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REQUEST FOR PROPOSALS

TO: Interested persons

FROM: Office of Legislative Legal Services

SUBJECT: Request for Proposals for Legislative Publication Contract

DATE: July 25, 2011

The Colorado General Assembly's Committee on Legal Services invites proposals from qualified applicants for the provision of an exclusive printing, binding, packaging, distribution, and electronic publications service for the Colorado Revised Statutes, referred to herein as "C.R.S." or the "Statutes", and the Colorado Session Laws in accordance with sections 2-5-105 and 24-70-223, C.R.S. The Committee suggests that persons interested in submitting a proposal review the provisions of sections 2-5-101 through 2-5-126, C.R.S., as amended by Senate Bill 11-261, and sections 24-70-223 through 24-70-226, C.R.S. To be qualified, an applicant must have the capability of successfully performing the requirements set out in this Request for Proposals ("RFP") in accordance with the prescribed standards and applicable statutes.

The Committee on Legal Services, referred to herein as the "Committee", is a joint legislative committee created by statute¹ that directs and supervises the operations of the Office of Legislative Legal Services, referred to herein as the "Office", in the preparation of the Colorado Revised Statutes and the Colorado Session Laws and the publication of both.

¹ See section 2-3-501, Colorado Revised Statutes.

PROCEDURAL REQUIREMENTS

- 1.0 **Issuing office.** All proposals in response to this RFP must be addressed to:

Jennifer G. Gilroy, Revisor of Statutes
Office of Legislative Legal Services
Room 091, State Capitol Building
Denver, Colorado 80203

- 1.1 **Deadline.** All proposals in response to this RFP must be received at the above address no later than 3:00 p.m. on **Friday, August 26, 2011**. Respondents mailing proposals must allow sufficient time to ensure delivery and receipt within the submission deadline. Respondents are requested to submit fifteen (15) copies of their proposal by the deadline.

- 1.2 **Schedule.** The tentative schedule of the Committee on Legal Services for selection of a publisher is as follows:

1. RFP Release	Monday, July 25, 2011
2. Advertisement in the Denver Post	Sunday, July 24, 2011
3. Deadline to submit inquiries re RFP	Wednesday, August 3, 2011
4. Responses to inquiries published (anticipated)	Friday, August 5, 2011
5. Proposals Due	3:00 p.m. Friday, August 26, 2011
6. Presentations by Applicants	Tuesday, September 13, 2011
7. Selection of Publisher	Tuesday, September 13, 2011

If the Committee determines that there is a need for any follow-up to the responses to the RFP, the Office will provide some or all of the applicants who responded to the RFP with follow-up requests and a specified deadline for further responses. The Committee's next meeting following the September 13, 2011, meeting is currently scheduled for October 4, 2011.

- 1.3 **Proposals based on fees and costs.** Taking into account all the requirements of this RFP, the Committee invites qualified applicants to submit proposals on the basis of appropriate fees and costs for all aspects of the printing, binding, packaging, warehousing, distribution, and electronic publication of the Colorado Session Laws and Statutes as well as any additional responsibilities set forth in this RFP for each year of a five-year period, commencing January 1, 2013. In addition to specifying the fees and costs, proposals must express how the service that the applicant proposes to provide would be most advantageous to the state and to potential purchasers of the Session Laws and the Statutes, including attorneys, judges, governmental employees, and members of the general public. Applicants should pay particular attention to the

requirement that they prepare a list pursuant to section 1.9 of this RFP. The list is intended to provide the Committee with a summary of the major points of each proposal and the corresponding costs.

- 1.4 **Presentation of proposals.** The Committee expects to hear presentations by applicants and to consider and decide among proposals at a meeting on September 13, 2011. If necessary, the Committee may continue their consideration of proposals and make a decision at its meeting on October 4, 2011. Accordingly, initial proposals should include the applicant's best terms and conditions. Proposals need not be limited to the points listed in this request, but may include and cover any matter the applicant believes is relevant to the Committee's consideration of its proposals; any suggestions that would enhance the product or services to be provided are welcome and will be considered in evaluating proposals.

- 1.5 **Considerations.** The Committee is seeking a reliable and experienced publisher and distributor and reserves the right to ascertain and judge the suitability of a bidder to successfully perform in a professional manner in accordance with the prescribed standards and applicable statutes, and to that end may consider prior experience, reputation in the community, "in-house" capabilities, location, financial standing, and other relevant factors. Proposals should detail all factors that relate to printing and binding equipment and capability.

Pursuant to Article V, section 29 of the Colorado constitution and section 2-5-105 (3) (a), C.R.S., the Committee must award the contract to the lowest responsible bidder. In determining the lowest responsible bidder, and in determining whether to extend the contract in the future, the Committee may consider the factors described in this RFP and the Committee must take into consideration the economic, fiscal, and tax impacts of the award or extension on the state of Colorado, its citizens, and its businesses as required by section 2-5-105 (3) (f), C.R.S. The information must be provided in writing and be verifiable by the Office.

- 1.6 **Basic proposal information.** Each proposal must include:

1. Names, titles, mailing addresses, email addresses, and telephone numbers of the person or persons authorized to negotiate contracts and respond to technical questions and of any person or persons retained to lobby the Colorado General Assembly, or any member thereof, regarding this RFP;
2. Names, titles, mailing addresses, email addresses, and telephone numbers of persons who received campaign contributions (as defined in the "Fair Campaign Practices Act", article 45 of title 1 of the Colorado Revised Statutes) from the applicant or any representative of the applicant and the

amount of such contributions;

3. A listing of all existing printing contracts and details concerning any existing or previous contracts to print state statutes or session laws; and
 4. Background information concerning the applicant, including parent company, if any; corporate history; business focus; the most recent annual financial report; any branch offices or subsidiaries that will be involved in the project; and a list of past and current clients and references, including for each a contact person's name, address, email address, and telephone number.
- 1.7 **Marketing and customer relations.** To assure that marketing and customer relations are handled properly, the proposals should detail the practices and procedures to be followed in handling billings and the problems and complaints of subscribers. The proposals should also include promotion and marketing plans, the number of staff involved, and the location of the applicant's local sales and distribution office, if any.
- 1.8 **Acceptance of requirements.** Each proposal must indicate the applicant's acceptance of or agreement to each requirement set out in this request. If the applicant wishes to propose an alternative to any requirement, such alternative must be clearly marked as an alternative or as an exception to the requirements.
- 1.9 **List of rate and costs.** Each proposal must contain a single page that lists in summary form the flat rate and any modifications referred to in section 3.3 of this RFP, each major service or product proposed, and a corresponding cost for that service or product. The list is intended to provide the Committee with a form that will facilitate their comparison of the respective proposals.
- 1.10 **Committee's authority.** The Committee reserves the right to reject any or all proposals or to award a contract for all or any portion of the printing, distribution, or electronic publication. The Committee may call for oral presentations on any or all proposals submitted.
- 1.11 **Ownership of proposals received.** Materials submitted in a proposal become the property of the State of Colorado. Restrictions on the use of information submitted must be clearly stated in the proposal. Each proposal must specifically identify those portions of the proposal that are considered to be confidential business information. The state of Colorado shall not be liable for any costs incurred by vendors as a result of submission of proposals. Proposals received by the Office shall not be subject to inspection under the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S., pursuant to section 24-72-204 (3) (a) (IV), C.R.S.

- 1.12 **Inquiries.** Applicants may make electronic mail, written, or facsimile inquiries concerning this RFP to obtain clarification regarding any of the requirements. No inquiries will be accepted after 3:00 p.m., Wednesday August 3, 2011. The Office prefers that all inquiries be sent by electronic mail, referencing the RFP title "Legislative Publication Contract" in the subject line. Inquiries should be sent to:

Jennifer G. Gilroy, Revisor of Statutes
Office of Legislative Legal Services
200 East Colfax, Room 091
State Capitol Building
Denver, CO 80203
Fax: 303.866.4157
jennifer.gilroy@state.co.us

Any applicant inquiries received and the responses to such inquiries will be published on the General Assembly's website in a timely manner at <http://www.leg.state.co.us/>. Notice of the inquiries and responses will be provided on Twitter. Applicants can follow the Office of Legislative Legal Services (@cogaolls) on Twitter (<http://twitter.com/cogaolls>) for notice of such responses. Applicants should not rely on any other statements, either written or oral, that alter any specification or other term or condition of this RFP during the open solicitation period. Applicants should not contact any other state office or individual regarding this RFP. Applicants are responsible for monitoring the General Assembly's website for publication of answers to inquiries regarding this RFP.

- 1.13 **Summary by staff.** A summary and an evaluation of the proposals will be provided to the Committee by six members of the staff of the Committee, composed of: Dan Cartin, Director of the Office; Jennifer G. Gilroy, Revisor of Statutes; Bart Miller, Assistant Director; Kathy Zambrano, Publications Coordinator; Thomas Morris, Senior Attorney; and Wade Harrell, Office Systems Administrator. All proposals will be considered and discussed by the Committee in a public meeting called for such purpose and currently scheduled for September 13, 2011. Contract negotiations will be conducted by the Committee's staff. The final determination of a successful proposal will be done by the Committee and approval of the final contract will be done by the Committee's Chairman. Any contract must be signed by the Committee's Chairman and approved by the Attorney General, or his designee, and the State Controller, pursuant to section 2-2-320, C.R.S.

BACKGROUND AND CURRENT PRINTING ARRANGEMENT

- 2.0 **Legislative sessions.** The General Assembly meets annually for a regular legislative session. These sessions are limited to 120 days and begin by mid January and end by mid May. Extraordinary sessions may be called at any time to address special circumstances. While there were no extraordinary sessions in 2010, an extraordinary session may be called at any time. In addition to publishing all legislation resulting from the General Assembly's regular, the successful applicant, hereafter referred to as the "Contractor", will also publish special supplements containing any laws passed during extraordinary sessions and any laws approved by the voters at general elections and statewide elections held in odd-numbered years.
- 2.1 **Government consumers.** The Office is responsible for printing and distributing the Session Laws and the Statutes to state agencies, courts, and certain local governments. These books are printed at state expense and delivered to the government entities without additional charge by the Contractor. At the discretion of the Contractor, the cost may be absorbed by the Contractor as a part of the flat rates provided for in section 3.3 of this RFP and recovered in the public sale prices to be set by the Contractor as referred to in section 2.8 of this RFP. Additionally, the Contractor is the exclusive distributor of these books to the public.
- 2.2 **Session Laws.** The Session Laws contain the bills and selected resolutions as enacted during legislative sessions and chaptered by the Office, comparative tables, and an index and must continue to be printed in the manner and form currently being used. The 2011 Session Laws contain approximately 2310 pages in three softbound volumes. The Red Book lists the sections of the statutes that have been amended or enacted by the bills contained in the Session Laws. It is separately printed in pamphlet form and distributed as a part of the Session Laws and the Statutes. The 2011 Red Book contains approximately 115 pages. The Session Laws and Red Book are to be published by the Contractor.
- 2.3 **Statutes.** The official Statutes are printed annually in a softbound format. The 2010 Statutes consist of 20 volumes of between 458 and 1800 pages, including two volumes dedicated to the court rules and two volumes containing an index and comparative tables. The Office will continue to prepare the annotations, index, comparative tables, and other editorial work contained in the Statutes. The official Statutes and editorial work are to be published by the Contractor.
- 2.4 **CD-ROMs.** The Contractor must also produce the Statutes on CD-ROM that include embedded court opinions linked to the case annotations. To provide state agencies with an official CD-ROM version of the Statutes to accommodate archiving needs and the increasing need to better utilize computer technology, the Committee must

receive a minimum of 600 of the CD-ROM version of the statutes each year at no additional charge. At the discretion of the Contractor, the cost may be absorbed by the Contractor as a part of the flat rates provided for in section 3.3 of this RFP and recovered in the public sale prices to be set by the Contractor as referred to in section 2.8 of this RFP. The Committee may purchase additional CD-ROM versions of the Statutes without purchasing softbound sets. The additional CD-ROM versions shall not be in lieu of any softbound sets that the Committee agrees to purchase. The Committee may purchase additional CD-ROM versions at the Contractor's cost of production.

2.5 On line public access. The Contractor's proposal must also include publishing Statutes and the associated editorial materials prepared by the Office, including annotations, on the internet in an easy-to-navigate and intuitively searchable format that is user-friendly and in compliance with World Wide Web Consortium (W3C) standards for usability and section 505 of the federal "Americans with Disabilities Act of 1990", as amended. The public access version of the Statutes shall be accessible from the General Assembly's website. These materials must be available to the public on line at no charge. In addition to providing access to the Statutes and editorial material ancillary to the Statutes, the on-line public access version of the Statutes should, at a minimum, include the following:

1. A method of linking the internet user to the pertinent chapter of the current year's Session Laws as the Governor acts on legislation that amends, repeals, or adds to provisions of the Statutes;
2. A method of linking the user to the pertinent chapter of the Session Laws from the source notes;
3. The capability of allowing the internet user to capture a universal resource locator (URL) that will link directly to a specific statute on the internet cite or other method by which the user may achieve the same result; and
4. The capability of allowing the internet user to print at one time at least one full section of the Statutes or 10 pages of the Statutes, whichever is greater.

In addition, applicants should identify a separate cost for creating a unique and distinctive icon identifying the Colorado Revised Statutes that could be used by hosts of other internet sites to link users directly to the public-access version of the Statutes described in this section 2.5.

2.6 Additional electronic formats. The Contractor must have the capability and willingness to work cooperatively with the Committee and the Office on developing

and promoting the publication of the Statutes in additional formats, including electronic products such as electronic applications for mobile handheld electronic devices ("smart phones") or tablet-style electronic devices; electronic readers or digital versions of books readable on or compatible with personal computers, mobile handheld electronic devices ("smart phones"), or special e-reader or tablet-style electronic devices; and other electronic products or formats as they are developed by the industry.

- 2.7 **Software and digital format.** The Office provides the Contractor with compressed computer files containing the provisions to be printed from which the Contractor must produce a proof print. Currently, the files for the Statutes use SGML document coding, which format may be subject to change in the future; the files for the Session Laws and Red Book are in WordPerfect X4 (14) and PDF format, which word processing software may be subject to change in the future. The Contractor must have software that can read and accurately interpret the coding in the files provided by the Office and produce pages (some of which will include multiple columns, tables, or PDF files), pagination, and running heads. Further printing specifications are provided in section 3 below. The Office proofs and reviews the proof print and any corrections are to be hand-set by the Contractor. The Contractor may also hand-set specified pages at the request of the Office.
- 2.8 **Public sale prices.** The public sale price of the Session Laws is set in accordance with section 24-70-225, C.R.S, which provides that the public sale price shall be "the cost price per copy purchased for use of the state plus twenty percent and delivery charges." The price for the 2011 Session Laws, a three-volume set, will be \$30.90 within Colorado and \$39 outside of Colorado. The current printing contract authorizes the current Contractor to set the public sale price for the softbound Statutes, which for the 2010 Statutes is \$270 within Colorado and \$290 outside of Colorado. The Contractor is also authorized to set the public sale price for the CD-ROM version, which is currently \$903, including the search engine software, for an annual subscription.

PRINTING REQUIREMENTS

- 3.0 **Materials and form.** The printing, binding, type font, point size, and page size for the text of the Statutes and Session Laws must match in material and form the current publications as closely as possible, and final specifications shall be mutually agreed to by the Office and the Contractor. Any contract must specify paper that complies with section 2-5-105.5, C.R.S. In addition, the book cover material, color, design, and dimensions for the Statutes and Session Laws must match that of the current publications as closely as possible, and final specifications shall be mutually agreed

to by the Office and the Contractor.

- 3.1 **Timing.** The ability to print and bind within short time periods is of paramount importance, and the Committee may consider requiring penalty provisions for printing delays. The Contractor must be able to print and bind approximately 3200 pages in the softcover Session Laws in no more than 30 days after release of the final documents approved by the Office and approximately 26,000 pages in the 20 annual softcover volumes in no more than 30 days after release of the final documents approved by the Office. The Contractor must demonstrate the ability to prepare the proof print, transmit it to the Office expeditiously by express mail or electronically at the election of the Office, make any necessary corrections to the proof print thereafter as identified by the Office, and perform the printing and binding within the specified time frames. The printing occurs after each annual session of the General Assembly, in June for the Session Laws and August for the Statutes, and as may be required following any extraordinary session. The public access on-line version of the Statutes shall be made available not more than 30 days after release of the final C.R.S. title by the Office, or such other timing as mutually agreed to by the Office and the Contractor.
- 3.2 **Quantity.** The Contractor must print all copies of the Session Laws (including the Red Book) and Statutes required for state use. The actual number of sets to be printed each year will be determined in advance by the Office. Currently, the Office requires the printing of approximately 1,200 sets of Session Laws and 3,150 sets of Statutes and Red Books. The Office requires a minimum of 600 CD-ROMs.
- 3.3 **Flat rate and public sale prices.** The Committee solicits proposals for a pricing structure for the term of the contract. At a minimum, each party responding to this RFP must specify a flat annual rate for up to a five-year contract based upon the number of pages and number of sets of books that would be required to be provided to the state as set out in the examples in sections 3.1 and 3.2 above. The proposal should specify a flat rate for the Statutes and a flat rate for the Session Laws. The proposal should provide an estimate of the public sale prices that the Contractor would set for the softbound Session Laws, the softbound Statutes, and the CD-ROM version. The proposal should also specify any modifications during the term of the contract that would vary the flat rates. This could include but is not limited to such items as changes in the number of sets of Statutes or Session Laws required to be provided to the state, adjustments to the flat rate pursuant to changes in the Denver/Boulder Consumer Price Index for the preceding calendar year, changes in the total number of pages printed, or the number of years for which the contract is awarded or is in effect.

- 3.4 **Responsibility for printing, storing, maintaining, distributing.** The Contractor must be responsible for printing, storing, maintaining, and distributing a sufficient number of Session Laws, Statutes, and CD-ROMs to meet annual public sale requirements. These may be printed from the same plates or files and at the same time the printing is done for state use. The current Contractor has approximately 3,000 active subscribers to the Statutes. The Contractor must not use the plates or files for any printing not specifically authorized by the Committee. The Contractor must also make individual volumes available for sale to the public.
- 3.5 **Copyright.** Pursuant to state law, the Statutes and the ancillary publications thereto are the sole property of the state of Colorado as owner and publisher thereof.² Furthermore, the Committee maintains the authority to copyright for and in behalf of the state of Colorado the original and editorial publication work ancillary to the Statutes, including the source notes, editors notes, cross references, annotations, indices, and tables.
- 3.6 **Taxes.** The Contractor shall be responsible for the collection of any sales or other taxes as may be assessed on sales to the public and for remission of any such tax to the appropriate governmental agencies.
- 3.7 **Nontransferable rights.** The printing and distribution rights must be personal to the Contractor and may not be transferred, assigned, or succeeded to in whole or in part without formal consent of the Committee.
- 3.8 **Customer relations and promotion.** The Contractor must agree to promptly answer all consumer inquiries relating to the distribution of the Session Laws, Statutes, and CD-ROMs and, upon request and without charge, must perform such incidental services to enhance customer relations as a private publisher may reasonably be expected to perform in aid of its own publications. The Contractor must advertise and promote the availability of the Session Laws and the various formats of the Statutes as a private publisher may reasonably be expected to advertise its own publications. The Contractor must maintain at least one sales and distribution office in the Denver metropolitan area or, at a minimum, a toll-free telephone number through which subscribers can consult the Contractor concerning billings or other matters relating to the printing and distribution. The Contractor must consult with representatives of the Office regarding appropriate advertising and customer relations.
- 3.9 **Delivery.** The Contractor must provide for delivery of all publications prepared for state use in the manner required by the Office. This may involve the delivery by the

² See section 2-5-115, Colorado Revised Statutes.

United States Postal Service or by parcel post. The Office provides the information from which the Contractor must create delivery labels. The Contractor must warehouse the printed volumes until the Office requests delivery, at which time the Contractor must deliver the requested volumes to the appropriate court, state agency, or government office without charge.

GENERAL CONSIDERATIONS AND REQUIREMENTS

- 4.0 **Contractor support.** The Committee contemplates finalizing a contract by December 31, 2011, or as soon thereafter as possible. The contract must be finalized by June 30, 2012. The current contract expires December 31, 2012. The overlap will be used to facilitate transition to the new contract. The Contractor awarded the new contract will be expected to have management personnel on-site at the state capitol building during the state's printing under the existing contract in the months of March through August of 2012, if requested by the Office, to assure the ability to fulfill the new contract without difficulty. During each year of the contract, the Contractor will also be expected to have management personnel on-site at the state capitol building when necessary to respond to questions and address any difficulties in meeting the terms of the contract.
- 4.1 **Duration of contract.** The Committee has authority to enter into a contract for a period of not more than five years; at the discretion of the Committee, it could be renewed for one additional five-year period. The Committee may wish to consider entering into contracts for shorter periods if circumstances indicate that such a procedure would be in the state's best interest. Any contract must be subject to termination if a party is unable to perform or if performance is unsatisfactory.
- 4.2 **Modification of contract for technology.** At the discretion of the Committee, the contract may be renegotiated and modified to reflect any changes in the law addressing the official version of the Statutes and Session Laws in order to allow for the use of a web-based, locally controlled, or other method of authenticating and preserving the integrity of the Statutes and Session Laws that are available in an electronic record format via the internet.
- 4.3 **Statutory and financial considerations.** Any contract must be subject to all statutory requirements relating to state agreements and the Special Provisions required by state fiscal rules, pursuant to 1 CCR 101-1, Rule 3-1 (14). Any financial obligations of the state are subject to the availability of appropriations to fund them. The Committee is required by statute³ to take into consideration the policies set forth

³ See section 2-5-105 (3) (e), Colorado Revised Statutes.

in the "Unfair Practices Act", article 2 of title 6, C.R.S., in the award of any contract.

- 4.4 **Bond.** The Contractor must deliver to the Committee and keep and maintain in force a good and sufficient bond in an amount sufficient to secure satisfactory performance of the contract, but not less than \$500,000, to be negotiated by the Office and the Contractor.
- 4.5 **Responsibility for loss or damage.** The Contractor must be fully responsible for all loss, damage, or destruction of all publications for state use in the hands of the Contractor.
- 4.6 **Public sales list.** At any time during the term of the contract, the Contractor must furnish forthwith, upon demand of the Committee and without fee, a complete list of those persons and entities that subscribe to the sales of Session Laws or Statutes, including book orders, CD-ROM orders, and other publication format orders.
- 4.7 **Accounting.** At any time during the term of the contract, the Contractor must furnish forthwith, upon demand of the Committee and without fee, an accounting of actual printing, binding, and packaging costs. At the option of the Committee, the Contractor must make their premises and all records available to the representatives of the Committee for any financial, inventory, performance, or other audit deemed necessary by the Office.
- 4.8 **Qualified to do business in Colorado.** The Contractor must be fully qualified to do business in the state of Colorado and be in good standing under the laws of this state.
- 4.9 **Constitutional gift ban.** The Contractor should be aware of the provisions and possible application of the gift bans set out in section 3 of Article XXIX of the constitution of the state of Colorado.

Any questions regarding this RFP should be directed to Jennifer G. Gilroy at (303) 866-2045 or by email at jennifer.gilroy@state.co.us pursuant to section 1.12 of this RFP.