

TRANSCRIBER STATEMENT OF WORK

Solicitation for Proposal for Court Transcription Services

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The United States District Court for the Northern District of California (“Court”) is soliciting proposals for off-site transcription services of digitally recorded court proceedings. Transcripts of official proceedings conducted by this Court may be requested by judges, parties in the proceedings or the public. The contractor shall provide all labor, supplies and equipment necessary to provide transcripts of proceedings in accordance with 28 U.S.C. § 753, the policies of the Judicial Conference of the United States, and the terms of this solicitation. The contractor shall be responsible for obtaining all necessary licenses, permits and fees, and conformance with all laws, regulations, and ordinances applicable to performance under this solicitation.

The Court will award the contract to the lowest priced technically acceptable contractor to handle all off-site transcription services of digitally recorded court proceedings for the public as well as for the Court. Being selected as the contractor does not guarantee that the contractor will receive orders for a particular volume or aggregate dollar amount. The Court estimates a yearly dollar amount of approximately \$85,000.00.

1. General

A. General Requirements.

The contractor performing work under this solicitation shall:

- 1) Perform work offsite.
- 2) Provide their own supplies and equipment including but not limited to computer, headphones, antivirus software, capability to isolate channels, internet access, account for the court’s electronic docketing system (ECF), telephone service to respond to inquiries from the court and parties regarding transcripts, etc.
- 3) Pay any fees associated with accessing and reviewing the court’s online dockets via PACER.
- 4) Produce transcripts of court proceedings when requested by a judge or by any party who has agreed to pay the fees, following the delivery time and method and fee requirements stated in the transcript order.
- 5) For each transcript ordered, upload without charge the transcript to the court’s online docketing system (ECF), which the transcript will serve as the certified copy

provided to the Clerk of Court for the records of the Court.

- 6) When requested by a party to redact personal information from a transcript, as permitted by Volume 10, Chapter 3, § 330, Guide to Judiciary Policy (available at <https://www.uscourts.gov/rules-policies/judiciary-policies/privacy-policy-electronic-case-files>), the Contractor shall make such redactions and upload the redacted transcript to ECF. Uploading of a redacted transcript to ECF shall be in addition to, rather than in lieu of, uploading of the original unredacted transcript.
- 7) Accept at a minimum two forms of payment (money orders, checks, credit cards, online payment services such as PayPal). Monthly reports for prior month's work are due on the 15th of every month to the court reporter supervisor for each branch location. The report form is provided in the forms packet.
- 8) Comply with all filing and reporting requirements of this solicitation.

B. Title to Records/Copyright of Transcripts.

- 1) Transcripts produced from records of proceedings in United States courts are in the public domain and are not protected by copyright. The contractor shall not include any statement or symbol on a transcript that would lead one to believe the transcript is protected by copyright. Because transcripts are in the public domain, they may be used, reproduced, and distributed by attorneys, parties, and the general public without limitation and without additional compensation to the contractor.
- 2) The Court will make the transcript (original or redacted) available for inspection by any person without charge in the office of the clerk during regular office hours. Materials under seal are exempt from such inspection.

2. Transcripts

A. Official Transcript.

Under 28 U.S.C § 753(b), "The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record."

B. Transcript Format.

The contractor shall comply with the Judicial Conference transcript format standards outlined in the Guide to Judiciary Policy Volume 6, Chapter 5, § 520, available at: https://www.uscourts.gov/uscourts/FederalCourts/Publications/Guide_Vol06.pdf. Per-page transcript rates are based on a strict adherence to the prescribed format.

C. Transcript Orders.

Transcript orders shall be in writing. Upon written request of a party or written order of the Court, the Contractor shall prepare an accurate, written transcript which shall constitute a full and verbatim transcription of the record of the proceeding, or that portion of the proceeding ordered.

Transcript orders from the Court may be ordered on any form provided by the Contracting Officer. The transcriber shall provide an estimate to the Court, then the Contracting Officer will provide

authorization via purchase order to prepare the transcript. When the transcript has been uploaded, the transcriber shall provide an invoice to the Contracting Officer.

D. Transcript Delivery Times

The following transcript delivery time requirements are counted in calendar days from receipt of a transcript order and completion of satisfactory financial arrangements for payment. Transcript orders come at any time while the Court is open, including near the close of business on Fridays.

- 1) Required:
 - a) 30-Day Transcript (Ordinary)
 - b) The Court's certified copy (without charge to court, uploaded to ECF not later than 3 working days after original delivery to the ordering party).
 - c) Redacted transcripts (see section E below).
- 2) Whenever possible and at the request of the parties, provide service more quickly than 30 days. The delivery requirements for each accepted order of such transcripts is as follows:
 - a) 14-Day
 - b) 7-Day (Expedited)
 - c) 3-Day
 - d) Next-Day (Daily) – Delivered on the calendar day (regardless of whether that calendar day is a weekend or holiday) following the day the order was received and satisfactory payment arrangements were made, prior to the normal opening hour of the clerk's office.
 - e) 2-Hour (Hourly) – Ordered under unusual circumstances, delivered within two hours after receipt of a transcript order and completion of satisfactory financial arrangements for payment.

E. Redaction of Transcripts

- 1) The parties to a proceeding may, within 21 calendar days after uploading of the transcript to ECF, request redaction of personal information from the transcript. The requesting attorney or pro se party must identify information to be redacted by page and line number in the redaction request; the Contractor is not required to independently identify personal identifiers in a transcript for redaction. The Contractor shall, without a court order, redact the following personal identifiers from a case transcript upon the request of an attorney or pro se to the case:
 - a) Social Security numbers (or taxpayer identification numbers) to the last four digits;
 - b) financial account numbers to the last four digits;
 - c) birthdates to the year;
 - d) individuals known to be minor children to the initials; and
 - e) in criminal cases, any home addresses stated in court to the city and state.
- 2) All other requests for redaction of material in a transcript must be submitted to the judge by an attorney to the case or a pro se party. The Contractor shall redact

additional transcript text only upon approval of the judge.

- 3) The Contractor shall insert a notation of “REDACTED TRANSCRIPT” on a blank line on the title page immediately below the case caption, before the Volume number, and the name and title of the judge, taking care to ensure that the addition of this text does not cause changes to the length of the title page. Redactions must have black boxes of the same size as the deleted characters to preserve page and line numbers of the original transcript.
- 4) At the end of the transcript, and without causing “page roll over” (using a smaller font if needed) the contractor shall insert the following certification:

“I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on [Insert Date], and incorporating redactions of personal identifiers requested by the following attorney(s) of record [Insert Name of Requesting Attorney(s)] in accordance with Judicial Conference policy. Redacted characters appear as an “x” (or a black box) in the transcript.”

- 5) There is no requirement that any of the parties to a case purchase or be provided with a copy of any redacted transcripts. Parties shall not be charged for redaction or for the redacted transcript which the Contractor uploads to ECF. The parties to the case may only be charged for a copy of a redacted transcript if they specifically request a copy of the redacted transcript.

F. Transcript Fees

- 1) The transcript rates of this solicitation apply to all orders for transcripts of proceedings recorded under the solicitation, including orders from other judiciary organizations, such as Federal Public Defenders and appellate courts.
- 2) The Contractor may charge and collect fees for transcripts requested by the parties, including the United States, at rates contained in the response to this RFQ, but in no instance more than those listed on the Court’s website. The Contractor shall not add any transcript surcharges or service fees to the rates supplied in the response to this RFQ. Certified copies and certified redacted copies of transcripts must be uploaded to ECF for the record of the court at no charge.
- 3) Judiciary policy provides that, in multi-defendant cases involving defendants whose attorneys are paid via the Criminal Justice Act (“CJA”), no more than one certified transcript should be purchased from the transcriber on behalf of CJA defendants. Copies of a CJA multi-defendant transcript ordered shall be provided electronically.
- 4) The Contractor may require any party ordering a transcript to prepay the estimated fee in advance, except when payment will be made by the United States. The Court shall have no liability to the contractor for payment of transcript fees for transcripts ordered by private parties.
- 5) If mailing of the transcript is requested by the ordering party, ordinary postage costs are considered an ordinary business expense, and therefore may not be charged. If a party requests expedited delivery, the Contractor may bill the party for the difference between ordinary postage costs and the cost for expedited delivery.
- 6) The Contractor is required to certify the following on each transcript invoice:

“I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.”

- 7) No fee may be charged that would be higher than the fee corresponding to the actual delivery time. Sanctions for overcharging parties or the court for transcripts may include offsets against future government payments, termination of the solicitation, and/or other available legal remedies.

G. Delinquent Transcripts – Reduction of Fees

A transcriber who provides delivery of a transcript later than the agreed-upon timeframe may only charge the prescribed fee for the timeframe actually met. For example, if the transcriber accepts a 3-day delivery time period after receipt of an order and completion of satisfactory financial arrangements, but delivers the transcript in 7 days, the ordering party shall be charged only for a 7-day transcript.

3. Submission of Reports of Activity

The Contractor shall provide to the Contracting Officer a report of the type and number of transcripts ordered and produced and fees charged for the prior calendar month by the 15th day of each month.

4. Required Qualifications for Transcribers

The following minimum requirements apply to transcribers providing services under this solicitation:

- 1) Certified by the American Association of Electronic Reporters and Transcribers (AAERT), or three or more years of experience transcribing, primarily without log notes, digital audio recordings of multi-channel courtroom or other fast-paced and sometimes lengthy legal proceedings involving multiple parties.
- 2) A minimum of one year experience producing transcripts of hearings held in federal court.
- 3) Knowledge of and experience with using equipment and software to facilitate the transcription of digital audio recordings in which more than one speaker is speaking at once.
- 4) Strong customer service skills.
- 5) Attention to detail, the demonstrated ability to balance multiple priorities, adhere to detailed policies and procedures, meet strict deadlines and maintain organized billing and other records.
- 6) Contractor shall also submit, on the form attached, a minimum of three professional references for each transcriber to be working under this solicitation.
- 7) Transcription service providers must provide the court with information regarding “key personnel” pursuant to Clause 2-65.

5. Invoices

A. Invoicing the parties.

The Contractor shall submit invoices for transcripts ordered by private parties directly to the

ordering party and may require payment in full before releasing the transcript.

B. Invoicing the court.

Transcripts ordered by the Court should be invoiced at the stated fees within 45 days after the transcript is uploaded to the court's electronic docketing system. Invoices should be submitted to the Contracting Officer. Delivery is complete upon acceptance by the Contracting Officer's approval of the Contractor's invoice for payment and certification by the court reporter supervisor.

Each invoice for transcripts ordered by the Court shall contain the following information:

- 1) case name and case number;
- 2) date of proceeding(s) transcribed;
- 3) if applicable, name of the ordering judge;
- 4) type of transcript delivery (30-day, 14-day, 7-day, 3-day, next-day, 2-hour);
- 5) number of pages of transcript and the per page rate;
- 6) extended totals; and
- 7) any deduction in rate for change in delivery timeframe, if applicable.

In the event the Contractor fails to include any credit or other deduction on an invoice to the Court, the Court may compute the credit and effect a setoff, reducing the payment accordingly.

6. Inspection

The Contractor shall maintain, through appropriate accounting procedures and methods, and the Contracting Officer or designee shall have the right to examine and audit, all records and documents received by the Contractor. This right of examination shall include inspection at all reasonable times of the Contractor's facility.