



**Office of the Administrative Director – Financial Services Department**

THE JUDICIARY • STATE OF HAWAII • 1111 ALAKEA STREET, 6<sup>TH</sup> FLOOR • HONOLULU, HAWAII

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**Terri Gearon**  
Financial Services Director

April 23, 2019

MEMORANDUM

TO WHOM IT MAY CONCERN:

FROM: Terri Gearon, Financial Services Director /s/ Terri Gearon

SUBJECT: **ADDENDUM NO. 1, REQUEST FOR PROPOSALS NO. J19245  
ONLINE DISPUTE RESOLUTION SYSTEM  
THE JUDICIARY, STATE OF HAWAII**

Transmitted herewith for your review is one copy of Addendum No. 1, and is hereby made a part of Request for Proposals J19245 for the above project, and shall govern the work taking precedence over previously issued specifications governing the items mentioned.

Should you have any programmatic questions regarding this addendum, please call the individual listed in the service specifications. Other questions regarding the Request for Proposal may be directed to Ms. Tritia Cruz in the Judiciary Contracts & Purchasing Office at 808-538-5805, or email [Tritia.L.Cruz@courts.hawaii.gov](mailto:Tritia.L.Cruz@courts.hawaii.gov)

**ADDENDUM NO. 1**  
**REQUEST FOR PROPOSALS NO. J19245**  
**ONLINE DISPUTE RESOLUTION SYSTEM**  
The Judiciary, State of Hawaii

The items listed hereunder are hereby made a part of Request for Proposals (RFP) No. J19245 for the above project, and shall govern the work taking precedence over previously issued specifications governing the items mentioned.

**Questions submitted relating to RFP J19245, with Judiciary Responses:**

- Q1: Can companies from Outside USA can apply for the Request for Proposals?  
(like, from India or Canada)
- A1: Yes, companies outside the USA can apply for the RFP.
- Q2: Do companies need to come over for meetings?
- A2: Proposers must describe in their responses previous success in conducting meetings remotely.
- Q3: Can companies perform the tasks (related to RFP) outside USA?  
(like, from India or Canada)
- A3: Proposers must describe in their responses how they intend to effectively meet requirements and perform tasks from outside of the USA.
- Q4: Can vendors submit the proposals via email or does it have to be on paper and shipped?
- A4: Yes, proposals may be submitted via email. Section 4.5 Submission of Offers shall be amended.
- Q5: How many Court Staff are expected to use the ODR System?
- A5: Approximately 150 to 160
- Q6: How many Volunteer Mediators are expected to use the ODR System?
- A6: Up to five (5)
- Q7: Is the estimated number of Small Claims Cases at 2,500 an annual estimation of newly created cases?
- A7: Yes, that are filed by Self-Represented Litigants

Q8: Will the Judiciary be using an existing merchant service / payment processor and is there already a payment application that will be used to integrate with the ODR?

A8: The Judiciary is looking to proposers to provide payment processing solutions that will meet the fiscal requirement outlined in the RFP.

Q9: What are the anticipated number of internal and external users that will require access to the solution? Will the external users require authenticated access to the solution? Please define each of the user types and their access requirements.

A9: Court Internal users: approximately 150 to 160. Mediators: up to 5  
External users: Unknown at this time. Presumably up to 5,000 – assuming 2 parties to each of the 2,500 small claims cases filed.

External users will be required authenticated access and will only be able to access their case information.

Q10: RFP J19245 reference Pg. 20 3.4.6.5 Offeror shall conduct background checks on individuals authorized to access Judiciary data upon award.

We assume this only applies to contractor personnel that are performing the solution implementation services and not the Cloud Service Provider (CSP) personnel that are hosting the solution. For example, CSP engages the services of a background screening vendor to conduct background checks on employees at the time of hire. CSP also performs background investigations in certain foreign countries. The scope of these checks is subject to local laws in the jurisdictions in which the employee is hired. Can the Judiciary please modify this requirement accordingly?

A10: Amend section 3.4 TECHNICAL REQUIREMENTS section 3.4.6 Data Security subsection 3.4.6.5 to read as follows:

Offeror shall conduct background checks on individuals authorized to perform work on the implementation and maintenance of the proposed solution.

Q11: Please confirm the Judiciary's budget for this project.

A11: The Judiciary has an estimated budget of \$100K to \$250K for the setup and implementation. The Judiciary is estimating a \$15 to \$25 per case fee to cover the operation of the system, after the system is implemented.

Q12: Is the Judiciary's existing case management system (JIMS) OData enabled? If not, what is the database?

- A12: No the existing case management system, JIMS is not OData enabled. JIMS is currently using an Oracle database. Although integration to the case management system will be considered in the future, integration into JIMS is not in scope for this RFP.
- Q13: What has been the historical settlement rate when parties negotiate?
- A13: Currently, parties to Small Claims cases are referred to mediation. Of those who undergo mediation services, approximately 50% reach a settlement.
- Q14: Describe the process for and expected volume of parties that would opt out of mandatory ODR?
- A14: The criteria for opting out of ODR is language barrier and/or inability to use or access technology. Currently, approximately 1% of Small Claims litigants request interpreters. Since technology is not currently a required medium for engaging with court procedures, it is unknown how many litigants will opt-out under this criteria.
- Q15: RFP states that the ODR system will provide to the court the status of negotiations. What are the rules, duration of negotiations, timeframes etc. that would control status?
- A15: The rules for Small Claims will be amended to accommodate ODR. It is envisioned that parties will be provided two to three weeks to complete negotiations.
- Q16: Please clarify what approach to completing the forms is envisioned a) interactive, guided interviews that automatically generate required forms or, b) the use of fillable PDF forms that the filer would prepare with the assistance of learning content?
- A16: Interactive, guided interviews that automatically generate required forms
- Q17: It appears based on 5.2.9, Judiciary will provide Level 1 end user support and help desk. Please confirm.
- A17: Training for court staff on help desk/end-user support is required to enable staff to provide some assistance to external court users. However, offeror is expected to provide users with technical support.
- Q18: How many client references must be provided?
- A18: At least one (1).
- Q19: What percentage of the 2,500 cases RFP provides for will receive adverse party responses, thus becoming at issue?

- A19: It is unknown at this time. It is predicted that since defendants will be able to respond electronically instead of appearing in court for a return hearing, more defendants will engage in the process.
- Q20: What has been a historical default judgment volume/percent?
- A20: Approximately 36%.
- Q21: Please confirm that all parties in a small claims action subject to this RFP will be required to use the proposed solution
- A21: Yes, small claims parties will be required to use the proposed solution. Specifically, self-represented litigants will submit court required documents through the e-submission process, while parties who are represented by attorneys will e-file documents through the JIMS case management system. However, both represented and unrepresented parties must use the ODR negotiation/mediation platform.
- Q22: Please confirm that Small Claims forms to be used under RFP are the same one standard set for all courts in HI.
- A22: Yes.
- Q23: Please elaborate on the requirement to "Provide a web-based repository to facilitate public <USER inserted> access".
- A23: This component would receive documents electronically submitted by external court users (i.e. pleadings, exhibits, etc.). Court staff including Judges would have access to these documents.
- Q24: Describe your vision for a web-based repository to facilitate public access, i.e. what are the objectives, what documents would be available, to whom? Please confirm our assumption that access means that registered users of the system would have access but not any other persons
- A24: Please see answer to Q23. Registered users of the system would have access to these documents. External court users would have access only to their case documents.
- Q25: Please provide reference material that describe the Judiciary's financial standards which must be met.
- A25: Please see Fiscal ODR Requirements and Fiscal ODR Future Business Process attached to this addendum. (Attachment 2)

Q26: Training Plan provides for 2 options, (i.e., train the trainer and vendor provided training) How would a proposal for both alternatives be made under current pricing structure?

A26: Please provide the cost for each or if only one method is being proposed, please provide associated cost.

Q27: Would a Compliant Non-Hawaii business that has no separate branch or division in the state but is capable of fully performing under the contract be eligible for award?

A27: Yes. A Compliant Non-Hawaii business not incorporated or organized under the laws of the State of Hawaii, however is registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawaii

Q28: What data management beyond scheduled archiving is envisioned?

A28: The Judiciary will provide a purging schedule that must be followed by the solution.

Q29: What's the duration, rules etc. for negotiations that will drive the requirement that the ODR System provide notices to the court if the negotiation is pending, successful or unsuccessful?

A29: Rules for Small Claims under the newly created ODR System have not yet been established.

Q30: Proposed solution shall resolve refunds and charge backs directly with paying party. Please elaborate on how you anticipate the solution will "resolve refunds and charge backs directly"

A30: The envisioned solution will allow users to make payment utilizing the proposed processing solution. The processing solution receives the user's payment and securely captures electronic transaction for submission to credit card association. Should the user cancel or reverse the payment, the solution should resolve the chargeback directly with the bank.

Q31: 3.3.3 Document Management and Workflow Engine is identified as 3.3.2 in the RFP requirements table, please confirm what schema to be used in the response.

A31: Please use the following:  
3.3.1 Learning Content  
3.3.2 Interactive Fillable Court Forms

- 3.3.3 Document Management and Workflow Engine
- 3.3.4 Electronic Payment
- 3.3.5 Online Dispute Resolution

**Amend RFP J19245 as follows:**

1. Amend section 3.4 TECHNICAL REQUIREMENTS section 3.4.6 Data Security subsection 3.4.6.5 to read as follows:

Offeror shall conduct background checks on individuals authorized to perform work on the implementation and maintenance of the proposed solution.

2. Amend section 4.5 SUBMISSION OF OFFERS to include the following:

Offers via electronic submittal. As another option to submitting hard copies of your offer packet, offers may be submitted no later than the date and time indicated above to the above Purchasing Specialist via Email.

Offeror bears responsibility for transmission. Offerors who submit proposals or amendments by electronic means, bear the whole and exclusive responsibility for assuring that the documents are received by the purchasing agency and for ensuring the complete, correctly formatted, legible, and timely transmission of their documents. By opting to submit documents by electronic means, Offerors assume all risk that a purchasing agency's receiving equipment and system may be inoperative or otherwise unavailable at the time transmission is attempted.

3. ODR System Attachment 1-Written Proposal Format has been updated. Section of Compliant Non-Hawaii business, Page 4 of 9 reads:

A Compliant Non-Hawaii business not incorporated or organized under the laws of the State of Hawaii, however is registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawaii

State of incorporation \_\_\_\_\_

4. RFP J19245, Section 7 ATTACHMENTS to include ATTACHMENT 2 – Fiscal ODR Future Business Process

# **ATTACHMENT 1**

## **WRITTEN PROPOSAL FORMAT**

### **INTRODUCTION**

This section provides, the headings, forms, and tables for the offeror to follow and complete and creating their written proposal. The offeror must follow this format along with directions provided in section 5 – Proposal Requirements.

Please refer to Section 3.4.1 of the Procedural Requirements attachment regarding designated confidential data.



**1. TITLE PAGE**

Company Name  
Proposal

Online Dispute Resolution System – Small Claims

April 2019

In response to Request for Proposals  
No. J19245

**2. TABLE OF CONTENTS**

The written proposal shall include a table of contents with at minimum the contents shown in the follow table. The proposal must use the following section numbering.

Proposal Section	Section #
Title Page	5.2.1
Table of Contents	5.2.2
Offer Form	5.2.3
Notification of Any Potential Conflicts with State Code of Ethics	5.2.4
Wage Certificate	5.2.5
Project Management Plan	5.2.6
Proposed Solution	5.2.7
Project Methodology and Implementation	5.2.8
Training Plan	5.2.9
Risk Management	5.2.10
Warranty Terms and Conditions	5.2.11
Service Level Agreements and Support	5.2.12
Offeror Qualifications	5.2.13
Financial Stability	5.2.14
ODR System Experience and References	5.2.15
Price Proposal	5.2.16
Additional Materials	5.2.17

**3. OFFER FORM**

Offerors must complete the following offer form using their company letter head. A scanned “authorized signature” is acceptable.

**OFFER FORM FOR  
REQUEST FOR PROPOSALS NO. J19245  
REGARDING:**

**ONLINE DISPUTE RESOLUTION SYSTEM, STATE OF HAWAII, JUDICIARY**

Offeror: \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
City State  
\_\_\_\_\_, 2019

Financial Services Director  
The Judiciary, State of Hawaii  
Kauikeaouli Hale  
1111 Alakea Street, 6th Floor  
Honolulu, Hawaii 96813

Dear Financial Services Director:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and in the General Conditions dated \_\_\_\_\_ by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

The undersigned hereby proposes to provide solutions for the Judiciary, State of Hawaii's Small Claims Online Dispute Resolution System.

The undersigned represents: **(Check one only)**

A **Hawaii Business** incorporated or organized under the State of Hawaii; **OR**

A **Compliant Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii, however is registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawaii

State of incorporation \_\_\_\_\_

Offeror is:

Sole Proprietor     Partnership     Corporation     Joint Venture

Other \_\_\_\_\_

Federal I.D. No. \_\_\_\_\_

Hawaii General Excise Tax License I.D. No. \_\_\_\_\_

Payment address (other than street address below): \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Business address: \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Date: \_\_\_\_\_

Respectfully Submitted,

Phone No.: \_\_\_\_\_

(x) \_\_\_\_\_

Authorized Signature

Fax No.: \_\_\_\_\_

\_\_\_\_\_

Name and Title (Please Type or Print)

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

\* \_\_\_\_\_  
**Exact Legal Name of Company (Offeror)**

\* If Offeror is a "dba" or a "division" of a corporation, please furnish the exact legal name of the corporation under which the contract, if awarded, will be executed:

- 4. NOTIFICATION OF ANY POTENTIAL CONFLICTS WITH STATE CODE OF ETHICS**
  
- 5. WAGE CERTIFICATE**

WAGE CERTIFICATE

Subject: REQUEST FOR PROPOSALS NO. J19245  
Project Description: ONLINE DISPUTE RESOLUTION SYSTEM, STATE OF HAWAII,  
JUDICIARY

Pursuant to Section 103-55, Hawaii Revised Statutes, I hereby certify that if awarded the contract in excess of \$25,000.00, the services to be performed will be performed under the following conditions:

1. The services to be rendered shall be performed by employees paid at wages or salaries not less than wages paid to public officers and employees for similar work.
2. All applicable laws of the Federal and State governments relating to workers' compensation, unemployment compensation, payment of wages, and safety will be fully complied with.

I understand that failure to comply with the above conditions during the period of the contract shall result in cancellation of the contract, unless such noncompliance is corrected within a reasonable period as determined by the procurement officer. Payment in the final settlement of the contract or the release of bonds if applicable, or both shall not be made unless the procurement officer has determined that the noncompliance has been corrected; and

I further understand that all payments required by Federal and State laws to be made by employers for the benefit of their employees are to be paid in addition to the base wages required by Section 103-55, Hawaii Revised Statutes.

Offeror: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

- 6. PROJECT MANAGEMENT PLAN**
- 7. PROPOSED SOLUTION**
- 8. PROJECT METHODOLOGY AND IMPLEMENTATION**
- 9. TRAINING PLAN**
- 10. RISK MANAGEMENT**
- 11. WARRANTY TERMS AND CONDITIONS**

In this section, Offeror will provide a copy and description of the warranties associated with the proposed equipment/hardware and software.

Provide a complete description of the warranties, on-going maintenance services provided applicable to this RFP.

- 12. SERVICE LEVEL AGREEMENTS AND SUPPORT**
- 13. OFFEROR QUALIFICATIONS**
- 14. FINANCIAL STABILITY**
- 15. ODR SYSTEM EXPERIENCE AND REFERENCES**

**16. PRICE PROPOSAL**

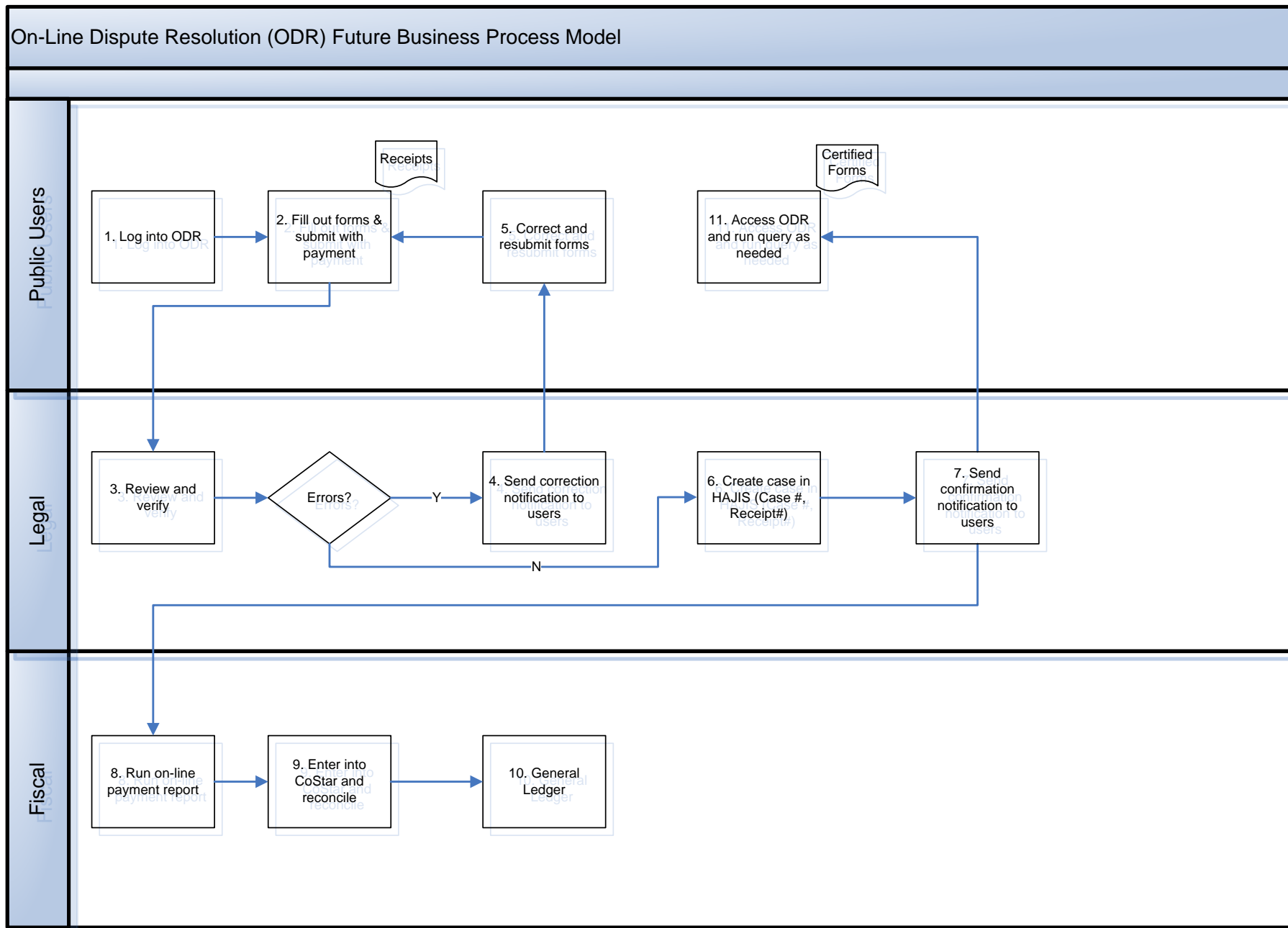
All prices must include the Hawaii General Excise Tax, if applicable.

**16.1. PRICE PER COMPONENT**

<b>COMPONENT #1: (Learning Content)</b>	<b>Per Case Unit Rate</b>	<b>Estimated # of Small Claim Cases</b>	<b>Initial Term Annual Cost</b>
<b>A1. Implementation Fee</b>			\$ _____
<b>B1. Transaction Fee</b>		2,500	\$ _____
<b>COMPONENT #2: (Interactive Fillable Court Forms)</b>			<b>Initial Term Annual Cost</b>
<b>A2. Implementation Fee</b>			\$ _____
<b>B2. Transaction Fee</b>		2,500	\$ _____
<b>COMPONENT #3 (Document Management and Workflow Engine)</b>			<b>Initial Term Annual Cost</b>
<b>A3. Implementation Fee</b>			\$ _____
<b>B3. Transaction Fee</b>		2,500	\$ _____
<b>COMPONENT #4: (Electronic Payment)</b>			<b>Initial Term Annual Cost</b>
<b>A4. Implementation Fee</b>			\$ _____
<b>B4. Transaction Fee</b>		2,500	\$ _____
<b>COMPONENT #5: (Online Dispute Resolution Platform)</b>			<b>Initial Term Annual Cost</b>
<b>A5. Implementation Fee</b>			\$ _____
<b>B5. Transaction Fee</b>		2,500	\$ _____
<b>TOTAL IMPLEMENTATION FEE (A1+A2+A3+A4+A5)</b>			\$ _____
<b>TOTAL TRANSACTION FEE (B1+B2+B3+B4+B5)</b>			\$ _____

**17. ADDITIONAL MATERIALS**





1. Log into ODR
  - a) ODR should provide proper security measures.
    - No duplicate user name
    - No duplicate full name
    - Maintain password renewal / reset
    - Notifications of error correction and confirmation, etc.
2. Fill out forms and submit with on-line payment
  - a) ODR should validate data entries and show error messages if the data entries are not complete or invalid data are entered.
  - b) \$35 should be paid even though Fee Waiver option is selected. Once the judge grants the fee waiver, the fiscal can refund the fee. ODR should provide sufficient information or reports so that Fiscal can process refund.
  - c) The receipt should be generated upon on-line payment.
  - d) ODR should be able to handle or help Judiciary to process chargebacks.
3. Review and verify
  - a) ODR should provide an efficient way for Judiciary to review and verify the data on the form and make comments and suggestion for correction if needed.
4. Send correction request notification to users
  - a) ODR should be able to send correction request notification to users with instruction.
  - b) ODR should be able to track the time of correction request notification sent to users and when the form was resubmitted.
  - c) ODR should be able to send 2<sup>nd</sup> or 3<sup>rd</sup> friendly reminder notification after a certain period of time.
5. Correct and resubmit forms
  - a) Users should be notified and be able to make correction and resubmit it. User may not need to make payment again if the payment is already fully processed in Fiscal.
  - b) ODR should be able to track the transaction / correction history.
  - c) ODR should provide an efficient way for Fiscal to find out corrections that users submitted, which may require any fiscal adjustments. (Transferring payment between circuits)
6. Create cases in HAJIS
  - a) ODR should allow Judiciary to query receipt numbers with claim forms so that Judiciary can assign a case number and create cases in HAJIS. The receipt numbers are the primary key to link payment and cases.
7. Send confirmation notifications to users
  - a) ODR should be able to send confirmation notification to users once the submitted forms are verified and validated. The form should be secured and become read-only status once the notification is sent out to users.
8. Run on-line payment report
  - a) ODR should allow Fiscal to run on-line payment reports by circuit which shows Name, Credit Card #, email, Fee Amount by circuit, Home mailing address, Receipt #, etc.
  - b) The reports also should show the filing fee amount.

Note: Each circuit may have a different receipt procedure. Therefore the detail procedure needs be discussed later.

9. Enter into CoStar and reconcile
  - a) Fiscal/Legal enters payments into CoStar manually off of ODR payment report.
  - b) Fiscal reconciles CoStar with ODR.
10. General Ledger
  - a) CoStar transactions are transferred to General Ledger daily. No changes are needed.
11. Access ODR and query status
  - a) ODR should allow users to check the status of claims and other information
  - b) Judiciary needs to determine what types of information as inquiry function is available in ODR. (Receipt #, Payment Amt, possibly Case # after it's entered into HAJIS, case status, etc.)