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May 4<sup>th</sup>, 2001

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## **Successful Procurement of Litigation Support Services**

Tim Myles, CEO of PageBid, discusses the procurement of litigation support services such as imaging, coding, OCR, and on-line hosting. He addresses the importance of getting early attorney or client "buy-in" on the purchase, putting together an informed and accurate request for proposal (RFP), and developing a pool of potential service providers. Special attention is paid to the characteristics of a good provider, with the aim to help purchasers analyze proposals and recognize the best overall value proposition. The discussion covers current research, procurement tools, and on-line resources that can aid in making an intelligent purchasing decision.

*About the Speaker: Tim Myles is the CEO and founder of PageBid, the leading on-line marketplace for litigation support procurement. The marketplace is free for purchasers and manages the procurement process by developing requests for proposal (RFPs), identifying qualified service providers, and soliciting, compiling, and analyzing proposals. PageBid helps legal professionals make more effective and efficient use of their time, and assists providers in managing their revenue streams. Prior to founding PageBid, Tim was the Western Regional Manager for a national litigation support firm. He has worked with information technology for ten years, the last six of which have been in the legal industry.*



## **8 Steps to Successful Litigation Support Service Purchasing**

- I. **Requirements Analysis**
  - A. Meet w/ all parties
    1. Support staff
    2. Attorneys
    3. MIS staff
    4. Client
  - B. Write up “must have” and “nice to have” features for SW, HW, and service
  - C. Write up a timeline for service start and completion
  - D. Review existing and potential document/data population
    1. Volumes
    2. Conditions
    3. Formats
    4. Accessibility
  - E. Review in-house resources
    1. Hardware
    2. Software
    3. People
  - F. Write up a vision of how this will all come together and the staff will use the system
  - G. Run by all parties in step a above, and modify as necessary
- II. **Client/attorney buy-in**
  - A. Cost Estimation
    1. Compare needs against past proposals
    2. Speak w/ peers
    3. Estimating tools like PageBid’s Ball Park Calculator
  - B. Compare estimated cost of project with total monetary exposure of the case
  - C. Share requirements analysis
  - D. In-house v. outsourcing analysis, if applicable
  - E. Return on Investment (ROI) analysis
  - F. Describe the process you’ll use to ensure competitive proposals from quality providers
    1. Call the regulars
    2. Phone book and directories
    3. Procurement tool (such as PageBid)
      - a) Objective
      - b) Rapid, broad distribution to qualified providers
      - c) Makes better use of your (billable) time



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- III. **Request for Proposal (RFP) creation**
  - A. Easy if you've put together a solid requirements analysis
  - B. Templates
    - 1. Past RFPs
    - 2. Shared on-line
    - 3. Form driven menu w/ a tool like PageBid
  - C. Should include: (This must be detailed enough that providers can submit consistent proposals which can be compared adequately.)
    - 1. Start and end date
    - 2. Single point of contact
    - 3. Area of consideration
    - 4. Users
      - a) Number
      - b) Locations
      - c) Skill level
    - 5. Documents/data
      - a) Volumes
      - b) Conditions
      - c) Formats
      - d) Accessibility
      - e) Examples, if possible
    - 6. Exact format for pricing (units) and proposals
    - 7. Deliverables
      - a) List all
      - b) Formats: "What do you mean we don't have standards, we have hundreds to choose from."
    - 8. Required information in proposals
      - a) Individual qualifications
      - b) Experience
      - c) QA/QC procedures
      - d) Capacity
      - e) Additional information
    - 9. Accuracy % guarantees



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- IV. **Provider identification and RFP distribution**
  - A. Broader distribution and a longer response period will allow for more and higher quality responses. It also increases your likelihood of contacting a provider who has excess capacity they need to fill.
  - B. Identification
    - 1. Call the regulars
    - 2. Have a small pool of possible providers who have given you basic rates and qualifications
    - 3. Phone book and directories
    - 4. Procurement tool
      - a) Objective
      - b) Rapid, broad distribution to qualified providers
      - c) Makes better use of your (billable) time
  - C. RFP distribution
    - 1. Everyone at the same time
    - 2. Same format (don't give verbal instructions to some and written to others)
  - D. Set proposal deadline, be fair and consistent.
  
- V. **Q & A**
  - A. RFP Q & A
    - 1. Be available for questions. If requirements analysis and RFP were well written and thorough then questions should be minimal.
    - 2. Make all questions asked and responses given available to all providers to ensure that everyone has the same information and you are not asked the same thing twice.
  - B. Proposal Q & A
    - 1. Seek clarifications now
    - 2. Possible conflict checks
  
- VI. **Provider analysis and comparison**
  - A. Qualitative
    - 1. Experience
    - 2. Quality Assurance/Control
    - 3. Technology used. Think long-term for services, systems and technology that you trust and can build upon. Ensure they are making an adequate investment in technology.
    - 4. People



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B. Quantitative

1. Financial stability (cash reserves, line of credit, pending lawsuits, D&B rating, etc.)
2. Where will work be completed
3. Office locations (near you, co-counsel, production site, etc.)
4. Accuracy guarantees
5. Insurance coverage
6. Support charges and availability
7. Factors specific to the purchase (e.g. security and fire safety for archiving, in/out fees for on-line hosting, etc.)
8. Pricing
  - a) You typically get what you pay for. Ensure the provider is profiting from your project or they will have less incentive to accommodate you and go the extra mile when you need them the most.
  - b) Competitive but realistic (must show an understanding of the work)
  - c) Format (fixed fee, Time & Materials, BBU, etc.)
    - (1) When are hourly rates quoted?
      - (a) Typically given when a task you are requesting is too undefined.

C. Demonstration/meeting

1. Ensure no surprises
2. Meet the people with whom you will be working

D. Have a second choice fully researched and standing by in case of last minute conflicts or problems

VII. **Reference/conflict checks**

A. Actually check references!

1. Get four
2. Strongest attributes
3. What could they improve upon
4. Scope and type of project (directly relevant?)
5. What other providers did they consider?
6. Ask what they wish they had included in their RFP or contract
7. Know who you're speaking with (level of technical expertise.)

B. Run conflict checks

1. Parties/Matter
2. Firms
3. Vendors/subcontractors
4. Get it in writing



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- VIII. **Final negotiations and award**
- A. Best and final offers (only on very large projects)
  - B. Sign non-disclosures and review contract
  - C. Project meeting
    - 1. Review details of case
    - 2. Further definition of requirements
  - D. Run a test batch if possible
  - E. Proposal/pricing modifications
  - F. Alert other providers to award

## **A few rules...**

*Educate yourself about the project and provider's business. The more you know, the better decision you will make.*

*Respect the provider's time, effort, and expertise.*

*Focus on the destination, not the journey. Be flexible enough to consider providers' suggestions on other ways to reach your goal. You will learn more and you may find a better solution.*

*Pay on time (or try to get your client to). Timely payment is the basis for a trusting long-term relationship.*



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## Additional Resources

### **Provider Directories:**

- PageBid ([www.pagebid.com](http://www.pagebid.com))
- The Association for Information and Image Management ([www.aiim.org](http://www.aiim.org))
- The Association of Records Managers and Administrators ([www.arma.org](http://www.arma.org))
- Document Imaging Services Information ([www.imagepub.net](http://www.imagepub.net))
- FindLaw ([www.findlaw.com](http://www.findlaw.com))
- LawNet ([www.peertopeer.org](http://www.peertopeer.org))

### **Listserves:**

- Yahoo! LitSupport ([groups.yahoo.com](http://groups.yahoo.com))
- LawNet ([www.peertopeer.org](http://www.peertopeer.org))
- ABA LawTech (<http://mail.abanet.org/archives/lawtech.html>)
- Net-Lawyers ([www.net-lawyers.org](http://www.net-lawyers.org))
- Technolawyer ([www.technolawyer.com](http://www.technolawyer.com))

### **Procurement Tools:**

- PageBid ([www.pagebid.com](http://www.pagebid.com))
- OnVia ([www.onvia.com](http://www.onvia.com))
- LawCommerce ([www.lawcommerce.com](http://www.lawcommerce.com))
- Lexis ([emarketplace.lexis-nexis.com](http://emarketplace.lexis-nexis.com))
- IS/IT ([www.isit.com](http://www.isit.com))



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## Studies have shown...

Some excerpts from the results of an April 2001 study of litigation support services purchasing conducted by PageBid and LawNet. Participation included 87 law firms who purchase services, and 33 service companies who provide them.

**We asked purchasers and providers to rank several factors in order of importance when choosing a service provider, or being chosen.**

Purchasers' top three factors in choosing a provider:

1. Quality
2. Turnaround
3. Previous relationship

Providers' top three factors in being chosen:

1. Previous relationship
2. Price
3. Quality

**We asked purchasers and providers to rank their frustrations when purchasing and providing services and working with each other.**

Purchasers' top three frustrations:

1. Meeting tight turnaround times
2. Quality of work issues
3. Difficult proposal formats/comparison

Providers' top three frustrations:

1. Timely payment
2. Unstable business cycle
3. Accurate count/condition estimates

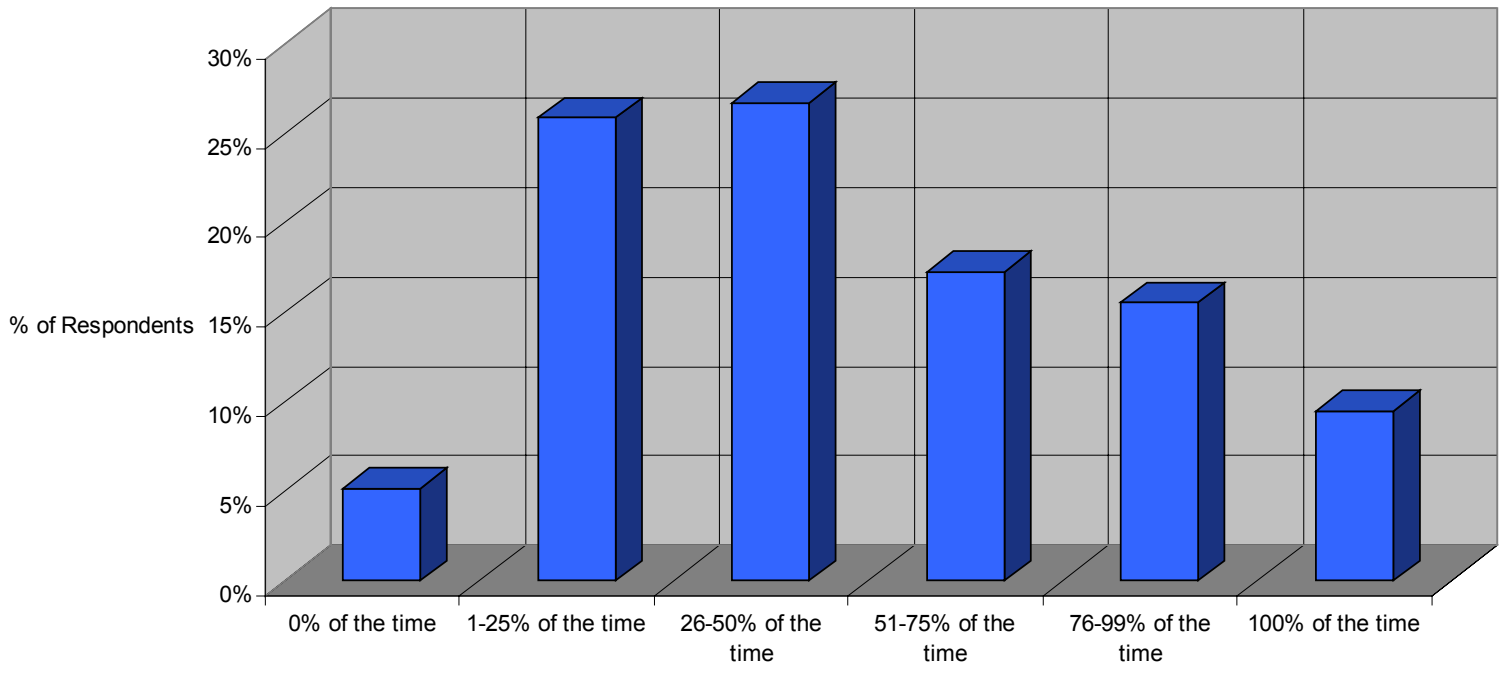


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**We asked purchasers and providers what percentage of the time a purchaser has to seek out multiple bids when making a service purchase.**

**Obtaining Multiple/Competitive Bids**



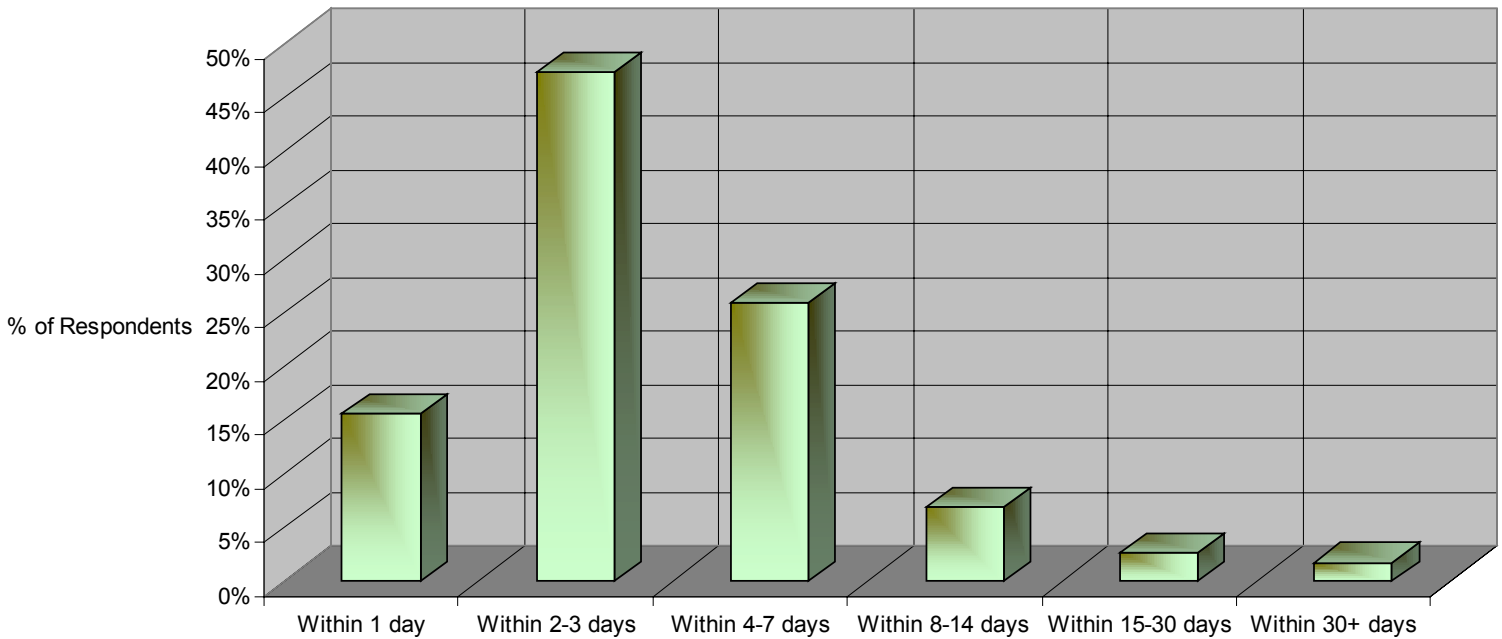


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We asked purchasers and providers how much time providers are typically given to respond to RFPs put out by purchasers.

### Average Proposal Turnaround Time

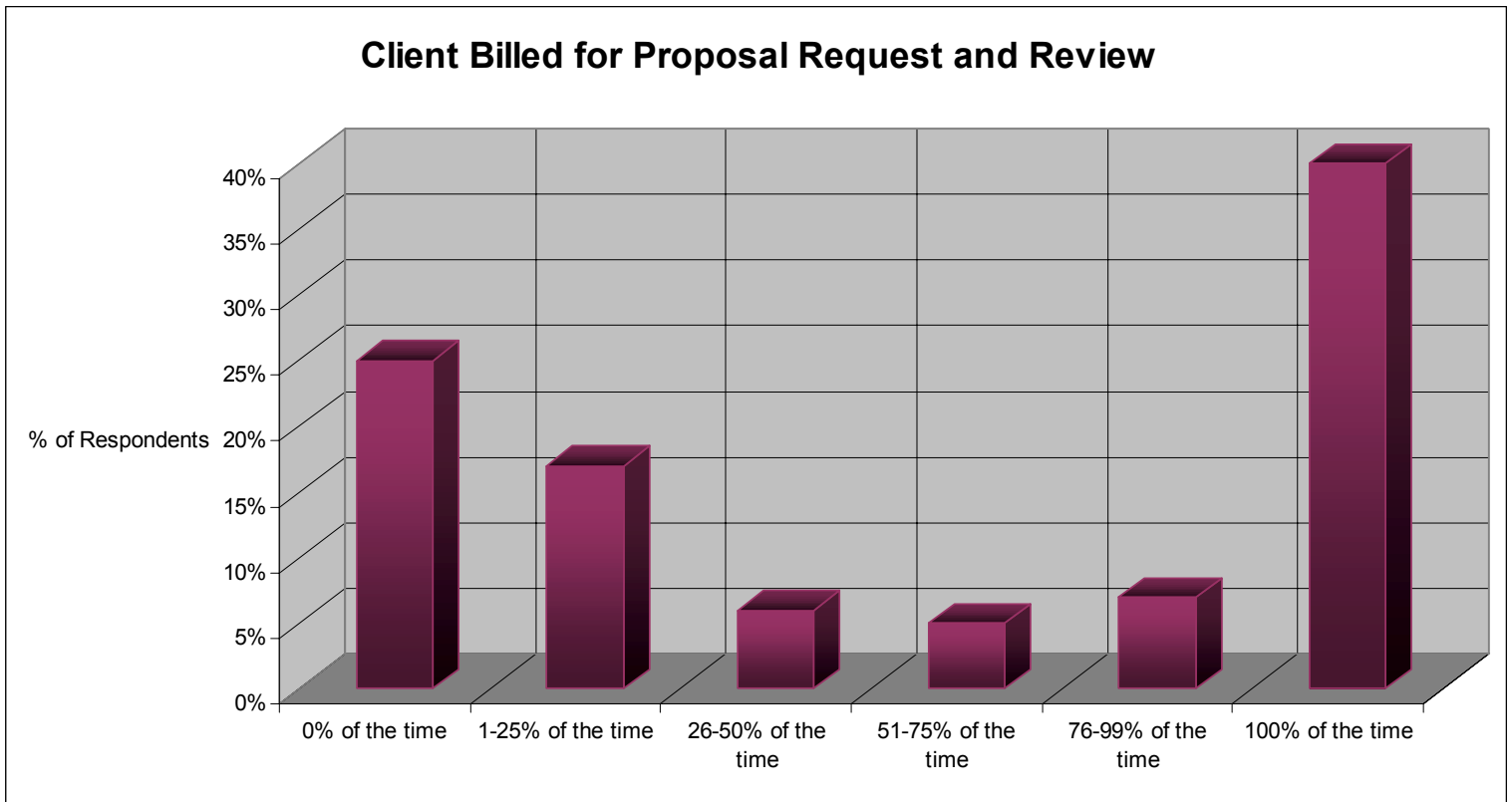




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We asked purchasers how often they bill to their clients the time they spend in developing and distributing an RFP, and reviewing resulting proposals.



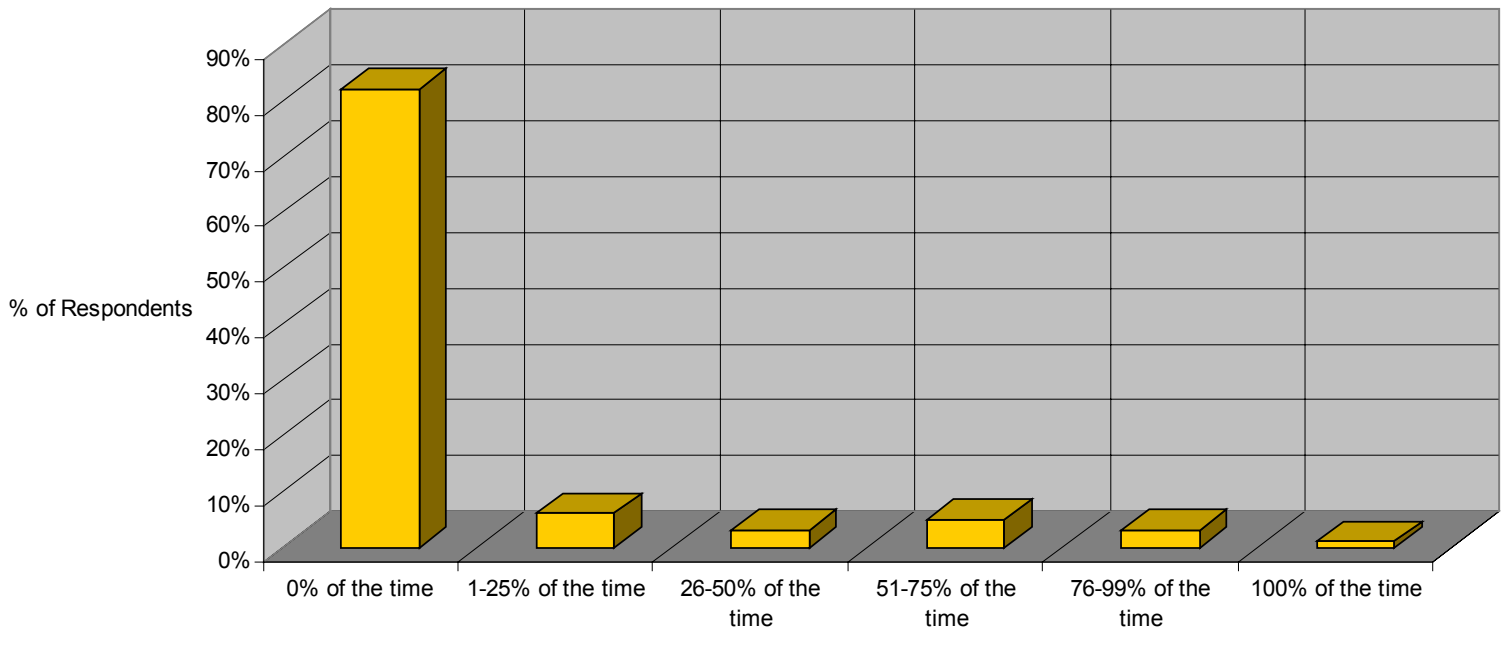


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**We asked purchasers how often they markup the cost for outsourced litigation support services when passing this cost onto their clients.**

### Pass Markup onto Clients

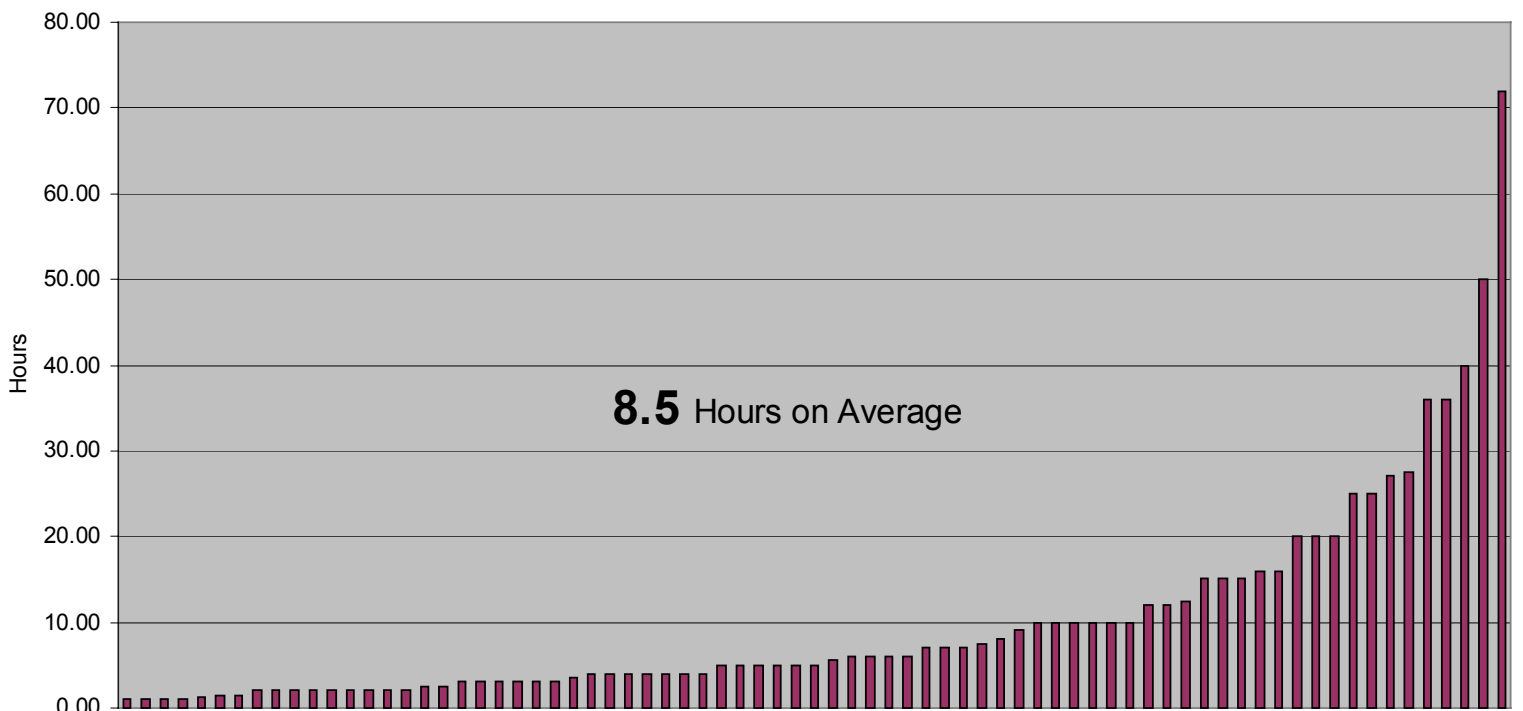




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We asked purchasers how much time they spend on average developing and distributing an RFP, and reviewing resulting proposals.

### Average Hours Spent on Proposal Request and Review



For more information on this study, or the services of PageBid, please email [info@pagebid.com](mailto:info@pagebid.com), or call 415.355.0281.