



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

May 9, 2024

Request for Proposals# 2024-007

**Electronic Discovery (eDiscovery)  
Software and Services**

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**SECTION I – SUMMARY**

The Bay Area Air Quality Management District (“Air District”) seeks proposals for a Managed Service Provider for eDiscovery. The selected firm will be responsible for providing an eDiscovery software that meets the Air District’s needs and assisting the Air District with implementation and post implementation day-to-day operations. The eDiscovery solution must be compatible with Microsoft (MS) Office 365 Suite.

The Air District anticipates the contract to begin August 1, 2024 and continue for a term of five (5) years. The Air District may extend the contract for two (2) additional one-year terms at its sole discretion.

To respond to this Request for Proposals (“RFP”), an interested firm should submit one (1) electronic copy in Adobe Acrobat PDF file format of its proposal to the Air District’s Procurement Portal (“Portal”):

Cynthia Zhang, Senior Staff Specialist  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600; San Francisco, CA 94105  
Portal link: <https://baaqmd.bonfirehub.com>

**Proposals must be received by 4:00 p.m. PT on Wednesday, June 19, 2024 (“deadline”).**

**Late proposals will not be considered.**

Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not

instead of, the requested information and format. Minority business enterprises, women's business enterprises, veteran's business enterprises, local businesses, and certified green businesses are encouraged to submit proposals. **Any questions regarding this RFP should be submitted through the Portal.**

## **SECTION II – BACKGROUND**

### **A. Air District Overview**

The Bay Area Air Quality Management District is the government agency responsible for protecting air quality in the San Francisco Bay Area. The Air District is tasked with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. It is governed by a 24-member Board of Directors composed of locally elected officials from each of the nine counties. The Air District's mission is to create a healthy breathing environment for every Bay Area resident, while protecting and improving public health, air quality and the global climate.

The Air District aims to achieve its mission through many strategic goals, including: reducing and eliminating health problems caused by air pollution, achieving and maintaining air quality standards, leading the Bay Area's efforts to fight global climate change, creating high-quality regulatory programs, and applying environmental best practices in all operations. To do so, the Air District regulates air pollution emissions from stationary emission sources such as factories, refineries, and power plants, and from smaller facilities like gas stations and dry cleaners. The Air District ensures that such facilities comply with air pollution laws and regulations, provides incentives to replace older, higher-emitting vehicles and equipment with cleaner alternatives, and gives grants and provides outreach to encourage healthy clean air choices by businesses and consumers. The Air District implements these efforts with an equity focus, aiming to reduce air quality disparities and promote environmental justice by targeting local air pollution in overburdened communities.

### **B. eDiscovery Software and Services**

The Air District's Legal Division represents the Air District in litigation in Superior Court and in matters before the administrative Hearing Board. The Air District seeks an eDiscovery solution to aid the Air District in discovery responses, including: document collection, review, and release; and communication with opposing parties.

## **SECTION III – SCOPE OF WORK**

The selected firm will provide eDiscovery software and services to aid the Air District in responding to discovery, including: document collection, review, and release; and communication with opposing parties. The selected firm will provide all equipment, materials, and labor to meet the Air District's need for eDiscovery software and services and will ensure the Air District receives the most current state-of-the-art material and/or services.

### **eDiscovery Software and Services**

The selected firm shall provide, design, and/or configure an eDiscovery software that meets the Air District needs. Major functionality of the eDiscovery software should include, but is not limited to, Litigation/Legal Hold tracking and management, Preservation in-Place, Collection, Early Case Assessment (ECA), eDiscovery Review (including Data Processing, Analytics and Review), as well as Data Production. Specifically, this includes:

- Implementation of a web-based document review platform that provides robust document search and organization functions;
- Processing electronically stored information (ESI) in a variety of file formats to enable review on the same web-based document review platform;
- Production of the ESI and other documents in a variety of formats;
- Organization and presentation of documents to be entered into evidence as exhibits or presentations;
- Coordination with eDiscovery consultants retained by opposing parties to resolve technical issues with documents produced to or by the Air District.
- Providing a web accessible review platform and databases 24 hours a day, 365 days a year;
- Providing end-user training, including robust online resources;
- Providing technical assistance/support that may be needed during the document review process and extended hours access to Air District staff;
- Hosting documents and ESI in the United States on secure, remotely located servers with robust data encryption that are backed-up on a regular basis;
- Ability to comply with all obligations under Health Insurance Portability and Accountability Act (HIPAA) and other state and federal privacy laws and accompanying regulations;
- Understanding of processes and obligations related to the California Public Records Act (PRA) and third-party subpoenas;
- Providing advice and consultation to the Air District on eDiscovery and litigation support issues;
- Providing cost-saving storage or archiving options for idle projects;
- Reporting on usage by matter, entity, time-period, or other criteria, routinely or on request; and
- Providing technology-assisted review, computer-assisted review, predictive coding and/or other analytics to assist the review of ESI and other documents.

Additionally, the selected firm shall assist the Air District with any overflow work including, but not limited to, the following services:

- Project management
- Data processing
- Managed data review
- Data productions
- Migration of legacy data to the new system
- Provide training for administrators and end-users, as needed
- Provide post implementation support for day-to-day operations, including technical support.

## SECTION IV – INSTRUCTIONS TO PROPOSERS

### A. General

1. Interested firms must create an account through the Portal described in this RFP to view RFP documents and addenda, and to submit questions and proposal documents.
2. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements is grounds for rejection of the proposal.
3. All information should be complete, specific, and as concise as possible.
4. Proposals shall address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format. Proposals should include any additional information that the proposer deems pertinent to the understanding and evaluation of the proposal.
5. The Air District may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the deadline. Please check the [Portal](#) for updates prior to the deadline.
6. All proposals shall constitute firm offers valid for one hundred and eighty (180) days from the deadline. Once submitted, proposals may be withdrawn, modified, and resubmitted through the Portal up until the deadline.
7. The Air District reserves the right to reject any and all proposals.
8. All questions must be in written form and submitted through the Portal no later than **4:00 p.m. PT on Wednesday, May 22, 2024**. Proposers will not be able to submit questions after this time. All questions will be answered in writing and posted on the [Portal](#) by **6:00 p.m. PT on Wednesday, June 5, 2024**.
9. The cost for developing the proposal is the responsibility of the proposer, and shall not be chargeable to the Air District.

### B. Submittal of Proposals

All proposals must be submitted according to the specifications set forth in Section V (A) – Contents of Proposal, and this section. Failure to adhere to these specifications may be cause for the rejection of the proposal.

1. **Deadline** – All proposals are due no later than **4:00 p.m. PT on Wednesday, June 19, 2024**. Late proposals will not be accepted.
2. **Submittal** – Submit one (1) electronic copy of the proposal in Adobe Acrobat PDF file format to the Portal linked below. Electronic submissions submitted via the Portal will be acknowledged with a confirmation email receipt.

Portal link: <https://baaqmd.bonfirehub.com>

3. Uploading large documents may take significant time, depending on the size of the file(s) and internet connection speed. Proposers should plan sufficient time before the deadline to finalize their submissions and complete the uploading process. Proposers will not be able to submit documents after the deadline. Proposals received after the deadline will not be considered.
4. Signature – All proposals must be signed by an authorized representative of the proposer.
5. Grounds for Rejection – A proposal may be rejected if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm.
6. Disposition of the Proposals – All responses to this RFP become property of the Air District and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion “confidential.” The Air District will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Proposals marked “confidential” in their entirety will not be honored, and the Air District will not deny public disclosure of any portion of submittals so marked.

By submitting a proposal with portions marked “confidential,” a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the Air District for, and to indemnify, defend, and hold harmless the Air District, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys’ fees, expenses, and court costs of any nature whatsoever, arising from or relating to the Air District’s non-disclosure of any such designated portions of a proposal.

7. Modification – Once submitted, proposals, including the composition of the contracting team, may be altered up until the deadline. Proposals may not be modified after the deadline. Any correction or re-submission of proposals will not extend the submittal deadline.

### **C. Interviews**

1. The Air District, at its option, may request a demonstration of the proposed software solution.
2. The Air District, at its option, may interview proposers. The interviews will be for the purpose of clarifying the proposals.

3. Submittal of new proposal material at an interview will not be permitted.
4. Interviews may involve a presentation and/or a question-and-answer session.

## **SECTION V – PROPOSAL FORMAT, CONTENT, AND SUBMITTAL**

### **A. Contents of Proposal**

Submitted proposals should follow the format outlined below and include all requested information. Failure to submit proposals in the required format may result in the proposal being eliminated from evaluation and consideration.

#### 1. Technical Proposal

- a. Cover Letter (Section I) – Include the name, address, and telephone number of the firm, and signed by the person(s) authorized to represent the firm.
- b. Contact Information – Provide the following information about the firm:
  - Address and telephone number of office nearest to San Francisco, California and the address and phone number of the office that each of the proposed staff members are based out of if different.
  - Name of firm’s representative designated as the contact and email address.
  - Name of project manager, if different from the individual designated as the contact, and his/her email address.
- c. Table of Contents – Clearly identify material contained in the proposal by section.
- d. Summary (Section II) – State overall approach to the services sought in this RFP, including the objectives and scope of work.
- e. Firm History, Experience, and Qualifications (Section III) – Provide an overview of your firm’s history, number of years in business, firm ownership information, and firm’s organizational chart. Describe your firm’s related experience and qualifications in providing eDiscovery software and services to governmental organizations, if any.
- f. Proposed Solution (Section IV) - Provide a comprehensive overview of the eDiscovery software and services to be provided, including service delivery model. Describe the technical functionality, capabilities, and features of the eDiscovery solution and how it meets the needs of the Air District as outlined in the Scope of Work. Describe the standard features, features that are available for an add-on fee, and customized features that require additional development to meet the Air District’s need. Identify any additional proposed features, functions, or capabilities that the Air District should consider to meet the stated purpose.

- g. Approach and Methodology (Section V) - Provide a detailed description of the approach and methodology to be used to accomplish the scope of work.
- i. Describe your implementation methodology and approach. This includes the tools and techniques that will be used.
  - ii. Describe the roles and responsibilities of both the Air District and the firm's staff during each phase of implementation. In addition, provide an estimated level of effort and skillset required by Air District staff during implementation.
  - iii. Provide a migration methodology and approach for moving existing data (including users, permissions, templates, and documents) to the new eDiscovery solution.
  - iv. Describe your user acceptance testing methodology and criteria for success. Also, outline the responsibilities of the Air District staff during user acceptance testing.
  - v. Describe your training/strategy plan for current and future employees of the Air District in the use of the eDiscovery solution.
  - vi. Describe your approach to providing technical assistance and support for overflow work.
- h. Project Schedule (Section VI) – Provide projected timeline, milestones, and benchmarks for deploying a fully functional eDiscovery solution. The Air District seeks a detailed understanding of the work plan that will be followed to ensure success.
- i. Data Security and Privacy (VII) - Describe how you ensure the confidentiality and integrity of hosted data, including the safeguards you employ and any certifications and standards to which you adhere and/or maintain.
- j. Project Organization (Section VIII) – Describe the proposed management structure and organization of the proposed team. Provide a statement addressing your firm's ability and willingness to commit and maintain staffing to successfully provide the services outlined in this RFP.
- k. Assigned Personnel (Section IX) – Provide the following information about the staff to be assigned to the project:
- List all key personnel assigned to the project by level and name. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have. Background descriptions can be a resume, curriculum vitae, or summary sheet. Substitution of project manager or staff will not be permitted without prior written approval of the Air District's assigned program manager.
  - Provide a statement of the availability of staff in any local office with requisite qualifications and experience to conduct the requested project.
  - Provide a statement of education and training programs provided to, or required of, the staff identified for participation in the project. Make

particular mention of with reference to experience dealing with governmental agencies, procedures, and environmental regulations.

- l. References (Section X) - Provide a minimum of three (3) references of other, similar projects including company name or government entity, contact name, title, phone number and e-mail address for all references listed. For each reference, include a description of services provided and dates the services were provided.
- m. Subcontractors (Section XI) – List any subcontractors that will be used, the work to be performed by them, and the total number of hours or percentage of time they will spend on the contract.
- n. Retention of Working Papers (Section XII) – All working papers are the property of the Air District. Include a statement acknowledging that if your firm is awarded the contract, you will retain project related papers and related reports for a minimum of five (5) years.
- o. Conflict of Interest (Section XIII) – Address possible conflicts of interest with other clients affected by contractors' actions performed by the firm on behalf of the Air District. The Air District recognizes that prospective proposers may have contracts to perform similar services for other clients. Include a complete list of such clients for the past three (3) years with the type of work performed and the total number of years performing such tasks for each client. The Air District reserves the right to consider the nature and extent of such work in evaluating the proposal.
- p. Additional Data (Section XIV) – Provide other essential data that may assist in the evaluation of the proposal.

## 2. Cost Proposal

- a. Itemize all applicable costs including, but not limited to, annual license and maintenance costs, implementation costs, data migration costs, technical support costs; managed service cost, and any other costs that may be applicable. Estimated total annual costs should be proposed for up to five (5) years.
- b. For professional services, list the fully-burdened hourly rates and total number of hours estimated for each level of professional and administrative staff to be used to accomplish work required by this RFP.
- c. Any other fees or charges.

## **SECTION VI – PROPOSAL EVALUATION**

A panel of Air District staff will evaluate all proposals. The panel will recommend the selection of the contractor to the Air Pollution Control Officer (APCO), who will, in turn, make a recommendation to the Air District Board of Directors. The Air District Board of



Directors may be required to approve the contract to carry out the work described in this RFP. A link to a typical contract for professional services used by the Air District is included in Section VII.

Proposals will be evaluated on the following criteria:

<b>Criteria</b>	<b>Description</b>	<b>Points</b>
Experience and Qualifications	Experience and qualifications of the firm and, in particular, past experience of the firm working on projects of similar scope for other governmental agencies.	20
Functionality	Ability of the proposed solution to address the needs of the Air District, including technical functionality, features, and capabilities of the proposed solution.	20
Approach and Methodology	Quality and soundness of the approach and methodology to be used to accomplish the scope of work, with a clear understanding of the work to be performed.	15
Key Personnel	Organization of the team and qualifications of assigned personnel and their ability to perform and complete the work in a professional manner.	15
Cost	Cost effectiveness and resource allocation strategy.	20
References	Quality and applicability of references.	10
	<b>Total</b>	<b>100</b>

If two or more proposals receive the same number of points, the Air District will accept the lower cost offer.

## **SECTION VII – SAMPLE CONTRACT**

A sample contract to carry out the work described in this RFP is available on the Air District's website at <http://www.baaqmd.gov/about-the-air-district/request-for-proposals-rfp-rfq/samples-previous>. (Click the + to the left of Sample Contracts, and then click on the Professional Services Contract link)