

Request for Proposal
Online Document Storage and
Retrieval System for Consumers
for the
American Bar Association

June 14, 2017

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Disclaimers

American Bar Association (“ABA”) makes no representation or warranty, express or implied, with respect to the completeness, accuracy, or utility of this Request for Proposal (“RFP”) or any information or opinion contained in this RFP. Any use or reliance on the content of this RFP is at user’s risk. ABA will not be liable for any damage or injury incurred by any person arising out of the completeness, accuracy, or utility of any information contained in this RFP.

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1. Preface

This Request for Proposal (“RFP”) for an Online Storage and Retrieval System for Important Documents (“Services”) is being issued by ABA to solicit information and responses from bidders (“Providers”) for the Services. This RFP has been provided to assist each Provider in preparation of a timely response.

Please note that the information contained in this RFP is considered **confidential** and that Provider is required to refrain from discussing the contents of this RFP with anyone not directly involved with responding to this RFP, as more fully set forth in Section 4.1.

To satisfy the requirements of this RFP, Provider should prepare its response to provide a straightforward, concise delineation of Provider’s capabilities.

During the evaluation process, ABA will explore potential solutions that will provide the best possible capabilities, technologies, functionalities, service level commitments and cost advantages to ABA. ABA will objectively evaluate each Provider’s response for compliance with this RFP and select the Provider that ABA determines, in its sole judgment, best meets its needs, regardless of whether another Provider submits a more compliant response.

ABA’s evaluation of Provider responses may be disseminated to various interested groups within ABA. Responses will be ranked and a qualifying Provider will be chosen for the next phase of the project based on that ranking. ABA reserves the right to request additional information from all Providers. ABA will not disclose nor discuss a Provider’s response with other Providers. The criteria used in ABA’s evaluation process is solely at ABA’s discretion.

ABA reserves the right, in its sole judgment, to accept or reject any or all responses to this RFP. ABA reserves the right to terminate the RFP process with respect to any Provider without notice.

This RFP does not commit ABA to award a contract or any future ABA business. Selection as a potential Provider under this RFP does not constitute a commitment by ABA to purchase Provider’s solution or Services. ABA is under no obligation to purchase the Services or to commit to any quantities or dollar volumes of Services.

All responses and supporting documentation become the property of ABA.

2. Corporate Profile

The American Bar Association is one of the world’s largest voluntary professional organizations, with over 400,000 members and more than 3,500 entities. It is committed to doing what only a national association of attorneys can do: serving our members, improving the legal profession, eliminating bias and enhancing diversity, and advancing the rule of law throughout the United States and around the world. Founded in 1878, the

ABA is committed to supporting the legal profession with practical resources for legal professionals while improving the administration of justice, accrediting law schools, establishing model ethical codes, and more. The ABA offers a host of public education programs aimed at the public to increase understanding of the law and improve access to legal services.

3. Project Overview

3.1 Purpose

This RFP seeks interested Providers to submit proposals and provides information to enable preparation and submission of proposals for consideration by the Office of the Executive Director, on behalf of the American Bar Association.

3.2 Concept Statement (“Concept”)

The ABA is seeking to partner with an online service provider (“Provider”) to design, develop and deploy an ABA-branded digital platform that offers subscribing consumers a cloud-based document storage and retrieval system that enables subscribing consumers to centrally organize all vital legal and other important personal documents (e.g., health powers of attorney, Social Security information, account information, etc.) (the “File System”) so that they are readily accessible at any time by subscribers. The platform should also enable consumers to designate others to have access to specified documents or files for ready access. This digital platform is designed to replicate a hard case product already developed and planned for distribution.

The ABA seeks Concept proposals that address and/or build upon this concept. The Concept is not fixed and could be adapted to innovative proposals aligned with the basic concept of ready access and assisting consumers to think about, plan and be better prepared for important life events. The Concept proposal submitted should be designed with a view toward future expansion offering additional features and options whereby consumers can access helpful informational resources, and interactive components that build on the basic concept, such as document creation, referral directory, short video explanations explaining what certain key documents are/why they are important etc., and sale of other ABA products (e.g., Checklist for Family Caregivers, ABA Legal Guide to Small Business, etc.).

The Provider must assume responsibility for all costs associated with designing, developing, launching, maintaining and administering the system and will be solely responsible for protecting the security and confidentiality of all information residing in the File System. ABA will not provide any funding.

ABA will provide its intellectual property and can also provide limited marketing support within its member base.

4. RFP Overview

4.1 Confidentiality Statement

Provider must notify ABA if Provider chooses not to respond to this RFP. Provider will dispose of this RFP and any information provided under this RFP or any response thereto, as requested by ABA.

All materials provided to Providers remain ABA confidential and proprietary information and will only be used by Provider in accordance with the conditions specified in this RFP.

If Provider needs additional information from the ABA to complete this RFP, then Provider shall execute a Non-Disclosure Agreement (“NDA”) prior to receiving such information.

4.2 Intellectual Property Matters

Provider will be expected to obtain all necessary intellectual property rights or licenses for all equipment and software proposed in response to this RFP. In addition, Provider must identify any proprietary technology and open source software, including any restrictions thereto, which may be embodied in any equipment or software proposed in response to this RFP. The deliverables contemplated from this RFP will be branded with ABA-owned trademarks. Any ABA-supplied intellectual property remains property of the ABA. Provider agrees to grant ABA a non-exclusive, perpetual, royalty-free worldwide license to Provider’s pre-existing or newly developed intellectual property that is used or integrated into any Services provided by Provider to ABA related to this RFP, including all such modifications, improvements, and derivative works thereof, as necessary to use and exploit the Work Product/deliverables/Services. As used herein, the statement “related to this RFP” will include any work for Services for which ABA engages Provider that arise from this RFP.

4.3 RFP Submission Costs

Any Provider submitting a response under this RFP is responsible for any and all costs associated with Provider’s preparation and delivery of its response, including any travel and per diem expenses.

4.4 ABA Proposal Terms and Conditions

4.4.1 Non-Negotiable Terms. The following terms and conditions are **NON-NEGOTIABLE** and Providers must expressly acknowledge understanding of and agreement thereto. Failure to accept these conditions is cause to reject the RFP submission without further consideration.

4.4.1.1 Provider is solely responsible for all costs, fees and other expenses of Concept development, launch, administration, maintenance and marketing.

4.4.1.2 Provider is solely responsible and liable for protecting the security and confidentiality of all information residing in the File System. ABA will not accept any liability or responsibility therefor and will not indemnify Provider for losses or damages of any kind.

4.4.1.3. Provider will cooperate with and provide ABA IT representatives and their consultants all requested access and information necessary to evaluate and assess the security and performance capabilities of the proposed technology solution. Confidentiality agreements will be executed as requested. It is imperative that any Provider we team with can safeguard all consumer information stored on line.

4.4.2 Ability to Perform. ABA may make investigations as deemed necessary to determine the ability of the Provider to perform the project or provide the goods, and the Provider shall furnish to the ABA Contact all requested information and data. The ABA Contact reserves the right to reject any proposal if the evidence submitted by, or investigation of, such Provider fails to satisfy the ABA Contact that such Provider is properly qualified to carry out the obligations of the RFP and to complete the project or provide the goods as specified.

4.4.3 Rejection of Proposals. The ABA Contact reserves the right, in her sole and complete discretion, to reject any proposal received as a result of this RFP.

4.5 Public Disclosure

Provider will not issue news releases nor publicly disclose any information pertaining to this RFP or the award of any business or contract related to this RFP without ABA's prior written permission.

4.6 ABA Contacts

The Office of the Executive Director has issued this RFP on behalf of the American Bar Association. The sole point of contact in the ABA ("ABA Contact") for this RFP shall be

Kristine Gregorio

Kristine.Gregorio@americanbar.org

All questions or other Provider communications regarding this RFP should be sent via email to ABA Contact.

Provider will **not contact** any other ABA personnel, staff, or agents concerning this RFP while this RFP is pending except as may be specifically authorized in advance by the ABA Contact. Telephone inquiries or e-mail requests addressed to other ABA personnel, staff, or agents may result in Provider's disqualification.

4.7 Provider Contacts

Within three (3) business days of Providers' receipt of this RFP, any Provider who intends to submit an RFP response should e-mail the ABA Contact in Section 4.6 above: (i) stating Provider's intent to respond; and (ii) identifying one (1) person in Provider's organization who will serve as a contact for all matters pertaining to the RFP.

4.8 Errors and Omissions

If a Provider discovers an ambiguity, conflict, discrepancy, omission, or any other error in this RFP, Provider should notify the ABA contact in Section 4.6 above, by **June 23, 2017 at 12:00 noon (Central Daylight Saving Time)**, and request clarification of the RFP. All such requests must be in writing. ABA will: (i) consolidate all Provider-submitted notifications; and (ii) distribute copies of all such notifications and ABA's associated responses, in e-mail format, to all Providers by **June 30, 2017**. All Provider-submitted notifications will be listed anonymously.

In addition, if ABA finds it necessary to modify this RFP, ABA will make such modifications available to all Providers in writing.

If a Provider fails to notify ABA of a known error or an error that reasonably should have been known prior to the submission date, Provider assumes the risk. If awarded the contract, Provider will not be entitled to additional compensation or time by reason of the error or its later correction.

4.9 Requests for Additional Information

4.9.1 If a Provider requires further information concerning this RFP, its contents, or its interpretation, Provider will send **one (1) email** (covering all of Provider's questions) to the ABA contact in Section 4.6 above, from **Wednesday, June 14, 2017 through Friday, June 23, 2017 at 12:00 noon (Central Daylight Saving Time)**, and request additional information. ABA will: (i) consolidate all Provider-submitted questions; and (ii) distribute copies of all such questions and ABA's associated responses, in e-mail format, to all Providers by **Friday, June 30, 2017**. All Provider-submitted questions will be listed anonymously.

Any requests for additional information require the Provider to execute a Non-Disclosure Agreement ("NDA") prior to receiving such information.

4.9.2 Addenda to the RFP. If the ABA Contact deems it necessary to revise any part of this RFP before the proposal response date, the ABA Contact will post an addendum to the [ABA website](#). It is the Provider's responsibility to check the website periodically for any new information or addenda to the RFP.

4.10 Pre-Proposal Conference

The ABA Contact will hold a pre-proposal conference as specified in the Bid Timetable. The purpose of this conference is to provide opportunity for clarification of the RFP. Providers should forward all questions to the ABA Contact in accordance with the Schedule of Activities to ensure adequate time for analysis before the ABA Contact provides an answer. All questions and written answers will be distributed in email format to all Providers. Attendance at the Pre-proposal Conference is optional.

5. Provider's Delivery of RFP Response

A Provider will submit its RFP response to the ABA contract set forth in Section 4.6 above, as follows:

- All RFP responses will be in English, in electronic format (e-mail), and signed electronically by an authorized officer of Provider's company.
- All responses are due on or before:

Friday, July 21, 2017, at 3:00 p.m. (Central Daylight Saving Time)

- All materials submitted in response to this RFP become the sole property of ABA.
- ABA will not consider faxed responses or responses received after the deadline date set forth above.
- ABA, in its sole discretion, reserves the right to accept or reject (without consideration) any late RFP responses.

6. Provider Selection Process

ABA will evaluate all Provider responses submitted in accordance with the requirements set forth in this RFP. ABA may request Providers to clarify the contents of their responses. Other than providing such additional information, no Provider will be allowed to alter its response or to add information after the due date.

Upon completion of its review process and prior to its selection of a Provider, ABA Information Technology ("IT") will conduct a meeting, via conference call, with each Provider IT lead. The time and date for this call will be coordinated between ABA's IT lead and each Provider IT lead and will be held after ABA receives all of the RFP responses. These calls will be conducted from **Monday, July 24, 2017 through Wednesday, August 9, 2017.**

Upon completion of its review process and prior to its selection of a Provider, ABA, at its option, may invite Provider(s) as potential candidate(s) to participate in on-site, live demonstration(s) of recommended solution(s). ABA will provide Provider(s) with an agenda and instructions for the demonstrations. ABA will host the on-site demonstrations at the American Bar Association, 321 N. Clark Street, Chicago, Illinois, 60654, from **Monday, August 14, 2017 through Friday, August 25, 2017.**

ABA may request an on-site visit to Provider's or its third-party's data centers. In addition, ABA may request a Provider to participate in additional evaluations, including but not limited to quality and security assessments.

To be eligible for selection, a proposal must:

- a. Be received according to dates set in the Schedule of Activities;
- b. Be properly signed by a representative of the Provider who is eligible to bind them in contract with the ABA;
- c. Be in accordance with all instructions as set forth.

The ABA Contact reserves the right, in her sole discretion, to waive technical or immaterial nonconformities in a Provider's proposal.

6.1 Criteria for Selection. ABA will review and evaluate proposals based upon the following criteria, not arranged in any order of priority or weight:

- Functionality, including ease-of-use and needed features
- Technology/architecture
- Scalability of technology to support the project
- Customer service and support capabilities
- Value creation
- General company experience and attributes
- Provider stability
- Soundness of general approach, including marketing plans;
- Provider qualifications
- Marketing strategy
- Revenue projections
- Platform/cloud cyber security standards and protocols
- Analytics reporting
- Accessibility

Technical and security considerations

Provider's submission should include details that address these specific topics:

- Infrastructure/hosting provider (e.g. AWS, etc)
- Security certifications (e.g. SOC1, SOC2, PCI DSS, etc)
- 3rd party scanning/penetration testing protocols
- Data encryption protocols

- Support for multi-factor authentication

Non-negotiable selection criteria:

- Provider must assume full cost of design, development, marketing, launch, maintenance, administration; ABA will not provide any funds
- Provider must assume full responsibility and liability for protection of stored information; defenses/mechanisms to prevent data breaches or other security failures.

7. Schedule of Activities

The following table summarizes the RFP activities and due dates. It does not constitute an implicit or explicit commitment by ABA to execute any of the tasks listed.

Activity	Due Dates*
ABA issues RFP to Providers	Wednesday, June 14, 2017
Providers will notify ABA contacts regarding any RFP errors and omissions	by Friday, June 23, 2017 at 12 noon (Central Daylight Saving Time)
Providers may submit RFP questions to ABA for clarification	Wednesday, June 14, 2017 through Friday, June 23, 2017 by 12 noon (Central Daylight Saving Time)
ABA consolidates all Provider-submitted: (i) notifications regarding any RFP errors and omissions; and (ii) RFP questions, and distributes copies of all notifications/questions and associated ABA responses to all Providers	Friday, June 30, 2017
DEADLINE for Provider response submission	Friday, July 21, 2017 at 3:00 p.m. (Central Daylight Saving Time)
Call between each Provider's IT leads and ABA's IT leads	Monday, July 24, 2017 through Wednesday, August 9, 2017
Provider presentations and demonstrations, as requested by ABA	Monday, August 14, 2017 through Friday, August 25, 2017

*ABA, at its sole option, reserves the right to extend the due dates.

8. Required Provider Response

Providers are required to prepare their responses in accordance with the instructions in this RFP. Providers will respond to this RFP in Word format (for Sections 8.1 through 8.6) and in the same format used in the Appendix templates (for each Appendix). Please identify and number your response to match the headings and numbering below for Sections 8.1 through 8.6, and **limit your response (excluding Appendix templates) to no more than fifteen (15) pages.**

A response that does not include all required information will be deemed non-conforming and subject to rejection. Non-conforming responses include, but are not limited to responses that are irregular or not in conformance with the RFP requirements and instructions; are conditional, contain exceptions, or are incomplete, indefinite, or ambiguous; are intended to accomplish only part of the work or Services; have no signature or an improper signature; or are not received by ABA by the RFP due date and time.

Providers must bid to the terms and conditions, as set forth in Section 4.4 of this RFP.

The following sections outline the information to be provided by each Provider submitting a response.

8.1 Cover Letter

Include a cover letter (signed by an officer of Provider's company) stating that: (i) Provider's company will be bound by the terms of this RFP and Provider's response for ninety (90) days from the date of ABA's receipt of Provider's response; and (ii) Provider's work for ABA will not create a conflict of interest (e.g., Provider is currently providing similar services to ABA).

8.2 Provider Narrative Statement

Provider will provide a **brief** narrative statement with the following information:

- Key features of Provider's response including proposed solution and approach.
- Any additional information, which gives ABA a better understanding of Provider's response and highlights Provider's competitive advantage.

8.3 Provider Profile

This section is designed to gain an understanding of the Provider's experience with cloud-based document storage solutions and similar platforms. Provider will provide answers to each of the items in this section.

- Provide the name, title, address, telephone number, and email address of Provider's contact per Section 4.7 above.
- Provide a brief overview of your company, including the location of your company headquarters, number of employees, the year the company was founded, and whether your company is privately or publicly held. Have there been any significant developments in your firm such as changes in ownership, restructuring, personnel reorganizations or investigations? Do you anticipate future significant changes in your firm?
- Briefly describe your company's background, history, ownership structure, and any other relevant information including the underlying philosophy and experience in providing cloud-based document storage services.
- Briefly describe any other services your company offers that may be of benefit to ABA concerning cloud-based document storage services.
- Provide three (3) customer references for whom your company has delivered successful Partner Portal Technology Services **and** that ABA may contact. **Please provide detailed information using the form in Appendix A.**

Discuss any past or pending civil or criminal legal investigations, litigation (including civil and criminal lawsuits), or regulatory actions involving your company or any of its employees.

- Describe your company's business history with ABA.
- Describe your company's physical security processes and procedures.
- Provide a list of your company's technology and business partners, including partners who may or may not participate in this RFP. **Please provide detailed information using the form in Appendix B.**
- Provide a list of third-party organizations with whom your company partners. **Please provide detailed information using the form in Appendix C.**

8.4 Solution Summary

Provider will provide a general discussion of the overall project and high level solution that addresses the specific business requirements listed in this RFP, with an indication if such solution is a proven one implemented in similar industries, as follows:

- **Statement of the Concept.** Briefly state your understanding of the Concept Proposal presented, service(s) required or goods required by this RFP.

- **Proposed Solution and Approach.** Describe your solution in detail for accomplishing the work as specified in Section 3.0. This section should be as detailed and comprehensive as appropriate. Address as many of the requirements described in Section 3.0 of this RFP as possible. Identify any weaknesses in your solution relative to ABA's requirements.
- **Marketing Strategy.** Outline proposed marketing strategy and target markets. Identify marketing channels envisioned.
- **Estimated Timeline to Launch.** Provide a proposed timeline addressing all stages from design and development through testing and launch, including but not limited to key delivery phases, key resources (including both Provider and ABA resources). Identify scale of launch – whether nationwide or targeted to certain geographic or other markets.
- **Revenue-Sharing Submittal.** The solution summary must address the allocation of revenue, including:
 - Provider's compensation to ABA for licensing of ABA's intellectual property (File System) and for use of the ABA marks associated with the Project (royalty). (A distinctive mark has already been registered with the USPTO for the File System and the ABA will bear all responsibility for costs associated with trademark registration and enforcement)
 - Apportionment of revenue associated with the File System subscriptions, product sales or other possible revenue generating proposals Providers may propose
 - Description of accounting methodology supporting royalty and revenue payments and access to accounting reports by ABA
 - Schedule of payments to ABA

8.5 Language Requirements

While English is the official business language of ABA, Provider's proposed solution design must be able to support the following languages, with the ability to include future languages in emerging or growth markets as necessary:

- English
- Spanish

8.6 Technical and Security Information

Please provide the following information:

- Infrastructure/hosting provider (e.g. AWS, etc)
- Security certifications (e.g. SOC1, SOC2, PCI DSS, etc)
- 3rd party scanning/penetration testing protocols
- Data encryption protocols
- Support for multi-factor authentication

APPENDIX A

PROVIDER REFERENCES

Provider Reference #1

Customer Name	
Project Name	
Customer Contact Information (Name, Phone, E-Mail Address)	
Customer Location	
Start Date – End Date	
Customer’s Business	
Implementation Challenges	
Solution Please specify the specific solutions/services provided to the Customer.	
Other Pertinent Information	

Provider Reference #2

Customer Name	
Project Name	
Customer Contact Information (Name, Phone, E-Mail Address)	
Customer Location	
Start Date – End Date	
Customer’s Business	
Implementation Challenges	
Solution	

Please specify the specific solutions/services provided to the Customer.	
Other Pertinent Information	

Provider Reference #3

Customer Name	
Project Name	
Customer Contact Information (Name, Phone, E-Mail Address)	
Customer Location	
Start Date – End Date	
Customer’s Business	
Implementation Challenges	
Solution Please specify the specific solutions/services provided to the Customer.	
Other Pertinent Information	

APPENDIX B

TECHNOLOGY AND BUSINESS PARTNERS

PARTNER NAME	SOLUTION or INTEGRATION RELATIONSHIP

APPENDIX C

THIRD-PARTY OUTSOURCING ORGANIZATIONS

PARTNER NAME	SERVICE RELATIONSHIP (e. g., primary service delivery provider)