data security?

A: Yes.

B. Q: What is the acceptable downtime during maintenance / upgrade of the solution?

A: The DDOJ would need advance warning of downtime for maintenance/upgrade. A downtime of 24 hours would be acceptable over a weekend.

C. Q: What is your backup strategy?

A: The DDOJ would not have an independent backup for the hosting/review of the documents.

D. Q: Is the backup media stored in another location (offsite)?

A: N/A, see the answer to the immediate question above.

22. Appendix C (D. Hosting; Item 3 Project Management; Item 4 Training)

Q: The above two services list under preferred unit as “Included”. Can you clarify what this means? Are both of these items expected to be included at no charge to the State?

A: The DDOJ expects project management and training to be included in the price DDOJ pays for the services under the RFP so

that there are not additional charges for project management and training.

23. Section II.C.1. covers the implementation of a web-based document review platform that provides robust document search and organization functions.

A. Q: Will there be a need for any legacy data migration services from the State's current document review platform?

A: Yes

B. Q: If so, what is that amount/nature of data in Gigabytes?

A: Right now the DDOJ is storing approximately 240 GB with a third party.

C. Q: What is the platform?

A: The current platform used by the DDOJ is not relevant to the prospective work under the RFP.

D. Q: What (if any) deadlines or timing requirements would apply for the migration of data?

A: The DDOJ wants the data to migrate shortly after work begins under the contract pursuant to any applicable contract terms.

24. Section V.4.a. covers the term of the contract.

Q: When would the period of performance commence?

A: Performance begins as soon as a contract is executed unless applicable contract terms say otherwise.

25. Section IV.B.13(b) and 14 state that "[a]ny subcontractor must be approved by the State of Delaware."

A. Q: How does a potential subcontractor obtain this approval?

A: A vendor and subcontractor complete Attachment 6 to commence the process for approval.

B. Q: Is it through this RFP process or is there a separate process to obtain such approval?

A: See the response to the immediate question above.

C. Q: Is there a process for adding or substituting a new subcontractor after the contract is awarded?

A: The ultimate awarded contract would govern.

26. Q: If there is not an incumbent provider(s) of the services required in this RFP, how have the State's needs described in this RFP been met in the past?

A: Whether/how the needs of the DDOJ described in this RFP have been met is not relevant for the prospective work under the RFP.

27. Q: Will the pricing submitted be kept confidential or is pricing published for either selected or non-selected bids?

A: The bids are subject to Delaware Freedom of Information Act (FOIA) requirements.

28. Appendix B, No. 23 provides that the "Platform has auto-translation for non-English languages; translation is automatically linked back to the original document")

Q: Is the state interested in both human and auto/machine translation capabilities?

A: Yes.

29. Section III.A.1. states “Provide Delaware license(s) and/or certification(s) necessary to perform services as identified in the scope of work.”

A. Q: What Delaware licenses and/or certifications are necessary to perform the services requested in this RFP?

A: Prior to the execution of an award document, the successful Vendor shall either furnish the DDOJ with proof of State of Delaware Business License or initiate the process of application. Prior to the execution of an award document, the successful Vendor must furnish a signed copy of the Delaware Department of Technology & Information (DTI) Terms and Conditions for Data Usage and Cloud storage policies referenced in the RFP or sign those documents so that the Vendor has the necessary DTI approvals.

B. Q: Is/are licensure and/or certification required prior to award, or at the time of bid submission?

A. See the answer to the immediate question above.

30. Section II.C.6. covers providing a web accessible review platform and databases 24 hours a day, 365 days a year.

Q: Is there no allowance for maintenance and general security updates and patching?

A: There is allowance for maintenance and general security updates/patching with prior notice.

31. Appendix B.I.4. provides that “Typically, the service provider will be involved in the ingestion of documents and ESI, processing, hosting, review, analysis, and production.”

A. Q: Are any vendor employees expected to work on-site in Delaware DOJ facilities?

A: No

B. Q: If so which location(s)?

A: N/A, see the answer to the immediate question above.

32. Appendix B.III.A.Collection (Onsite and Remote)

Q: What is the expected scope of these collections?

A: It is not known at this time the scope of the collections.

33. Appendix B.III.G.1 (Scanning Services)

A. Q: Please provide the scope of scanning services required.

A: The scanning services would include scanning paper documents.

B. Q: Are scanned originals allowed to leave the State of DE site for scanning?

A: Yes.

C. Q: If scanned originals must remain on site does the state have scanning equipment or must it be provided by the vendor?

A. N/A, see the response to the immediate question above.

34. Section II.C.2. covers processing electronically stored information (“ESI”) in a variety of file formats.

A. Q: Does the State of DE currently have ESI maps of all systems and data?

A: See the answer to Question No. 6 above. In light of the answer, whether DE has ESI maps is not relevant.

B. Q: What are the current collection tools for ESI used by the State of DE?

A: See the answer to Question No. 6 above. In light of the answer, whether DE has ESI maps is not relevant.

C. Q: Does the state currently collect data from cloud repositories such as Google drive and O365?

A: See the answer to Question No. 6 above. In light of the answer, whether DE has ESI maps is not relevant.

35. Section II.C.4. covers the “Organization and presentation of documents to be entered into evidence as exhibits or presentations.”

A. Q: Does the State of DE need the vendor to create trial exhibits?

A: Trial exhibits might be needed.

B. Q: Are there specific physical formats and/or electronic file formats for these presentations?

A: The needs depend upon the matter and the needs of the team working on the matter.

36. Article III.B.3. provides that Vendors must provide a web accessible review platform and databases 24 hours a day, 365 days.

Q: Are scheduled maintenance windows acceptable?

A: Yes.

37. Appendix B. III. 6. covers Back-up tape restoration

A. Q: What is the format of the tapes and what type of hardware is required to restore these tapes?

A: The format of the tapes and the type of hardware is not known at this time. See the answer to Question No. 6 above.

B. Q: Does the State of DE have the required hardware?

A: See the answer to Question No. 6 above. In light of the answer, whether DE has the required hardware is not relevant.

C. Q: Where are the tapes currently located?

A: The location of the tapes is not known at this time. See the answer to Question No. 6 above.

D. Q: Is a software application or database system required to properly format and process the data on the tapes?

A: Unknown. See the response to 37A above.

E. Q: How many Backup-tape restorations were completed in 2018 and 2019?

A: Unknown

38. Appendix B. III.B.2. covers the ability of customer to load raw data to service provider site and conduct early case assessment prior to loading, including running search terms, and listing and counting file types.

A. Q: Does the State of DE expect the vendor to ingest the raw data into the early case assessment (“ECA”) tool once it is loaded to the vendor site?

A: Yes.

B. Q: Does the State of DE expect the ECA tool to be the same as the hosting/review tool or are separate ECA and hosting tools acceptable?

A: Separate tools are acceptable so long as the Vendor is able to conduct the early case assessment.

39. Appendix B. III.C.11 provides “State your experience handling older systems, including audio and video recordings”.

A. Q: How old are the recordings and what formats are required to be supported?

A: Unknown.

B. Q: Is special software or hardware required for processing/playing the recordings?

A: Unknown

C. Q: What exactly does ‘handling’ mean: Is this limited to the ability to load into the hosting environment?

A: Handling means processing and loading into the hosting environment.

40. Appendix B. III.I. covers courtroom presentation.

Q: What type of technical assistance is required? Audio/visual? Trial graphic preparation? Technical tool support?

A: All may be needed.

41. Appendix B.III.B (Pre-Load Analysis by Customer)

Q: Are you asking if you have the ability to do the actual processing of the data?

A: The DDOJ is asking if the DDOJ has the ability to load the data and whether the DDOJ and/or the Vendor can conduct an early case assessment prior to loading, including running search terms, and listing and counting file types.

42. Q: You want our guarantee that the DDOJ's data will not be stored outside the United States but does that include using our resources internationally do perform work on your databases that resides in the US?

A: A Vendor must comply with the Delaware Department of Technology & Information (DTI) Terms and Conditions for Data Usage and Cloud storage policies as set forth in the RFP.

43. Q: Would you be willing to sign a NDA in order for us to provide our security protocols?

A: No because the DDOJ must comply with the Delaware Freedom of Information Act (FOIA) requirements.

44. Q: Is FedRAMP certification a requirement?

A: If a Vendor does not have FedRamp certification that is not disqualifying; however, prior to the execution of an award document, the successful Vendor must furnish a signed copy of the Delaware Department of Technology & Information (DTI) Terms and Conditions for Data Usage and Cloud storage policies referenced in the RFP or sign those document so that the Vendor has the necessary DTI approvals.

45. Q: Is the DDOJ seeking a predictable cost subscription based pricing model?

A: Appendix C covers the Pricing Schedule that must be completed. In addition, the Vendor can propose an alternative pricing structure that could include cost subscription based pricing.

46. Q: Would the state be seeking to leverage the same vendor for document review services?

A. Yes.