

## STATE OF NEW YORK

## JUDICIARY

## —REQUEST FOR BID—

(This is not an order)  
**BID MUST BE MADE ON THIS SHEET  
 OR AS OTHERWISE SPECIFIED**

<b>Bid Number:</b> RFB# OCA/HR-259	<b>Commodity Group:</b>
<b>Opening Date: 04/13/2022</b> <b>Time: 12:00 p.m.</b>	<b>Commodity Name:</b>
<b>Issue Date: 03/08/2022</b>	<b>Computer Based Testing Services</b>

NYS Unified Court System  
 Division of Professional and Court Services  
 2500 Pond View, Suite 104  
 Castleton-on-Hudson

Direct Inquiries to:

Gabrielle Tanski-Shaver  
 Management Analyst

E-mail: [gtanski@nycourts.gov](mailto:gtanski@nycourts.gov)

All prices to be net and inclusive of all services specified herein unless otherwise specified.

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)  <b><u>UCS ATTACHMENT I, III, and IV ATTACHED &amp; INCORPORATED HEREIN.</u></b>	Bidder's Quotation and Specific Description of Item Offered  <b>ALL BID RESPONSES <u>MUST</u> BE ENTERED ON (attached Excel file):</b> <b>WORKSHEET A: PRICING SHEET</b> <b>WORKSHEET B: BIDDER TEST CENTER LOCATIONS &amp; CAPACITY</b>  <b>UNLESS SPECIFIED OTHERWISE HEREIN</b>
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**NOTICE TO BIDDERS**

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed bids for furnishing the item(s) in this Request for Bid will be received at the above address. When submitting a bid, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE BID NUMBER, THE BID OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED BID.

5. Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE BIDS WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

**BIDS MUST BE SIGNED**

Bidder's Firm Name:		Employer's Federal Identification Number:	
		NYS Vendor ID Number:	
Address Street	City	State	Zip
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number E-mail:	

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**RFB# OCA/HR-259**

**BID OPENING DATE: April 13, 2022**

**Computer Based Testing Services**

**BID OPENING TIME: 12:00 p.m.**

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**WORKSHEETS (attached Excel file)**

**WORKSHEET A: PRICING SHEET**

**WORKSHEET B: BIDDER TEST CENTER LOCATIONS & CAPACITY**

**CONTRACT SCORING SCALE (attached pdf)**

**DOCUMENT ENCLOSURE CHECKLIST (2 pages)**

\_\_\_\_\_ Pricing Sheet: Worksheet A/Pricing Sheet **must be fully executed and included** in bidder's proposal. Failure to do so may disqualify bidder's response.

The following forms must be fully executed and included in bidder's proposal. Failure to do so may disqualify bidder's response:

\_\_\_\_\_ UCS Request for Bid/Proposal Form (rfb1.frm) and complete bid response with original signature

\_\_\_\_\_ Attachment I - Standard Request for Bid Clauses & Forms

\_\_\_ p.3 - Non-Collusive Bidding Certificate

\_\_\_ p.4 – Acknowledgment of Individual or Corporation

Attachment II - Not Applicable

\_\_\_\_\_ Attachment III - Vendor Responsibility Questionnaire

\_\_\_ Questionnaire filed online via OSC VendRep System and certified within 6 months of the bid opening due date, **or**

\_\_\_ Paper questionnaire

\_\_\_\_\_ Attachment IV - Procurement Lobbying forms

\_\_\_ Disclosure of Prior Non-Responsibility Determination (UCS 420)

\_\_\_ Affirmation of Understanding and Agreement (UCS 421)

\_\_\_\_\_ Attachment V – Consultant Disclosure Form (UCS 475)

\_\_\_\_\_ Certificates of NYS Worker's Compensation and NYS Disability Benefits Insurance, or Certificate of Attestation of Exemption. Please see paragraph "Insurance Requirements" for a list of accepted forms.

\_\_\_\_\_ Copies of bidder's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications.

\_\_\_\_\_ Three (3) complete photocopies of original bid response

\_\_\_\_\_ Signed Document Enclosure Checklist

\_\_\_\_\_ Proprietary information in separate folder from bid response, if applicable

In addition, bidder shall provide:

\_\_\_\_\_ Bidder's contact information (Item 6, below)

\_\_\_\_\_ Narrative Description – Organizational Experience/Capacity

\_\_\_\_\_ Narrative Description – Relevant Business Experience/Qualifications

\_\_\_\_\_ References

**RFB# OCA/HR-259**

**BID OPENING DATE: April 13, 2022**

**Computer Based Testing Services**

**BID OPENING TIME: 12:00 p.m.**

\_\_\_\_\_ Worksheet A: Pricing Sheet

\_\_\_\_\_ Worksheet B: Bidder Test Center Locations & Capacity

\_\_\_\_\_ COVID-19 Test Center Protocols

**IMPORTANT:**

1. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.
2. Exhibit A/Pricing Sheet and the other forms listed above must all have the SAME COMPANY NAME AND TAX ID NUMBER in order for a purchase order or contract to be approved by the NYS Comptroller.
3. **Do not alter this solicitation in any manner. Any changes, deletions, or additions (including the addition of supplemental terms and conditions) to this RFB or to any exhibits or appendices to this RFB, including Exhibit A/Pricing Sheet, may result in the rejection of the bid as non-responsive.**
4. Please note that the terms and conditions of this RFB will form the basis of the contract with the Awarded Contractor (defined below).

**5. Bidder Contact Information**

Bidder's Primary Contact for Bid Matters:

Name: _____			
Street:: _____	City _____	State _____	Zip _____
Telephone Number: _____		Email: _____	

**RFB# OCA/HR-259**

**BID OPENING DATE: April 13, 2022**

**Computer Based Testing Services**

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**6. Verification:**

**Authorized representative of Bidder must complete and sign below to verify submission of all documents required per the Document Enclosure Checklist:**

COMPANY NAME: \_\_\_\_\_

AUTHORIZED OFFICER'S NAME AND TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## I. OVERVIEW

### Purpose and Scope

The New York State Unified Court System “(UCS)”, Office of Court Administration (“OCA”) is soliciting sealed bids for computer based testing services, including the production and electronic delivery of examinations and the administration of examinations at test locations throughout the state of New York and states bordering New York within a 75 mile radius.

**\*\* See ARTICLE V BELOW, SCOPE OF WORK for detailed specifications. \*\***

### Exhibits

Exhibit A: UCS Exams Information and Administration Requirements

Exhibit B: Minimum Required Exam Locations

Exhibit C: Computer Based Testing (CBT) Platform, Item Bank Software and Exam Delivery Requirements

Exhibit D: UCS Historical Examination Information

Worksheet A: Pricing Sheet

Worksheet B: Bidder Test Center Locations and Capacity

### Key Bid Dates\*

EVENT	DATE
Bid Issue Date	March 8, 2022
Bid Question Due Date	March 17, 2022 by 12:00 p.m.
Pre-Bid Virtual Conference Date	March 29, 2022 at 1 p.m.
Bid Submission Deadline Date	April 13, 2022 by 12:00 p.m.
Estimated Contract Start Date	July 1, 2022

**\* OCA reserves the right to modify any Key Bid Date as it may deem appropriate.**



## **II. MINIMUM QUALIFICATIONS**

### **Experience**

UCS will consider proposals submitted by entities that demonstrate a minimum of three (3) years' experience in the provision of services similar to those required under this solicitation. Vendor must have demonstrated experience handling up to 80,000 NYS statewide test-takers over a period of 2 months and burst testing of 2000 test-takers in one day of testing. Vendor must have test sites with minimum seating capacity of 1,700 per day in NYC (and surrounding suburbs) and minimum seating capacity of 300 per day in upstate New York. Vendor must be able to administer exams on weekdays and weekends at the defined locations. Vendor must have an item bank software and an exam delivery platform (CBT) with reporting and candidate scheduling capabilities. Vendor must be able to deliver electronic examinations in accordance with the test administration requirements in Exhibit A.

## **III. AWARD**

### **Term of Award**

A single estimated quantity term contract ("Contract") will be awarded to the successful bidder ("Awarded Contractor") for an Initial Term of three (3) years ("Initial Term"). The Contract is expected to commence on or about July 1, 2022. OCA reserves the right to renew such Contract for two (2) additional one (1) year periods (each, a "Renewal Term") upon the same terms and conditions excluding pricing.

OCA further reserves the right to extend the Contract for a period not to exceed six (6) months ("Extension Term"), upon written notification to Awarded Contractor prior to the expiration date of the Initial Term or a Renewal Term, upon the same terms and conditions including pricing as the preceding Term; provided, the maximum term of the awarded contract will be five (5) years. The Contract, renewals and extension thereof are subject to the approval of the NYS Attorney General and the NYS Comptroller (OSC).

## Method of Award

A single contract will be awarded to the bidder achieving the highest points total based upon all the criteria set forth below. The award of points for each criterion will be based on the evaluation of Bidder's written proposal (including follow up and investigation as may be necessary), CBT platform and item bank software demonstration, and the information provided by the Bidder during an in-person and/or virtual interview.

### Maximum Points

### Award Selection Criteria

#### I. Technical Evaluation (65%)

##### **1. 40 points**

##### **Program Services**

- |    |           |  |
|----|-----------|--|
| a) | 15 points | Testing Locations in New York State                            |
| b) | 5 points  | Item Bank Software   |
| c) | 5 points  | Exam Delivery Platform (CBT Platform)                          |
| d) | 5 points  | Applicant Scheduling Platform & Applicant Notification Process |
| e) | 5 points  | Custom Reporting Capabilities                                  |
| f) | 5 points  | Test Administration Windows and Timeframes                     |

##### **2. 20 points**

##### **Experience & Background with Computer Based Testing**

- |    |           |   |
|----|-----------|---|
| a) | 10 points | Large Scale Testing Experience (NYC Area) |
| b) | 5 points  | Government/Civil Service Experience       |
| c) | 5 points  | Event Style Testing (Burst Testing)       |

##### **3. 5 points**

##### **Program Administration**

- |    |          |                                  |
|----|----------|----------------------------------|
| a) | 5 points | Test Security & Account Services |
|----|----------|----------------------------------|

#### II. Cost (35 %)

**Cost Score = (Lowest Bid divided by Bid Being Evaluated) x Maximum Cost Points Available.**

**TOTAL 100 Points**

## **IV. PRICING**

### **Pricing**

All pricing submitted pursuant to the solicitation shall be net f.o.b. destination unless otherwise expressly specified herein.

Other than the pricing set forth on bidder's pricing sheet, there shall be no other charge, cost, reimbursement or expense of any kind payable by UCS in connection with or arising from Awarded Contractor's performance of the services set forth herein. Awarded Contractor shall be solely responsible for all costs and expenses incurred in connection with the performance of such services.

Cost Structure is outlined in Worksheet A: Pricing Sheet. Bidder must provide Per Test Taker Fee on the pricing Worksheet A for: (i) promotional exams by type of exam, exam length and testing-window (ii) open-competitive exams by type of exam, exam length and testing-window; (iii) per diem court interpreter written multiple choice and oral exams; (iv) four-hour pre-rater review sessions.

Bidder should also provide pricing for the following services in the manner indicated on the Pricing Sheet: (i) Access to and use of Test Bank Software, CBT Platform; (ii) Professional Services; (iii) Oral Language Exam Conversion; and (iv) Special Accommodations not required to be included in the per test- taker fee.

Other than the immediately preceding items (i-iv), the Per Test Taker Fee must include all costs of all services required by this RFP, including but not limited to: (i) project management and planning services; (ii) candidate scheduling, cancellation, no-shows and rescheduling; (iii) test delivery and administration (including special accommodations not permitted to be separately priced). If bidder does not charge for any of items i-iv above, bidder should enter N/C for that item on the pricing sheet.

The Bidder is provided with Exhibit D: Historical Examination Information for UCS Exams as a guide for establishing per test-taker pricing. UCS expects the no-show rates to significantly decrease from historical rates with the new electronic testing model that includes a two-step test-taker registration process.

Pricing shall be submitted only on, and in the format prescribed by, Worksheet A: Pricing Sheet. Bidder must quote pricing on a cost per unit basis (e.g.: price per test taker) and compute all price extensions listed in Worksheet A: Pricing Sheet. In the event of a bidder's miscalculation, the unit price will prevail. UCS reserves the right to make mathematical corrections based on

unit price(s.) Pricing in the awarded contract for amounts in increments not equal to pricing units indicated in the Pricing Sheet will be prorated accordingly.

Pricing will remain unchanged during the Initial Term.

### **Price Adjustments**

Pricing shall be subject to increase as of the commencement date of each Renewal Term by the percentage equal to the lesser of: (i) the increase, if any, in the *“All items in New York-Newark-Jersey City, NY-NJ-PA, all urban consumers, not seasonally adjusted”*, 1982-84 =100, (“CPI”) as of the third month prior to the commencement date of each such Renewal Term, over the CPI as of the third month prior to the commencement date of the immediately preceding term of the Agreement, or (ii) five percent (5%). Pricing shall thereafter remain unchanged for the balance of each such term, and shall further remain unchanged during an Extension Term.

### **Payment**

Awarded Contractor shall send true and accurate invoices on a monthly basis by email to *Kenneth Leibowitz*, at [kleibowi@nycourts.gov](mailto:kleibowi@nycourts.gov) or such other person or email address as UCS/OCA shall designate.

Payment shall be made monthly in arrears and shall be made within thirty (30) days of submission by Awarded Contractor and approval by UCS of invoices satisfactory to UCS and OSC.

Payment for goods delivered/services performed under the awarded contract shall be conditioned upon the acceptance and approval of such items/services, such that it is sufficiently complete in accordance with the RFB specification, so that UCS can utilize the goods/services for its intended purpose.

## **V. SCOPE OF WORK**

### **1. Scope of Work Overview**

Awarded Contractor will be required to produce, and electronically deliver and administer, all UCS written and oral employment examinations scheduled during the term of the awarded contract.

As part of its merit-based hiring process, the Unified Court System (UCS) administers multiple-choice format written examinations for twenty-one (21) civil service titles and for per diem

Court Interpreters. In addition, UCS administers video/audio-based oral examinations with test-taker voice capture as part of the Court Interpreter examinations (twenty-six (26) languages). Exhibit D includes all exams presently administered by UCS. Examinations are administered statewide in New York and states bordering New York (75-mile radius).

Examinations will be required to be delivered and administered in accordance with the requirements set forth in Exhibit A: UCS Examination Information and Administration Requirements. Examination schedules will be based upon the hiring needs of the UCS. UCS, in its sole discretion, will determine the examinations to be administered and the schedule of examinations during the Term. Accordingly, it is possible that not every exam category on the pricing sheet will have an exam administered during the Term.

UCS will create and exclusively own the uploaded test items. Upon termination of the contract term, all UCS test items and test versions must be deleted from Awarded Contractor's servers and returned to UCS.

Awarded Contractor will be required to deliver the examinations at its test centers and/or test venues that it secures in the locations specified in Exhibit B: Minimum Required Exam Locations. Awarded Contractor must be able to administer both internet-based ("live") computerized testing and off-line server-based computerized testing at all test sites.

The required services include the following components:

1. Project Management and Planning Services

**Account Management Services:**

- Dedicated Account Manager.
- Semi-annual meetings to review and finalize examination schedule and examination requirements.
- Assistance with development of procedures for administration (including test center supervisor training) of certain UCS examinations, e.g., (i) memory portion of Court Officer Trainee examination; (ii) oral court interpreter examinations; and (iii) performance portion of court reporter examinations.
- Development and implementation of protocols for the per diem Court Interpreter examinations to enable: (i) applicants for the written examination to register directly with Contractor; (ii) limitation of applicant registration for the written examination to once every six months and for the oral examination to once annually.

**Item Bank and CBT Platform Technical Support:**

- Up to ten (10) hours per year of Item Bank Software Technical Support regarding new exam item formats (e.g., developing new item formats); item/exam input into software; item/exam download from software.
- Up to ten (10) hours per year of training on the CBT platform and candidate test data retrieval and reporting features
- Examination Administration Portal and Operations Support: Consultation with exam administration portal/operations experts regarding delivery of exams and the applicant scheduling portal.
- Assistance with developing candidate/exam administration workflows.

**Custom Reporting Support:**

- Customized Score Reporting: Assistance with development of custom score reports for UCS exams (e.g., test-taker exam sub-score reports and test-taker item level report).

**2. Item Bank Software and Computer Based Testing (CBT) Platform****Item Bank Software:**

- Access to and use of item bank software for up to twenty-five (25) UCS users.
- Item bank software must have the functionality described in Exhibit C: Computer Based Testing (CBT) Platform, Item Bank Software Requirements and Test Delivery Minimum Requirements. If Bidder does not have all functionalities described in Exhibit C, Bidder must list any functionality that it does not presently have and indicate when it will be available.
- Ability for UCS to upload and download up to one million (1,000,000) test questions and other items to the item bank software.
- Ability to create an unlimited number of versions of each written examination (“published” exam) for each cycle of the applicable examination (Examination Cycle).
- Storage of all items and all versions of each written examination on Awarded Contractor’s servers for use by UCS.

**CBT Platform Software:**

- Access to and use of Computer Based Testing (CBT) platform for up to twenty-five (25) UCS users.
- Access to reports and data download on CBT platform including EEO applicant data,

raw item scores, no-show reports, test-taker roster.

- CBT Platform must have the functionality described in Exhibit C: Computer Based Testing (CBT) Platform, Item Bank Software Requirements and Test Delivery Minimum Requirements. If Bidder does not have all functionalities described in Exhibit C, Bidder must list any functionality that it does not presently have and indicate when it will be available.

3. Conversion of Oral Language Examinations to CBT Format

- Assistance with conversion of 26 oral language examinations from the recording voice capture software currently in use by UCS to a CBT format, including: audio recordings of each test-taker (available to UCS for download); and development of proctoring procedures for exam administration.

4. Examination Scheduling, Delivery and Administration

- Delivery of UCS written and oral examinations at statewide test sites during weekdays and weekend hours.
- Completion of testing for each Examination in accordance with the maximum time windows listed in Exhibit A
- Electronic administration of multiple versions of the multiple-choice examinations in CBT format via CBT Platform at each Test Site for the applicable exam
- Court Interpreter Oral Exam Administration:
  - Administration of Oral Exams Pre-Conversion to CBT Platform:
    - Delivery of Court Interpreter Oral Examinations in an isolated testing environment with a dedicated proctor for each test-taker (1:1) to operate UCS digital video, audio software and backup audio digital recording device
    - Upload test-taker digital recordings to shared cloud
  - Administration of Oral Exams Post-Conversion to CBT Platform:
    - Delivery of Court Interpreter Oral Examinations in an isolated testing environment on CBT platform with automatic delivery and administration of oral exam material (i.e., audio, video and site-translation text to audio) and automated digital recording of test-taker response
    - Storage and retrieval of test-taker audio recordings from the CBT platform

- Scheduling, rescheduling and confirmation of applicant examination appointments:
  - Two-Step Test-Taker Scheduling for Multiple-Choice Exams: UCS will provide the Awarded Contractor a list of test-takers for multiple-choice examinations; the Awarded Contractor must provide self-scheduling links to test-takers to register for exam at Awarded Contractor test sites. At the request of UCS, Awarded Contractor will be required to send up to 4 reminder scheduling links to unregistered test-takers.
  - Automatically provide a registration link for oral language examinations to all test-takers who passed the multiple-choice per diem examination
  - Confirm test-taker registration via email and/or text providing information about: (i) date and time of appointment; (ii) arrival time requirements; (iii) Test Site; (iv) directions to Test Site; (v) identification requirements; (vi) test site contact information; (vii) link and/or instructions for rescheduling and cancelling appointments; and (viii) any other information requested by UCS.
  - Awarded contractor will be required to provide up to 6 reminder emails and/or texts to Registered Applicants.
- Upload and storage of test-taker data, including examination data from the test site, to remote secure server and CBT platform
- Per-Diem Multiple-Choice Court Interpreter Examination: Provide email or text notification of results to test takers within one (1) business day of the examination administration date
- Open-Competitive and Promotional Multiple-Choice Examinations: Provide email notification of test results, detailed score report and item-level score report to test-takers within one-week after UCS sets passing exam scores (end of exam cycle)
- Provide UCS with access to secure server for download of applicant and test-taker raw data

5. Test Protocols/Test Security

Must have ability to establish, update and modify test protocols that meet the security needs of UCS (UCS Test Protocols and Security Procedures) including, but not limited to the following:

- Limit Access to Test Sites to scheduled, UCS-approved personnel, and examination administration staff.



- Perform test-taker check-in and identification in accordance with UCS Test Protocols and Security Procedures including:
    - Provide storage for personal belongings (e.g., phone, coats) not allowed in testing room
    - Review test-taker photo identification documents
    - Take photo of test-taker at check-in
  - Have secure encryption procedure to transmit and receive attendance rosters and incident reports
  - Encryption of all electronic testing materials
  - Prevent examinations from being on workstations until launched by the test administrator.
  - Ensure that if theft of a testing workstation occurs, examination does not reside on stolen computer and no test materials are lost
  - Have certified proctors, proficient in the English language, and capable of performing technology troubleshooting
  - Have proctoring system that prevents proctors from accessing test directly
  - Have information technology (“IT”) support available to test sites and proctors throughout the administration of each examination at all Test Sites
  - Ensure that UCS Test Protocols and Security Procedures are followed at each Test Site
  - Monitor and report any unusual incidents during the test administration process (e.g., test-taker cheating, technical issues)
  - COVID-19 test site protocols.
6. Test Sites, Testing Equipment, Supplies and Services
- Sufficient Test Sites throughout New York State, including, at minimum, all locations listed in Exhibit B. For cities listed in Exhibit B that are not required to have test sites within city limits, test sites must be within a reasonable one-hour drive of the city and not farther than the mileage specified for the applicable city. Additional test site locations may be required in New York State if test-taker registration for a site exceeds seating capacity.
  - Open new Test Center if UCS testing needs exceed the test site capacity (80% or more seats occupied during the examination period) at one or more already existing Test Centers (Exhibit B)
  - Provide all equipment, supplies and services necessary to electronically administer each examination at each Test Site.

- All Test Sites must meet federal ADA requirements.
- Provide the following special accommodations at no additional cost to UCS (to be included in the per test-taker fee on Worksheet A: Pricing Sheet):
  - distraction free or isolation testing environments
  - larger computer fonts
  - wheelchair-accessible testing stations
  - permission to bring and take medication during examination as long as time-extension is not required
  - permission for breaks during testing session if time-extension is not required
- Provide the following special accommodations for fees listed in the Services Fees/ADA Accommodations section on Worksheet A: Pricing Sheet:
  - larger seats
  - sign-language interpreter
  - assistant “reader” (i.e., to read test material to test-taker); and
  - Amanuensis - “scribe” (i.e., to input examination answers on computer).

7. Professional Services-Including Psychometric Consulting and Training Services (Optional Upon Request of UCS)

Provide (for the hourly services fees listed in Worksheet A: Pricing Sheet), professional services for the following:

Psychometric Consulting

- exam construction
- delivery of parallel exams (e.g. number of exam items needed to create parallel exams (statistically equivalent)
- statistical/item analysis

Training Services

Provide an hourly rate for the following training services that exceed the ten (10) hours required in Project Management and Planning Services:

- Item Bank Software Technical Support regarding new exam item formats (e.g., developing new item formats); item/exam input into software; item/exam download from software.
- CBT platform and candidate test data retrieval and reporting features

## 2. Invoicing

2.1 Awarded contractor shall submit true and accurate invoices to:

Exam Administration Manager  
c/o Kenneth Leibowitz  
25 Beaver Street, 10th Floor  
New York, NY 10004  
[kleibowi@nycourts.gov](mailto:kleibowi@nycourts.gov)

*See also paragraph "Payments."*

## VI. BID RESPONSE DOCUMENTS

### General Requirements

All documentation must be submitted on prescribed forms, without alteration. To facilitate photocopying, do not permanently bind documents.

*Bidders must submit every document listed in sections A and B, below. Failure to provide all documents in the manner required – including the number of requested copies - may result in disqualification of a bid response. Any changes, deletions, or additions (including the addition of supplemental terms and conditions) to this RFB or to any exhibits or appendices to this RFB, including Exhibit A/Pricing Sheet, may result in the rejection of the bid as non-responsive.*

### A. REQUIRED BID DOCUMENTS

#### 1. a. Narrative Description - Organizational Experience/Capacity

Bidders must submit, with their bid response, a narrative which demonstrates their capacity and experience to meet the minimum qualifications listed in Article II, above (Minimum Qualifications), including a description of its capability to produce and deliver similar quantities of materials or services required hereunder on an as-needed basis.

**1. b. Narrative Description – Relevant Business Experience/Qualifications****2. References**

Each bidder must submit three (3) references, other than UCS, including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

**3. Bidder Contact Information**

Bidder shall designate, where specified in the Document Enclosure Checklist, a person as primary contact for all questions OCA may have regarding bidder's bid response.

**4. Additional Documents/Materials**

***Bidder must include in its bid proposal written descriptions in narrative format (unless otherwise indicated) addressing the topics in items 1 - 6 below. Failure to respond to every topic listed below may result in disqualification of a bid proposal.***

**A. Program Services**

- Description of Bidder's Item Banking Software including reporting capabilities, number of items that can be stored in item bank.
- Description of test applicant portal including examination scheduling, confirmations of appointments/applicant notification and examination results delivery.
- Description of Bidder's testing facilities in New York State including locations, operating hours and capacity. (Bidder should use Worksheet C)
- Description of Bidder's process and plans to open additional test sites in New York State if current test-sites exceed seating capacity.
- Description of Bidder's Computer Based Delivery System including video and audio capabilities.
- Description of Bidder's methodology for delivering video based oral examinations that require recording/capturing an applicant's verbal responses.
- Description of Bidder's proposed testing window for delivering UCS examinations (testing window must be within the maximum testing window noted in Exhibit A: UCS Exam Information and Administration Requirements)

**B. Cost**

Pricing must include all costs for the performance of all services required under this solicitation. No additional charges will be allowed. See Worksheet A: Pricing Sheet.

- Per Test-Taker Fee for Promotional, Competitive Exams, Per Diem Court Interpreter Exam and Pre-Rater Review Sessions by exam length and testing window
- Licensing Fees for Item Bank Software and CBT Platform
- Fees for Special Accommodations for examinations that are not required to be included in Per Test-Taker Fee
- Fees for Oral Language Conversion to CBT Platform
- Hourly fees for training and consulting services

**C. Experience and Background with Computer Based Testing (CBT)**

- Description of Bidder's experience administering large-scale examinations (experience with exams over 10,000 test-takers). Bidder should list Bidder's experience administering large exams at Bidder's test centers as well as event-style/burst-testing model.
- Description of Bidder's experience administering large-scale examinations in New York City.
- Description of Bidder's experience administering exams for government agencies (e.g., experience with civil service examinations).

**D. Program Administration**

- Description of Bidder's security procedures and systems to ensure confidentiality of applicant data and UCS proprietary test items.
- Description of test security protocols including proctor services, applicant identity verification, anti-cheating procedures and unusual incidents protocols.
- Description of Bidder's project team including an organizational chart of personnel Bidder proposes to service UCS account.

Upon review of bidder submissions, bidders who meet minimum qualifications will be asked to demonstrate the following as part of the Program Services technical evaluation:

**5. Demonstrations****CBT Platform and Item Bank Software Demonstration (maximum 3-hours)**

- Virtually demonstrate CBT Platform capabilities including reporting features and data download
- Virtually demonstrate Item Bank Software capability including item type, item level analysis and test level analysis and features such as ease of item input, change tracking, exam editing

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**Computer Based Testing Services**

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## **6. Interview**

### **Virtual Interview (approximately 1-hour)**

- Meet via MS Teams with UCS exam development and exam administration team for follow-up questions after the virtual demonstration of the Item Bank Software and CBT platform

## **NYS BID FORMS**

### **1. Attachment I - Standard Request for Bid Clauses & Forms and Attachment IV- Procurement Lobbying Law required forms**

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms , and Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (UCS 421) pursuant to the Procurement Lobbying Act, which must be downloaded or printed from the UCS Contract & Procurement website under Addenda for the appropriate solicitation, are incorporated and made a part of this solicitation.

### **2. Attachment III - Vendor Responsibility Questionnaire**

The NYS Unified Court System (UCS) is required to conduct a review of a prospective Vendor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective Vendor's legal authority to do business in New

York State, business integrity, financial and organizational resources, and performance history (including references).

The UCS recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. However, vendors may choose to complete a paper questionnaire and submit it with their proposal.

Online Questionnaire: To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us/Enrollment/login>. Vendors must provide their New York State Vendor Identification Number when enrolling (see paragraph headed >New York State Vendor File Registration' for instructions on obtaining a Vendor

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Identification Number.) For VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.state.ny.us](mailto:ITServiceDesk@osc.state.ny.us).

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Please note that online submissions must be certified and dated/updated not more than six (6) months prior to the bid opening date of this RFB/RFP. Bidders' authorized signature of the RFB/RFP form will serve as confirmation that bidders have knowingly filed their questionnaire online if the paper questionnaire is not included with the bidder's submission.

Paper Questionnaire: Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) or may contact the UCS or the Office of the State Comptroller's Help Desk for a copy of the paper form.

### **3. New York State Vendor File Registration**

Prior to being awarded a contract pursuant to this solicitation, the bidder(s) must be registered in the New York State Vendor File (Vendor File) administered by the OSC. This is a central registry for all vendors who do business with New York State agencies and the registration must be initiated by a State agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to vendors for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage certain vendor information in one central location for all transactions related to the State of New York.

**If the bidder is already registered in the Vendor File**, the vendor must enter the vendor's ten-digit Vendor ID on the first page of this bid document.

**If the bidder is not currently registered in the Vendor File**, upon award of a contract the Bidder must complete the OSC Substitute W-9 Form ([http://www.osc.state.ny.us/vendors/forms/ac3237s\\_fe.pdf](http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf)) and submit the form to UCS. **The UCS will initiate the vendor registration process** for the Vendor. Once the process is initiated,



Vendor will receive an e-mail identifying their unique ten-digit Vendor ID and instructions on how to enroll in the online Vendor Self-Service application. For more information on the Vendor File please visit the following website: [http://www.osc.state.ny.us/vendor\\_management/](http://www.osc.state.ny.us/vendor_management/).

#### **4. Electronic Payments**

Vendors not currently receiving electronic payments, and who wish to do so, should enroll in ePayment – New York State’s electronic payment program for vendors. To do so, vendors need to log onto the Vendor Self-Service Portal and enter their bank account information. ePayments will ensure you are receiving payments faster and in a more secure manner. If you need assistance in accessing the Vendor Self-Service Portal, please contact the SFS Helpdesk at [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov) or 1-877-737-4185.

#### **5. Proof of Insurance**

Bidder must provide together with its bid response all documentation required pursuant to Article IX, “Insurance Requirements.”

### **ADDITIONAL BID DOCUMENTS**

#### **1. Financial Stability**

Upon request by UCS, bidder shall provide its audited financial statements prepared in accordance with GAAP-Generally Accepted Accounting Principles for the past three (3) consecutive years and a copy of its last three (3) annual reports.

## **VII. BID SUBMISSION PROCEDURES**

### **A. Packaging, Identifying and Delivering of Bids/Proposals**

Bids/Proposals must be clearly addressed and submitted to:

Gabrielle Tanski-Shaver, Management Analyst  
NYS Unified Court System  
Division of Professional and Court Services  
2500 Pond View, Suite 104  
Castleton-on-Hudson, NY 12033

All envelopes/cartons must also be labeled with the following information on two sides:

Deliver immediately to Gabrielle Tanski-Shaver  
Sealed bid - Do not open  
RFB# OCA/HR-259 **due April 13, 2022 at 12:00 p.m.**

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by **April 13, 2022 at 12:00 p.m.** at the latest or bids will be declared late bids and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

### **B. Submission of Electronic (email) Bid Proposals**

In addition to the Bid Submission Procedures contained in sub-article A, above, bidders may submit Bid proposals electronically to: [UCS-Bid-Submissions@nycourts.gov](mailto:UCS-Bid-Submissions@nycourts.gov). The email subject line must state: "Bid Proposal – OCA/HR-259" and per subsection (b) below, indicate the email sequence number, as appropriate.

Bid proposals submitted electronically must meet all requirements set forth in the bid for proposals submitted by mail, including, but not limited to, delivery on or before the Bid Submission Deadline Date and completion of required acknowledgments.

Additionally, electronically submitted Bid proposals must conform to the following requirements:

- (a) All Bid proposal documents must be in "PDF" searchable format.

(b) The size limitation for individual emails is 25MB (megabytes) per email (including message plus attachments). If documents cannot be grouped within one .zip file and/or one email so as to conform to the 25MB size requirement, bidders may transmit Bid proposals in multiple emails, in which case, each email must be labeled "Email X of X" (e.g., "Email 1 of 3").

(c) Notwithstanding the number of emails submitted, all Bid proposal emails must be submitted on the same date.

Bidders who submit a Bid proposal electronically will receive a reply email confirming the date and time of receipt of their submission. Bidders are advised to notify [gtanski@nycourts.gov](mailto:gtanski@nycourts.gov) if they have not received an email response within one (1) business day after submission of their Bid proposal.

### **C. Bid Opening**

Bid opening will be virtual: Any bidder who wishes to participate in the virtual bid opening must RSVP via email to Gabrielle Tanski-Shaver at [gtanski@nycourts.gov](mailto:gtanski@nycourts.gov) not later than **April 12 at 4:00 PM**. A reply email containing an MS Teams invitation link will sent to participating bidders prior to the bid conference date. The invitation will include a telephone call-in number to enable audio-only participation.

### **Bidder Confidential/Proprietary Information**

If applicable, bidders should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than UCS, the New York State Attorney General and OSC. Bidders are advised that any material deemed confidential by bidder may still be subject to disclosure in connection with any governmental or judicial proceeding or inquiry or as may be required by applicable law, including but not limited to Article 6 of the New York Public Officers Law (Freedom of Information Law). Such confidential/proprietary information must be in a separate folder from the non-confidential sections of the proposal.

### **No-Bids**

Bidders are requested to send a no-bid letter to OCA, Attn: Gabrielle Tanski-Shaver, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: RFB# OCA/HR-259. No-bid letters may be sent by email to

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**Computer Based Testing Services**

**BID OPENING TIME: 12:00 p.m.**

Gabrielle Tanski-Shaver at [gtanski@nycourts.gov](mailto:gtanski@nycourts.gov) . Please indicate in "Subject" field: RFB# OCA/HR-259 – No-Bid.

## **Questions**

Any and all questions bidders may have in connection with this solicitation are to be directed by email only to:

Gabrielle Tanski-Shaver at [gtanski@nycourts.gov](mailto:gtanski@nycourts.gov)

Please indicate in "Subject" field: "RFB# OCA/HR-259 - Question(s)."

The deadline to submit questions is **March 17, 2022 by 12:00 p.m.** A written response to all submitted questions in the form of a Questions & Answers (Q&A) sheet will be posted on the UCS website at [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) under RFB# OCA/HR-259.

**IMPORTANT:** All questions regarding this solicitation must be in writing by email and directed solely to the attention of the above designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the UCS in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

## **Pre-Bid Conference**

A virtual pre-bid conference will be held on **March 29, 2022 at 1:00 p.m.** via MS Teams to review this RFB/RFP. While this conference is not mandatory, bidders are strongly encouraged to participate to benefit most directly and immediately from any issues or clarifications presented.

Any bidder who wishes to participate in the pre-bid conference must RSVP via email to Gabrielle Tanski-Shaver not later than **March 28 at 4:00 p.m.** A reply email containing an MS Teams invitation link will be sent to participating bidders prior to the bid conference date. The invitation will include a telephone call-in number to enable audio-only participation.

## **VIII. GENERAL BID REQUIREMENTS**

### **Online RFB/RFP Package: Disclaimer**

Bidders accessing any UCS/UCS/OCA solicitations and related documents from the New York State UCS website [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) under “Current Solicitations” shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

### **Binding Nature of Bid/Proposal on Bidders**

All bids/proposals shall remain binding on bidders until such time as UCS/OCA provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

### **Estimated Quantities**

Any quantities specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

### **Rejected and Unacceptable Bids/Proposals**

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or performance of any contract; or who have previously defaulted on any contractual obligations, (as contracting party, surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York, who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts, whose proposal is incomplete or otherwise non-responsive in any material respect, or who are found to be non-responsible based on any of the criteria specified in the section headed Responsible Bidder.

UCS also reserves the right to reject any bidder: (i) whose facilities and/or resources are, in the opinion of OCA, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of OCA, unable to meet specifications.

### **Responsible Bidder**

A bidder shall be defined as responsible in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in paragraph 2 of the General Specifications (Attachment III-Vendor Responsibility Questionnaire), and the criteria set forth in the paragraph headed Rejected and Unacceptable Bids/Proposals as well as any other criteria necessary and reasonable to establish the bidder's responsibility.

### **Clarification/Correction of Bids/Proposals**

In addition to any rights articulated elsewhere in this solicitation, UCS reserves the right to require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine a bidder's compliance with the requirements of this solicitation. This clarifying information, if required in writing by UCS, must be submitted by the bidder, in accordance with formats as prescribed by UCS at the time said information is requested and, if received by the due date set forth in UCS's request for clarification, shall be included as a formal part of the bidder's proposal. Clarifying information, if any, whether provided orally, visually or in writing will be considered in the evaluation process. Failure to provide required information by its associated due date may result in rejection of the bidder's proposal. Nothing in the foregoing shall mean or imply that it is obligatory upon UCS to seek or allow clarifications or corrections as provided for herein.

### **Unified Court System Self-Insurance**

UCS, a New York State governmental entity, is self-retained for risk of loss and liability.

**Inspection of Bidder's/Awarded Contractor's Facilities**

The UCS/OCA reserves the right to inspect bidder's proposed facilities, as part of the bid evaluation. Subsequent to award, Awarded Contractor's facilities shall be made available for periodic inspection. In all instances, advance notification will be communicated by appropriate court personnel.

**Access to Court Facilities**

Where applicable to the performance of work under an awarded contract, bidders shall be wholly responsible for familiarity with the physical layout and access to the courts and buildings in question, including but not limited to, roadways, overhangs, parking, security, elevators, required access permits or insurance certificates. No special accommodations can or will be made by court staff with respect to security measures, access or parking.

**Subcontracting**

Subcontracting and any other transfer of any duties or obligations to be performed hereunder will be permitted only with the prior written consent of UCS to the proposed subcontractors. In the event that bidder proposes to use one or more subcontractors, the specific subcontractors and the services proposed to be performed by such subcontractors, must be listed in bidder's proposal. If a bidder that proposes to use one or more subcontractors is awarded the contract, the award will constitute the prior written approval of UCS to the subcontractors named in the bidder's proposal.

The Awarded Contractor will be the prime contractor and will be responsible for all services required by this RFB/RFP. The UCS will communicate only with Awarded Contractor and the Awarded Contractor shall remain wholly liable for the performance by and payment to any such subcontractors, their employees, agents, consultants or representatives.

**Implied Requirements**

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the offer except as specified herein.

**Silence of the Specifications**

The apparent silence of the specifications contained as part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

**IX. CONTRACT TERMS AND REQUIREMENTS****Contract Terms**

The successful bidder shall be required comply with the provisions set forth in this Article, as well as such other provisions contained in an agreement, in form and content satisfactory to UCS its sole discretion.

**Compliance with Laws**

Awarded Contractor(s) must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to, fire, health and safety codes, prior to and during the provision of all services under the contract resulting from this RFB/RFP.

**Independent Contractor Status**

It is expressly understood and agreed that the Awarded Contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The Awarded Contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the Awarded Contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the Awarded Contractor or any of its employees or subcontractors.



**Indemnity**

Awarded Contractor shall indemnify, defend and hold harmless UCS, its officers and employees from and against any and all claims, causes of action, damages, costs, liabilities and expenses of any kind (including reasonable attorney's fees and the cost of legal defense) which UCS may incur by reason of: (i) Awarded Contractor's breach of any term, provision, covenant, representation or warranty contained in the contract awarded as a result of this bid; (ii) any act, omission, negligence or intentional misconduct of Awarded Contractor or its employees, subcontractors, agents, volunteers or of other persons under its direction and control; (iii) Awarded Contractor's performance or failure to perform under the contract; and (iv) enforcement by UCS of the awarded contract or any provisions thereof.

**Confidentiality and Data Security**

Awarded Contractor acknowledges that any and all information, records, files, documents or reports contained in any media format provided to the Awarded Contractor by the court, or which may be otherwise encountered by Awarded Contractor shall be considered extremely confidential and shall be handled accordingly at all times. Neither the Awarded Contractor nor any of its employees, servants, vendors, agents or volunteers shall at any time be permitted to utilize such confidential information for any purpose outside the scope of any resulting agreement without the express prior written authorization of UCS. Any breach of this confidentiality by the Awarded Contractor or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of any resulting agreement by UCS and may subject the Awarded Contractor to further penalties.

Awarded Contractor shall use, and require its employees and authorized agents to use, at least the degree of care a reasonably prudent person would use to protect and prevent improper access to the records.

Awarded Contractor is prohibited from maintaining confidential files and records provided to or generated by Awarded Contractor in a mobile or portable device. In addition, Awarded Contractor will be required to comply with the data security and confidentiality requirements of other government agencies that supply data to UCS.

**Termination**

Early termination of the contract for cause may result in, among other consequences, all remedies available to UCS and New York State, the Awarded Contractor both being declared non-responsible by the UCS/UCS/OCA, pursuant to the UCS and Office of the State Comptroller's guidelines on vendor responsibility and in the Awarded Contractor's removal from the UCS/UCS/OCA's bidders list for future solicitations.

**Intellectual Property**

If Awarded Contractor is required to produce specially commissioned materials pursuant to this Agreement (the "Work"), whether in written form, on tape, computer-readable media or other tangible form, Contractor acknowledges and agrees that UCS shall have the option: (i) retain a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the Work or (ii) be the sole owner of the Work (the Work shall be considered a "work made for hire), each of the foregoing at no additional cost to UCS.

**Insurance Requirements**

Awarded Contractor shall be required to maintain during the term of the contract, including any renewal terms, at their own cost and expense:

1. Workers' compensation and disability benefit insurance coverage as required under NYS law. **Each vendor must provide with its proposal proof of such workers' compensation and disability benefits insurance coverage or, if it is legally exempt from such coverage, proof of exemption.** Vendor must obtain the appropriate Workers Compensation Board forms from its insurance carrier or licensed agent, or must follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. See Workers' Compensation Board website at <http://www.wcb.ny.gov> under Forms for a manual listing required forms and procedures. Any questions regarding workers' compensation coverage requirements or debarments should be directed to:

Workers' Compensation Board

Bureau of Compliance

(518) 462-8882

(866) 298-7830

**Only the following forms will be accepted:**

Proof of Workers' Compensation Coverage

- **Form C-105.2** - Certificate of Workers' Compensation Insurance issued by private insurance carriers; or
- **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** - Certificate of Workers' Compensation Self-Insurance; or
- **Form GSI-105.2** - Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **Form CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

- **Form DB-120.1** - Certificate of Disability Benefits Insurance, or
- **Form DB-155** - Certificate of Disability Benefits Self-Insurance; or
- **Form CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

On forms that have a space for a certificate holder to be listed, the carrier must enter:

NYS Unified Court System  
Division of Professional and Court Services  
2500 Pond View, Suite 104  
Castleton-on-Hudson, NY 12033

The insurance carrier will notify the certificate holder if a policy is canceled.

Please note: An ACORD Certificate of Insurance is not acceptable proof of NYS workers' compensation or disability benefits insurance coverage.

For additional information regarding worker's compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov> under AEmployers/Businesses."

2. Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2million, aggregate
Personal Injury and Advertising:	\$1 million aggregate
Contractual and Products/ Completed Operations	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Commercial General Liability insurance coverage shall be obtained from commercial insurance carriers licensed to do business in the State of New York.

**EXHIBITS****Exhibit A: UCS Exams Information and Administration Requirements**

Exam	Test Window		Length	Type of Exam	Estimated Number of Test-Takers	Additional Materials Needed at Test Site
Promotional Exams	One Day Burst Testing (and one/two alternative days)	Weekends Only	1 hour	Multiple Choice	250 per exam	Scrap paper or Whiteboard
	One Day Burst Testing (and one/two alternative days)	Weekends Only	3.5 -4 hours	Multiple Choice	200-2000 per exam	Scrap paper or Whiteboard
	One Day Burst Testing (and one/two alternative days)	Weekends Only	4.5 hours	Multiple Choice	200 to 2000 per exam	Scrap paper or Whiteboard
Open-Competitive Exams	2 weeks	Weekends and Weekdays	1 hour	Multiple Choice	200 per exam	Scrap paper or Whiteboard
	4 weeks	Weekends and Weekdays	1 hour	Spanish Oral Exam – Video/Digital Recording	500 per exam	Isolation Room/Headphones/ Digital Audio Recording
	4-8 week test window	Weekends and Weekdays	3 - 4 hours	Multiple Choice	Varies from 10,000 to 60,000	Scrap paper or Whiteboard
Per Diem Court Interpreter Exams	Monthly – 1 week test window	Weekends and Weekdays	1.5 hours	Multiple Choice	1000/year	Scrap paper or Whiteboard
	Quarterly – 2 week test window	Weekends and Weekdays	1 hour	26 Languages - Oral Exam – Video/Digital Recording	500/per year	Isolation Room/Headphones/ Digital Audio Recording
Pre-Rater Review	1 week	Weekends Only	4 hours	Review of Test Items on Screen	20 – 200 per exam	None

## Exhibit B: Minimum Required Exam Locations

*Refer to Exhibit D for information regarding test-taker geographic distribution.*

Test Center Locations	Mile Radius <i>Test Centers must be located a reasonable one-hour drive and no further than specified miles from the city center.</i>
NYC Area NYC New York (Manhattan) Queens Bronx Kings (Brooklyn) Richmond (Staten Island) NJ/PA/CT Surrounding NYC suburbs - New Jersey and Pennsylvania (e.g., Jersey City, Hoboken, Secaucus, Fair Lawn, Scranton, Stamford, CT)	Test Sites in each NYC borough          75-mile radius from New York State borders
Albany	5
Binghamton	10
Buffalo	Must have sites in Buffalo
Elmira	30
Fredonia	30
Middletown	10
Nassau	Must have sites in Nassau County
Nyack	10
Ogdensburg	30
Plattsburgh	30
Poughkeepsie	10
Rochester	Must have sites in Rochester
Saranac Lake	30
Suffolk	Must have sites in Suffolk County

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**BID OPENING DATE: April 13, 2022**

**Computer Based Testing Services**

**BID OPENING TIME: 12:00 p.m.**

Syracuse	Must have sites in Syracuse
Utica	15
Watertown	15
Westchester	Must have sites in Westchester County

### **Exhibit C: Computer Based Testing (CBT) Platform, Item Bank Software and Exam Delivery Requirements**

Item Bank Software and the Computer Based Testing Platform must provide UCS and UCS candidates with an easy-to-use interface including candidate scheduling portal, custom authoring tools (e.g., multiple item formats) and real time reporting of the exam administration process (e.g., number of candidates registered, location/date registered). Below are minimum requirements:

CBT/ITEM BANK/TEST DELIVERY REQUIREMENTS	
<b>CBT Portal Customization</b>	
	Ability to configure client logo, color, fonts and login page images/text
	Ability to create multiple client users/sub-clients
	Ability to configure permissions assigned to each user
	Ability to assign limited access/permission for item writers/subject matter experts to input, edit and collaborate on item writing
	Ability to order, assign and access results of assessments
	Ability to create custom email templates for various portions of the testing process (e.g., candidate reminder emails)
	Ability to upload candidate records via CSV files (or other compatible file formats)
	Ability to create and manage groups for reporting and results purposes
	Access to system logs for first level support and general system information
	Access to reporting module with pre-configured reports
	Configuration of candidate workflows (e.g., automated emails, instructions, consent forms, test windows, upload of documents by candidates or UCS)
	Ability to make real-time changes to workflows, process
<b>Item Bank Software Authoring Tool</b>	
	Ability to create multiple item formats
	Item Format Types Include:
	a. Fill-in-the-Blank/missing word questions with multiple drop-down questions embedded within a reading passage.
	b. Drag-and-drop lines of text onto table such as when test material needs to be sorted by test applicant using specified instructions: alphabetizing, chronological order, etc. This table will not be scored but will be available to be used as a reference by the test candidate when answering multiple choice questions.
	c. Ability to split screen so reference material (e.g., charts, tables, reading comprehension passages) can be viewed alongside test questions on the same screen.



d. Ability to incorporate excel type spreadsheet into a test question.
e. Ability to create tables and hold information that test applicant enters. (to be used as a reference for the test applicant as they answer multiple choice questions).
f. Items statistics from current and previous exam administrations.
g. Ability to batch upload existing items/questions with associated options/distractors into the item bank.
h. Ability to incorporate media items (e.g., videos, images) into test questions
<b>Candidate Scheduling Portal</b>
Ability for candidates to self-schedule, reschedule and cancel appointments
Ability to have multiple options for candidates to schedule tests (various test dates and locations, etc.)
Ability to download aggregate candidate/test-taker data across workflows/test dates such as appointment status and results
<b>Exam Delivery Portal</b>
Randomization of tests and sub-sections of tests
Multiple forms of an exam
Computerized Adaptive Testing
Linear-on-the-fly testing (LOFT)
Ability for test-taker when taking exam to:
a. flag items for test-taker to review prior to exiting exam.
b. highlight reading material (this function needs to be able to be turned on and off by test developer for each question/section of an exam).
c. strikeout/cross-out reading material (this function needs to be able to be turned on and off by test developer for each question/section of an exam).

**Exhibit D: UCS Historical Examination Information**

<b>Promotional Exams</b>				
<b>Written Multiple Choice: 1 – Hour (One Day Burst Testing)</b>				
<b>List of Exams</b>				
<b>Senior Court Reporter Written Exam</b>				
<b>Historic Show Rates</b>				
<b>Exam Administration Location</b>	<b># Applicants</b>	<b># Test Takers</b>	<b>Show Rate</b>	<b>Historic No-Show Rate</b>
<b>Senior Court Reporter (OPEN-COMPETITIVE/PROMOTIONAL – 1 hour)</b>				
<b>2017</b>				
<b>Statewide</b>	<b>411</b>	<b>298</b>	<b>72.5%</b>	<b>27.5%</b>
NYC	100	65	65.0%	35.0%
Albany	23	21	91.3%	8.7%
Binghamton	6	6	100.0%	0%
Buffalo	30	21	70.0%	30.0%
Nyack	59	51	86.4%	13.6%
Nassau	102	71	69.6%	30.4%
Rochester	31	22	71.0%	29.0%
Suffolk	38	31	81.6%	18.4%
Syracuse	23	19	82.6%	17.4%
<b>Written Multiple Choice: 3.5-4- Hours (One Day Burst Testing)</b>				
<b>List of Exams</b>				
<b>Supervising Clerical Assistant, I (no historical show rate data)</b>				
<b>Supervising Clerical Assistant, II (no historical show rate data)</b>				
<b>Court Clerk/Senior Court Clerk</b>				
<b>Surrogate's Court Clerk/Senior Court Clerk</b>				
<b>Associate Court Clerk</b>				
<b>Associate Surrogate's Court Clerk</b>				
<b>Principal Court Clerk</b>				
<b>Principal Surrogate's Court Clerk</b>				

Historic Show Rates				
Exam Administration Location	# Applicants	# Test Takers	Show Rate	Historic No-Show Rate
<b>Court Clerk/Senior Court Clerk (PROMOTIONAL – 4 hours)</b>				
<b>2019</b>				
<b>Statewide</b>	<b>1,886</b>	<b>1,302</b>	<b>69.0%</b>	<b>31.0%</b>
NYC	806	536	66.5%	33.5 %
Albany	128	91	71.1%	28.9 %
Binghamton	19	7	36.8%	63.2 %
Buffalo	123	95	77.2%	22.8 %
Fredonia	11	7	63.6%	36.4%
Middletown	62	45	72.6%	27.4 %
Nassau	246	157	63.8%	46.2 %
Nyack	91	62	68.1%	31.9 %
Ogdensburg	2	2	100 %	0 %
Poughkeepsie	71	51	71.8%	28.2 %
Rochester	92	58	63.0%	37.0 %
Saranac Lake	5	4	80.0%	20.0 %
Suffolk	160	106	66.3%	33.7 %
Syracuse	55	35	63.6%	36.4 %
Utica	48	46	95.8%	4.2 %
Watertown	5	5	100%	0%
<b>Associate &amp; Principal Court Clerk (PROMOTIONAL – 4 hours)</b>				
<b>2018</b>				
<b>Statewide</b>	<b>1,251</b>	<b>949</b>	<b>75.9%</b>	<b>24.1%</b>
NYC	600	456	76.0%	24.0 %
Albany	21	15	71.1%	28.9 %
Binghamton	0	0	0%	0%
Buffalo	34	22	64.7%	35.3 %
Middletown	31	24	77.4	22.6%
Nyack	88	72	81.8%	18.2 %
Nassau	315	243	77.1%	22.9 %
Poughkeepsie	22	19	86.4%	13.6 %
Rochester	10	7	70.0%	30.0 %
Suffolk	119	87	73.1%	26.9 %
Syracuse	6	6	100%	0 %
Utica	5	4	80%	20%
<b>Surrogate's Court Clerk/Senior Surrogate's Court Clerk (PROMOTIONAL – 4 hours)</b>				
<b>2016</b>				
<b>Statewide</b>	<b>1,028</b>	<b>413</b>	<b>40.2%</b>	<b>59.8%</b>
NYC	417	157	37.6%	62.4 %
Albany	35	14	40.0%	60.0 %
Binghamton	7	4	57.1%	42.9 %
Buffalo	61	31	50.8%	49.2 %
Fredonia	0	0	0 %	0 %

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Middletown	44	21	47.7%	32.3 %
Nassau	154	50	32.5%	67.5 %
Nyack	67	31	46.3%	53.7 %
Ogdensburg	0	0	0 %	0 %
Plattsburgh	0	0	0 %	0 %
Poughkeepsie	43	13	30.2%	69.8 %
Rochester	50	22	44.0%	56.0 %
Saranac Lake	6	2	33.3%	66.7 %
Suffolk	61	24	39.3%	60.7 %
Syracuse	32	18	56.3%	43.7 %
Utica	12	5	41.7%	58.3 %
Watertown	0	0	0 %	0 %
<b>Associate &amp; Principal Surrogate's Court Clerk (PROMOTIONAL – 4 hours)</b>				
<b>2018</b>				
<b>Statewide</b>	<b>378</b>	<b>184</b>	<b>48.7%</b>	<b>51.3%</b>
NYC	176	81	46.0%	54.0 %
Nassau	132	62	47.0%	53.0 %
Nyack	51	30	58.8%	41.2 %
Rochester	4	3	75.0%	25.0 %
Buffalo	10	6	60.0%	40.0 %
Syracuse	5	2	40.0%	60.0 %

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Written Multiple Choice: 4.5 - Hours (One Day Burst Testing)				
List of Exams				
NYS Court Officer – Sergeant NYS Court Officer - Lieutenant				
Historic Show Rates				
Exam Administration Location	# Applicants	# Test Takers	Show Rate	Historic No-Show Rate
NYS Court Officer – Sergeant (PROMOTIONAL – 4.5 hours) 2019				
Statewide	1,475	1035	70.2%	29.8%
NYC	630	435	69.0%	31.0%
Albany	68	55	80.9%	19.1%
Binghamton	30	22	73.3%	26.7 %
Buffalo	70	56	80.0%	20.0 %
Middletown	60	39	65.0%	35.0 %
Nassau	257	172	66.9%	33.1 %
Nyack	84	58	69.0%	31.0%
Ogdensburg	4	4	100%	0 %
Poughkeepsie	46	24	52.2%	47.8%
Saranac Lake	16	14	87.5%	12.5%
Suffolk	153	99	64.7%	35.3%
Syracuse	34	33	97.1%	2.9%
Utica	17	16	94.1%	5.9%
Watertown	9	9	100%	0%
NYS Court Officer – Lieutenant (PROMOTIONAL – 4.5 hours) 2019				
Statewide	342	274	80.1%	19.9%
NYC	120	95	79.2%	20.8%
Albany	17	15	88.2%	11.8%
Binghamton	12	11	91.7%	8.3%
Buffalo	13	13	100.0%	0%
Middletown	15	12	80.0%	20%
Nassau	85	64	75.3%	24.7%
Nyack	17	15	88.2%	11.8%
Plattsburgh	2	2	100%	0%
Poughkeepsie	25	16	64%	36%
Suffolk	27	23	85.2%	14.8%
Syracuse	6	5	83.3%	16.7%
Watertown	1	1	100%	0%

Open – Competitive Exams				
Written Multiple Choice: 1 – Hour (4-Week Testing Window)				
List of Exams				
Court Reporter Written Exam				
Historic Show Rates				
Exam Administration Location	# Applicants	# Test Takers	Show Rate	Historic No-Show Rate
Court Reporter (OPEN-COMPETITIVE – 1 hour)				
2019				
Statewide	264	190	72.0%	28.0%
NYC	97	66	68%	32%
Albany	14	8	57.1	42.9%
Binghamton	3	3	100%	0%
Buffalo	10	9	90%	10%
Nyack	28	22	78.6%	21.4%
Nassau	40	29	72.5%	27.5%
Rochester	21	14	66.7	33.3%
Suffolk	40	29	78.6	21.4%
Syracuse	11	10	90.9%	9.1%
Spanish Oral Exam: 1 – Hour (4-Week Testing Window)				
List of Exams				
Spanish Court Interpreter Oral Exam				
(estimated show rate statewide is 90%, most applicants (85-90%) are tested in NYC region)				
Written Multiple Choice: 3- 4 Hours (4-6 Week Testing Window)				
List of Exams				
Clerical Assistant				
Court Revenue Assistant				
Court Assistant				
Spanish Court Interpreter Written Multiple Choice				
Law Library Clerk/Law Librarian Assistant				

Historic Show Rates				
Exam Administration Location	# Applicants	# Test Takers	Show Rate	Historic No-Show Rate
<b>Clerical Assistant (OPEN-COMPETITIVE – 3.5 hours)</b>				
<b>2012</b>				
<b>Statewide</b>	<b>10,195</b>	<b>6,839</b>	<b>67.1%</b>	<b>32.9%</b>
NYC	7007	4466	63.7%	36.3%
Albany	252	182	72.2%	27.8%
Binghamton	76	54	71.1%	28.9%
Buffalo	315	246	78.1%	21.9%
Fredonia	28	24	85.7%	14.3%
Middletown	168	129	76.8%	23.2%
Nassau	880	641	72.8%	27.2%
Nyack	160	115	71.9%	28.1%
Ogdensburg	20	19	95.0%	5.0%
Poughkeepsie	161	121	75.2%	24.8%
Rochester	201	156	77.6%	22.4%
Saranac Lake	21	19	90.5%	9.5%
Suffolk	655	471	71.9%	28.1%
Syracuse	109	78	71.6%	28.4%
Utica	103	84	81.6%	18.4%
Watertown	39	34	87.2%	12.8%
<b>Court Revenue Assistant (OPEN-COMPETITIVE/PROMOTIONAL – 3.5 hours)</b>				
<b>2016</b>				
<b>Statewide</b>	<b>1,456</b>	<b>1,082</b>	<b>74.3%</b>	<b>74.3%</b>
NYC	629	474	75.4%	24.6 %
Albany	99	74	74.7%	25.3 %
Binghamton	22	16	72.7%	27.3 %
Buffalo	96	73	76.0%	24.0 %
Fredonia	6	4	66.7%	33.3 %
Middletown	Not Available	Not Available	Not Available	Not Available
Nassau	161	118	73.3%	26.7 %
Nyack	62	51	82.3%	17.7 %
Ogdensburg	6	3	50.0%	50.0 %
Plattsburgh	1	1	100.0%	0 %
Poughkeepsie	73	55	75.3%	24.7 %
Rochester	32	25	78.1%	21.9 %
Saranac Lake	6	3	50.0%	50.0 %
Suffolk	Not Available	Not Available	Not Available	Not Available
Syracuse	58	44	75.9%	24.1 %
Utica	20	14	70.0%	30.0 %
Watertown	1	1	100.0%	0 %

Court Assistant/Supervising Clerical Assistant I (OPEN COMPETITIVE – 3 – 3.5 hours) 2017				
Statewide	12,463	8,613	69.1%	30.9%
NYC	7213	4628	64.2%	35.8%
Albany	476	364	76.5%	23.5%
Binghamton	168	127	75.6%	24.4%
Buffalo	748	545	72.9%	27.1%
Fredonia	54	41	75.9%	24.1%
Middletown	198	150	75.8%	24.2%
Nassau	1093	802	73.4%	26.6%
Nyack	287	224	78.0%	22.0%
Ogdensburg	30	21	70.0%	30.0%
Poughkeepsie	233	187	80.3%	19.7%
Rochester	371	299	80.6%	19.4%
Saranac Lake	52	41	78.8%	21.2%
Suffolk	817	590	72.2%	27.8%
Syracuse	222	190	85.6%	14.4%
Utica	203	161	79.3%	20.7%
Watertown	44	36	81.8%	18.2%
Spanish Court Interpreter Multiple Choice (OPEN-COMPETITIVE – 3 hours) 2018				
Statewide	893	650	72.8%	27.2%
NYC	614	439	71.5%	28.5%
Albany	26	19	73.1%	26.9%
Binghamton	3	2	66.7%	43.3 %
Buffalo	41	32	78.0%	22.0%
Nyack	33	24	72.7%	27.3 %
Nassau	68	54	79.4%	20.6 %
Rochester	19	12	63.2%	36.8 %
Suffolk	49	37	75.5%	24.5 %
Poughkeepsie	30	24	80.0%	20.0 %
Law Library Clerk/Law Librarian Assistant (OPEN-COMPETITIVE – 4 hours) 2017				
Statewide	599	452	75.5%	24.5%
NYC	78	61	78.2%	21.8 %
Albany	17	15	88.2%	11.8 %
Binghamton	6	5	83.3%	16.7 %
Buffalo	17	15	88.2%	11.8 %
Nyack	6	5	83.3%	16.7 %
Nassau	19	17	89.5%	10.5 %
Rochester	10	8	80.0%	20.0 %
Suffolk	17	14	82.4%	17.6 %
Syracuse	17	15	88.2%	21.8 %



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**Computer Based Testing Services**

**BID OPENING TIME: 12:00 p.m.**

Written Multiple Choice: 3.5 - Hours (8-Week Testing Window)				
List of Exams				
NYS Court Officer - Trainee				
Historic Show Rates				
Exam Administration Location	# Applicants	# Test Takers	Show Rate	Historic No-Show Rate
NYS Court Officer – Trainee (OPEN-COMPETITIVE – 3.5 hours)				
Fall 2014*				
* Site specific stats provided for one only of the two-day administrations				
Statewide (two-day admin)	77,297	56,161	72.7%	27.3%
NYC	35355	26586	75.2%	24.8%
Albany	653	460	70.4%	29.6%
Binghamton	499	348	69.7%	30.3%
Buffalo	1292	937	72.5%	27.5%
Fredonia	41	36	87.8%	12.2%
Middletown	886	653	73.7%	26.3%
Nassau	4387	3220	73.4%	26.6%
Nyack	833	596	71.5%	28.5%
Ogdensburg	139	103	74.1%	25.9%
Plattsburgh	235	175	74.5%	25.5%
Poughkeepsie	841	631	75.0%	25.0%
Rochester	231	143	61.9%	38.1%
Saranac Lake	43	30	69.8%	30.2%
Suffolk	2154	1602	74.4%	25.6%
Syracuse	324	239	73.8%	26.2%
Utica	400	302	75.5%	24.5%
Watertown	120	82	68.3%	31.7%

<b>Per Diem Court Interpreter Exams</b>
<b>Written Multiple Choice: 1.5 – Hour (1 Week Testing Window - Monthly Exam)</b>
<b>List of Exams</b>
<b>English Language Proficiency</b> (estimated show rate is 50 %, most applicants are tested in NYC region)
<b>English-Spanish Language Proficiency</b> (estimated show rate is 50%, most applicants are tested in NYC region)
<b>Per Diem Oral Exams: 1 – Hour (2-Week Testing Window – Quarterly Exams)</b>
<b>List of Exams</b>
<b>Oral Exams - 26 Languages</b> (estimated show rate of 70 %, most applicants are tested in NYC region)

<b>Pre-Rater Review</b>
<b>List of Exams</b>
<b>NYS Court Officer – Sergeant</b> (estimated show rate 17%, approximately 50 per test)
<b>NYS Court Officer – Lieutenant</b> (estimated show rate 28%, approximately 20 per test)
<b>Court Clerk/Senior Court Clerk</b> (estimated show rate 16 %, approximately 300 per test)
<b>Surrogate’s Court Clerk/Senior Surrogate’s Court Clerk</b> (estimated show rate 15 %, approximately 10 per test)
<b>Associate Court Clerk/Principal Court Clerk</b> (estimated show rate 28%, approximately 100 per test)
<b>Associate Surrogate’s Court Clerk/Principal Surrogate’s Court Clerk</b> (estimated show rate 36 %, approximately 20 per test)