



**NEBRASKA SUPREME COURT**

**Administrative Office of the Courts**

**REQUEST FOR PROPOSAL (RFP)  
DIGITAL RECORDING SOFTWARE  
FOR COURT PROCEEDINGS**

**January 29, 2018**

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## SECTION I

### 1. **Purpose of the RFP**

This Request for Proposal provides prospective vendors with information to enable them to prepare and submit proposals for consideration by the Nebraska Supreme Court, Administrative Office of the Courts (AOC) for options to replace or supplement the current software used for digital recording of courtroom proceedings. The ideal solution will use the existing technology infrastructure, but will result in cost savings, increased efficiencies for judges and staff, and/or offer a better method for creation and retention of the court record.

### 2. **Evaluation Guidelines**

Responses will be evaluated based upon the criteria outlined in Section IV of this document and scored accordingly. The Vendor whose submission is determined to be the most advantageous to the AOC, taking into consideration the evaluation factors set forth, shall be contracted with for provision of the software. The AOC reserves the right (prior to contract award) at its discretion, to contact individual references, and to consider other sources of information to determine evaluation scores.

The AOC may reject any or all responses and/or cancel this RFP and re-solicit, if such action is in the AOC's best interest. The AOC may waive informalities and minor irregularities on responses received.

If there is not a Vendor who adequately meets the requirements, specifications, pricing, or any other standards as defined herein, the AOC reserves the right to reject any or all responses or parts thereof. This RFP does not commit the AOC to award any contract or to pay any costs incurred in the preparation of responses. The AOC reserves the right to accept or reject, in whole or in part, all responses submitted and/or to cancel this RFP.

## **SECTION II INSTRUCTIONS AND PROCEDURES**

**1. Necessary Documents**

Vendors who wish to submit a response shall complete all necessary documentation as identified in Section V of this RFP.

**2. Specifications**

The specifications included in this package provide adequate information as to whether or not Vendor can meet the needs of the AOC. Deviations from the specifications may be grounds for disqualification.

**3. Questions**

The AOC will be accepting questions regarding the RFP. Please see Section V for the timeline and process for submission of questions.

**4. Subcontractors**

All direct service rights or obligations that will be assigned, delegated, or subcontracted in whole or in part, must be identified in the RFP response.

**5. Vendor Certification**

By submission of a response, the respondent certifies that they have not paid nor agreed to pay any person, other than a bona fide employee, a fee or a brokerage resulting from the award of the contract.

**6. Preparation of the Response**

Respondents are expected to examine all documents, forms, specifications, standard provisions, instructions, and examine its response for accuracy before submitting a response.

**7. Response Requirements**

Responses should include all items specified in Section V.

## SECTION III SPECIFICATIONS

### 1. Current Environment

What follows is a description of the locations, distribution and networking of courts as well as the hardware and software currently in use by the Nebraska Judicial Branch for recording of court proceedings.

#### A. Judicial Branch Structure

- i. *Supreme Court:* The Nebraska Supreme Court is the state's court of last resort. Its decisions are binding on all trial courts, as well as the Court of Appeals. The Supreme Court is composed of a Chief Justice and six Associate Justices representing the six Judicial Districts of the State. The Chief Justice represents the State at large and serves as the executive head of the Nebraska Judicial Branch. The Supreme Court regularly holds oral arguments in the courtroom located in Lincoln, Nebraska, and periodically travels to other locations within Nebraska such as schools or auditoriums to hear arguments.
- ii. *Court of Appeals:* The Nebraska Court of Appeals is the state's intermediate appellate court. There are currently six judges, who sit in panels or divisions of three judges each. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations and probate matters. In addition, the Court of Appeals has appellate jurisdiction over decisions originating in a number of state administrative boards and agencies. Its determination of an appeal is final unless the Nebraska Supreme Court agrees to hear the matter. The Court of Appeals regularly holds oral arguments in the courtroom located in Lincoln, Nebraska, and periodically travels to other locations within Nebraska such as schools or auditoriums to hear arguments.
- iii. *District Courts:* Twelve district court judicial districts serve the state's ninety-three counties and fifty-six district court judges serve within these judicial districts. Judges are required to preside at trials before the court and sit as the judge and fact finder in bench trials. Judges must hear and rule on pre-trial discovery motions, pre-trial and trial evidentiary matters, pretrial and trial matters relating to rules on pleadings, practice and procedure before the courts. In matters tried before a jury, a judge must supervise and make rulings on jury selection issues, prepare and deliver proper jury instructions and decide matters that arise during jury deliberations. District Court judges hear cases in one or more of the 93 courthouses located across the state. These judges are assigned a court reporter who is responsible for making the record in their judge's court(s). District courts in some instances can be used for county court hearings.
- iv. *Separate Juvenile Courts:* There are currently thirteen separate juvenile court judges sitting in Nebraska's three largest counties: Douglas, Lancaster and Sarpy. In the remaining counties, juvenile matters are heard in the county courts. Separate Juvenile Courts have the same jurisdiction and employ the same procedures as the county courts acting as juvenile courts, and handle matters involving neglected, dependent, and delinquent children. The Separate Juvenile Courts also have jurisdiction in certain domestic relations cases where the care, support, or custody of minor children is an issue. Separate juvenile court judges hear cases in their home courthouse. These judges are assigned a court reporter who is responsible for making the record in their judge's court.

- v. *County Courts*: There are 58 county judges in 12 county court districts. Jurisdiction of these courts is established by state law, which provides that county courts have exclusive original jurisdiction in estate cases, probate matters, guardianship, and conservatorship cases, actions based on a violation of a city or village ordinance, juvenile court matters in counties without a separate juvenile court, adoptions, and eminent domain proceedings. County courts also have concurrent jurisdiction with district courts in certain civil and criminal cases. County Court judges hear cases in one or more of the 93 courthouses located across the state. Court staff is assigned to operate digital recording systems during county court hearings to capture the record.
- vi. *Administrative Offices*: The Nebraska Constitution gives general administrative authority over all courts to the Supreme Court and to the Chief Justice as executive head of the judicial branch. The Administrative Offices of the Courts and Probation provides most services to the court and probation systems including developing plans for improvement of the judicial system, serving as a central source of information, and developing coordination within the branch and with other state agencies. The Administrative Offices also help to support and oversee various specialized divisions within the branch. The Administrative Office is responsible for providing each county court with the means to create an audio record of proceedings, as well as facilitating processes for any necessary transcription.

#### B. Networking\*

- i. *Administrative offices*: The Administrative Offices of the Courts and Probation operate on the Supreme Court network, which is maintained by the Supreme Court's Network Administrator. The Supreme Court's domain resides within the state of Nebraska's network, on its own separate subnet.
- ii. *Appellate courts*: Offices for judges, staff and clerks of the Supreme Court and Court of Appeals operate on the Supreme Court network. Permanent, remote office locations are either directly connected to the state network or they utilize a Virtual Private Network (VPN) to access state resources. Temporary locations for oral arguments are not connected to the state network.
- iii. *Trial courts*: Every courthouse in Nebraska is connected to the state network. However, each courthouse will also have a local county network. Courtrooms, when used for county court are networked to the state. Courtrooms designated for district court may connect to local county and/or state networks.

\*Bandwidth into the courthouse will vary from county to county based on availability from local internet service Vendors.

#### C. Equipment and File Storage

- i. *Appellate courts*: Computing equipment used in the appellate courts by the court clerk, judges and staff, as well as law clerks and staff attorneys includes laptops and PC's running either Microsoft Windows 7 or 10. These computers are primarily used in the offices to access the court's case management program and Microsoft Office applications. Computers in the courtroom are used for digital recording, and a mobile cart system is available for multi-media display. The Administrative Office of Courts and Probation

directly purchases and supplies microphones and digital mixing devices and all other audio/visual equipment for the appellate courts.

Audio recordings of appellate court oral arguments are kept on a shared filed server on the Supreme Court network and are only available for download to internal staff. These files are kept for a period of 3 years. Audio recordings of oral arguments are made available for streaming from the Nebraska Judicial Branch website.

- ii. *Trial courts:* Computing equipment used in the trial courts by the court clerk, judges and staff includes laptops and PC's running either Microsoft Windows 7 or 10. These computers are primarily used in the offices to access the court's case management program and Microsoft Office applications. Computers in the courtroom are used for digital recording, accessing the court's case management program and video conferencing. Some courtrooms have been upgraded to use codec systems, and/or to have full multi-media display capabilities including multiple large format monitors.

A majority of county court, and some district court, PC's and laptops are supplied by the through leasing agreements with either the state Office of the Chief Information Officer (OCIO) or local county IT departments. The Administrative Office of Courts and Probation directly purchases and supplies microphones and digital mixing devices to the county courts. All other audio/visual equipment or systems are supplied and maintained by the county.

Audio recordings of county court proceedings are initially made to the local file storage of the courtroom device used for digital recording. On a daily/weekly/monthly basis, court staff burn the files to compact disc or dvd, and the media is kept in each individual courthouse. The retention period for these files varies by the type of hearing, from 30 days to permanent retention. (See [County Court Retention Schedule](#).) When an audio recording of a specific county court hearing is requested by a member of the public, staff will make a copy of the recording on a new disc, and provide that for a fee of \$10. (See [Supreme Court Rule § 6-1405](#).)

In the case of an appeal, a request for a transcript of the audio recording can be filed with the court. Court staff will supply the transcript coordinator, appointed by the Administrative Office of Courts and Probation, with the audio file of the court hearing. The coordinator will assign the recording to a contracted transcriptionist.

\*\* As noted above, district court recordings are created by court reporters, who are responsible for providing their own equipment, and maintaining the files of the court record.

- D. *Mixing Devices:* There is a variety of models of audio mixing devices currently in use in the appellate and county courts. These include the BIS Microphone Mixer, Presonus 44VSL, Presonus 88VSL, M-Audio C600 and M-Audio Fast Track Ultra. Some locations use intermediary mixers installed as part of the courtroom A/V system installed and maintained by the county.

E. Software

JUSTICE (Judicial User System To Improve Court Efficiency) is the integrated case and financial management system for the trial courts in Nebraska. JUSTICE is used by all 93 county courts, 93 district courts and the 3 separate juvenile courts. JUSTICE is a COBOL program accessed using an emulator program, or through specially designed web-based user interfaces. The backend of the JUSTICE program is a networked infrastructure of virtual AS/400's, running on the state network and supported by the OCIO. There is an AS/400 for each county in the state, with two DB2 databases, one for county court and one for district court.

SCCALES (Supreme Court and Court of Appeals Legal Entries System) is the appellate courts' case and financial management system. SCCALES is a COBOL program with a DB2 database on a virtual AS/400 running on the state network and supported by the OCIO.

The digital recording software currently in use in both the appellate courts and the county courts is Liberty Digital Court Recorder. The AOC holds 140 total licenses for Liberty Digital Court Recorder, 138 of which are 4-channel and 2 are 8-channel. There is no anticipated need for more licenses. These licenses cover the appellate courts and the county courts.

An integration interface has been developed with the JUSTICE case management system, which allows an XML file exported from JUSTICE to be imported by the recording software. This allows court staff to schedule cases for hearing in the case management system, and come into court with the case numbers, attorney and party information already in the Liberty Digital Court Recorder software, with no need for manual data entry.

2. **Requirements**

A. Compatible with current and future environments

Any solutions proposed by respondents must allow for a minimum of a 4-channel recording capability.

Respondents must assume that all current equipment and networking as described above will exist upon implementation and explain how their solution will be compatible. The AOC will not consider responses that require full or partial replacements of either computer hardware, or digital mixing devices. In addition, respondents must explain how their solution will allow for future upgrades to hardware and PC/laptop operating systems.

When outlining storage solutions, at minimum respondents must show a capacity for audio files to be automatically stored on a local hard drive of the device running recording software. Respondents must specify the file type to which audio recordings will be saved. If not a standard file type such as .mp3 or .wav, respondent must include details on how recordings can be played back and/or converted.

B. Pricing: Baseline pricing provided by respondent should identify costs to the Nebraska Judicial Branch for adopting the proposed solution that fits with current needs.

C. Support and maintenance

Respondents must detail how they will provide technical support between the hours of 7:30 am and 5:30 pm Central Time Zone, Monday through Friday (excluding federal and state holidays).

Respondents should describe their process for release of new software versions and whether there are costs associated with upgrading licenses over time. The AOC does not anticipate changes in the need for the numbers of licenses/installations of software at this time, however, If there are any considerations to be made for scalability, either up or down, in the respondents licensing model, this should be included.

D. Security and reliability: If there are any cloud-based components included in a software proposal, respondents must include information on security of the hosting environment, as well as up-time guarantees. The AOC will require that cloud-hosting Vendors comply with the Nebraska Information Technology Commission Standards, and provide a Service Level Agreement.

E. Integration with JUSTICE CMS: Respondents must explain how their solution can perpetuate current levels of case management system integration. The AOC will not consider responses that require manual data entry by court staff where none is required under the current system. More detailed specifications on current integration may be supplied upon request during the question period.

**3. Additional Features**

The options listed below are not requirements of the RFP in order for a respondent to be considered. The AOC is interested in knowing if these features are available. If possible, the solutions offered to address any of the below should be outlined in a separate section of the response, with separate pricing.

A. Long Term Centralized Storage

Respondents should describe their solution for centralizing the storage of all audio files for the county courts, and the appellate courts. Including:

- Indexing to case management system
- Method of transmission of files to storage location
- Security protocols
- Data back-up and recovery
- Uptime requirements
- Purging methodology per retention schedule
- User roles and authority for accessing files

This would be from implementation forward. Migration of older recordings would not need to be considered.

- B. Streaming: Respondent should describe their solution for remote public and/or restricted access to listen to court audio recordings.
- C. Video Component: Respondent should describe their capability to incorporate a video recording component in addition to the audio recording capability.
- D. Judge Component: Respondent should describe any features of their recording software that are designed for use on the bench or in chambers by a judge.
- E. Remote Interpretation Component: Respondent should describe their capability to provide automated courtroom hearing interpretation including American Sign Language.
- F. ADA Assistive Listening Feature: Respondent should describe if the system has a component for headset systems that could be used by hearing impaired parties in the courtroom.
- G. Recording “On” Indicator: Respondent should describe if the system has a feature to indicate that recording is in progress and that it is visible to parties in the courtroom.

**SECTION IV**  
**RESPONSE EVALUATION CRITERIA**

Responses will be evaluated through in-depth analysis and scoring based on the following criteria:

- How well Vendor demonstrates how they will meet the requirements,
- Vendor's demonstrated expertise in subject matter,
- Vendor's experience with Court systems,
- Vendor's references, and
- How well Vendor met the submission requirements of the RFP.

**SECTION V**  
**TIMELINE / SUBMITTAL DOCUMENTS**

**1. Timeline**

- A. Vendor Submittal Letter, Vendor Profile, Requirements Response Form, and Reference Letters are due no later than **12:00 Noon Central Standard Time, March 30, 2018**.
- B. The AOC will be accepting questions regarding the requirements of this RFP from February 19, 2018 through February 23, 2018. Questions should be submitted in writing to [suzanne.eggert@nebraska.gov](mailto:suzanne.eggert@nebraska.gov) and should reference the Section/Subsection and page number the question relates to. The AOC will respond to the questions submitted during the acceptance period by March 2, 2018. All answers to submitted questions will be posted to the Nebraska Supreme Court website under Contracting Opportunities (<https://supremecourt.nebraska.gov/contracting-opportunities>).
- C. Responses will be evaluated from April 1, 2018 through April 30, 2018. During this time, the AOC may require Vendor to accommodate further in-person or telephone discussions with evaluation team. Vendor will be notified in writing or by phone if this is requested.
- Discussions may be conducted with respondent(s) for the purpose of clarification to ensure full understanding of responses to this RFP. Discussions shall not constitute an award nor shall it confer any property rights on the successful respondent. Contract(s) may be made without discussions, therefore, responses shall be submitted complete and on most favorable terms.
- D. Vendor(s) that have been selected to provide the software will be notified around **May 1, 2018**.
- E. Vendors that were not selected through the scoring process will be notified by email on or around May 4, 2018.

**2. Submittal Documents**

The following materials must be submitted to the AOC either (1) electronically to [suzanne.eggert@nebraska.gov](mailto:suzanne.eggert@nebraska.gov) with “Digital Recording Software” and Respondents “Company Name” in the subject line, or (2) with five (5) hard copies to the address specified on Appendix A:

- Vendor Submittal Letter (Appendix A),
- Vendor Profile (Appendix B),
- Reference Letters (Appendix C), and
- Requirements Response Form (Appendix D)
- Pricing (Appendix E)

Responses will not be considered confidential or proprietary and are subject to applicable public record requests.

**APPENDIX A  
SUBMITTAL LETTER**

Suzanne Eggert  
Contracts and Grants Manager  
Administrative Office of the Courts  
PO Box 98910  
Lincoln, NE 68509-8910

Dear Ms. Eggert:

In response to your Request for Proposal (RFP), I certify that:

1. the RFP has been read and understood;
2. Vendor will comply with the requirements and expectations set forth in the RFP;
3. the materials requested by the RFP are enclosed;
4. all information provided is true, accurate, and complete to the best of my knowledge;
5. this response is submitted by, or on behalf of, the party that will be legally responsible for service delivery should they be selected for an award.

---

Signature of Authorized Official

Date

Name of Signatory: \_\_\_\_\_

Vendor: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Federal Employer ID# or SSN#: \_\_\_\_\_

**APPENDIX B  
VENDOR PROFILE**

**Vendor's Legal Name:** \_\_\_\_\_

1. List Vendor's physical address(es), mailing address(es), telephone number(s), and fax number(s) of all office locations.
2. Who will be the primary point of contact (must be authorized to negotiate a contract) during the evaluation process? Please provide name, title, direct phone number, e-mail address, fax number, and mailing address(es).
3. Provide a brief history of Vendor's business.
4. Comment on any partnership(s) with other Vendors.
5. Has Vendor had a contract or account within the last five (5) years that was lost/cancelled or terminated for cause due to breach or similar failure to comply with the terms of the contract? If yes, please provide detailed explanation.

## **APPENDIX C REFERENCES**

Respondent shall provide three (3) professional letters of recommendation from current clients.

Contact information for each reference shall include:

- Organization
- Contact's Name
- Contact's Title
- Contact's Telephone Number
- Contact's Email

**APPENDIX D**  
**REQUIREMENTS RESPONSE FORM**

1. Describe how you will meet all of the requirements set forth in Section III.2.
  
2. Do you have any Additional Features? If so, please describe those features based on the specifics of Section III.3.

## **APPENDIX E - PRICING**

1. Provide the proposed pricing for the software that meets the requirements set forth in Section III.2.
2. If proposing Additional Features, provide the proposed pricing for those features based on the specifics of Section III.3.