
[COMPANY LOGO]

Sample Electronic Discovery Request for Proposal

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Overview

The purpose of this document is to assist corporations with the creation of a request for proposal (RFP) for electronic discovery technology. It includes over 100 questions from real RFPs and promotes many concepts from the *Best Practices for the Selection of Electronic Discovery Vendors: Navigating the Vendor Proposal Process* document published by the Sedona Conference Working Group.

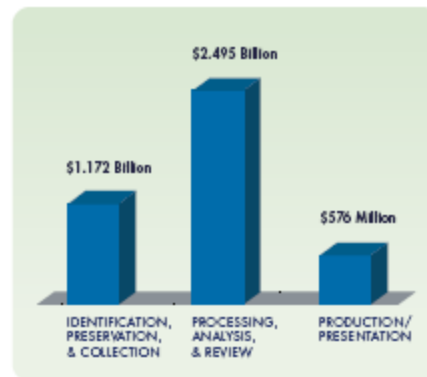
The document is organized by phases of the Electronic Discovery Reference Module (EDRM) not including Information Management and Production. The sample questions included may be freely used in the creation of e-discovery related RFPs or other requirement gathering documents such as a request for information (RFI).

[this section can be removed prior to RFP distribution]

Important Considerations for Vendor Selection

When responding to an event, such as litigation or a regulatory inquiry, the e-discovery process consists of three major phases:

1. Identification, Preservation, and Collection
2. Processing, Analysis, and Review
3. Production



Each of these major phases has specific requirements and costs. It is estimated that enterprises spent over \$1 billion to identify, preserve, and collect ESI in 2007. Furthermore, enterprises spent almost \$2.5 billion to process, analyze, and review ESI (making it the most expensive phase of e-discovery) and \$576 million to produce it. Thus, most organizations are focusing on the Processing, Analysis, and Review phases of e-discovery first.

[this section can be removed prior to RFP distribution]

Section A: Company Profile

Please provide the following information about the company issuing the RFP.

1) Company Background

Please describe the background of the company that is requesting proposals for e-discovery products and services.

2) Project Overview and Objectives

The purpose of this RFP is to gather technical, delivery, and pricing information for e-discovery software and services. Specifically, [COMPANY NAME] is looking to acquire e-discovery technology and services for...X, Y, Z.

3) Case Volume

Please describe the types of cases that require e-discovery (e.g., internal investigations, litigation, regulatory inquiries, etc.), the number of cases over a specified time period, and average volume of case data collected.

4) Current E-Discovery Process

Please describe the current e-discovery process employed by your corporation using the phases within the EDRM. Be as specific as possible and outline important decision points for any deviation to the standard process (for example, for cases containing over 1 TB of data, processing is typically outsourced to a third party).

Section B: Schedule & Submission Instructions

Please detail the timeline of events for your RFP process.

1) Schedule of Events

Please detail in the following table the anticipated schedule of events:

Task	Date (9am ET)
RFP distribution	XX/XX/XX
Deadline for vendors questions	XX/XX/XX
Answers to vendor questions	XX/XX/XX
Deadline for RFP submission	XX/XX/XX
Vendor notification of short-listed vendors	XX/XX/XX
Vendor presentations	XX/XX/XX
Vendor evaluations	XX/XX/XX
Vendor selection	XX/XX/XX
Project commencement	XX/XX/XX
Project completion	XX/XX/XX

2) RFP Cost

All costs incurred in the preparation and submission of responses to the RFP shall be the responsibility of the vendor.

3) Late Proposals

Proposals received after the due date will not be considered. Regardless of the method used for delivery, vendors shall be wholly responsible for the timely delivery of submitted proposals.

4) Proposal Delivery

Each submitted proposal shall consist of one Master with [insert number] paper copies, and one (1) electronic copy using the following format(s): Microsoft Word, Microsoft Excel, and/or Adobe PDF. Electronic copies will be submitted via email. Clearly label and index proposals with appropriate section and sub-section numbers as referred to herein. Number each page individually and provide a table of contents. All vendors submitting proposals must agree to Terms and Conditions in Section I. Please send all questions and final proposal to:

[Contact Name]
[Contact Email]
[COMPANY NAME]
Company Address
City, State Zip

5) Selection Process

Please describe any important details of the above Schedule of Events and outline the decision making process for the purchase of an e-discovery solution.

Section C: Vendor Profile

Please provide the following information about your company and its products and services.

Reference No.	Requirement	Vendor Response
	How many years has your company been in business and how long has your product been on the market?	
	Describe the company vision and direction for your company	
	Describe product vision and direction. Describe your product road map and how it reflects the needs of your customers	
	Describe the company's approach to product development and process for product enhancements	
	Provide any industry analyst reviews (Gartner, Forrester, Socha, etc.) that describe qualifications for your e-discovery solution	
	Do you participate on any of the industry standards definition committees? If so, describe your role and responsibilities	
	Provide a list of customers/references that would be similar in size or industry to our account. Provide current contact information for each reference provided in customer reference form located in Section H.	
	Do you offer a choice between hosting the e-discovery solution at the vendor site and implementing the e-discovery solution in-house at a customer site?	
	Do you have partnerships with other vendors or service providers? Please provide a description of those	

	partnerships	
	If any of your services are sub-contracted to another party, provide name, contact information, and description of each service each sub-contractor performs.	
	Please list the contact information (name, address, phone, etc.) of the vendor location that would support this solution	

Section D: Solution Profile(s)

Please use the following table to indicate the areas in the Electronic Discovery Reference Model (EDRM) that are supported by your e-discovery solution(s). Please enter the product name that supports each EDRM phase. If the EDRM phase is not supported by your e-discovery solution(s) directly, but you have one or more 3rd party vendor partnerships that support those phases, please name AND describe the nature of these relationships.

EDRM Phase	Name of Product(s) Supported by Vendor	Name of 3rd Party and Description of Partnership
Identification		
Preservation		
Collection		
Processing		
Analysis		
Review		
Production		

Section E: Functional Requirements

For each requirement, indicate if the requirement is supported directly by the proposed solution(s). If more information or clarification is required enter that information in the Vendor Response column.

Reference No.	Requirement	Requirement Supported? (Y/N)	Vendor Response
	Identification		
	Provides search and identification capabilities for Microsoft Exchange email (version XX or higher)		
	Provides search and identification capabilities for Microsoft Exchange attachments		
	Provides search and identification capabilities for Microsoft Exchange calendar attachments		
	Provides search and identification capabilities for Lotus Notes email (version XX or higher)		
	Provides search and identification capabilities for Lotus Notes attachments		
	Provides search and identification capabilities for Lotus Notes calendar attachments		
	Provides search and identification capabilities for [ARCHIVE SERVER]		
	Provides search and identification		

	capabilities for File Shares		
	Provides search and identification capabilities for Desktops/Laptops		
	File type support for Adobe Acrobat PDF versions 6.x (including protected PDF)		
	File type support for ASCII Text		
	File type support for Microsoft Access 97 & 2000, 2003, 2007		
	File type support for Microsoft Excel 97 & 2000, 2003, 2007		
	File type support for Microsoft PowerPoint 97 & 2000, 2003, 2007		
	File type support for Microsoft Word for DOS all versions		
	File type support for Microsoft Word for Windows 97 & 2000, 2003, 2007		
	File type support for Microsoft Works for Windows		
	File type support for Microsoft RTF (Rich Text Format)		
	File type support for File Maker Pro V7 – V9		
	File type support for HTML		
	File type support for Zips and other container files		
	File Type support for TIFF/OCR pairs		

	Support for the inclusion or exclusion of system file types		
	Support reporting on encrypted and protected files		
	Provides capability to account for name changes, aliases, and different naming conventions that may relate to the custodians being searched		
	Support for searching on content containing international languages (Unicode). Please detail the languages that are supported		
	Preservation		
	Please describe how your solution preserves data and prevents spoliation		
	Support for legal holds on Lotus Notes Email server and archive database		
	Support for legal holds on MS Exchange Email server and archive database		
	Support for legal holds on file shares located on servers and SAN/NAS storage devices attached to corporate network		
	Support for legal holds on desktops and laptops attached to corporate network		
	Support for multiple searches used to place and remove holds per matter		
	Support for multiple legal holds on a record without need for copies		

	Support for ability to remove legal holds on a record per matter		
	Support for in-place legal hold on existing content		
	Support for controlled suspension of automatic deletion routines		
	Collection		
	Collection of preserved records (legal holds) can be applied to the file types listed in the Identification section above		
	Support for collection of files from Lotus Notes Email server and archive database		
	Support for collection of files from MS Exchange Email server and archive database		
	Support for collection of files from file shares located on servers and SAN/NAS storage devices attached to corporate network		
	Support for collection of files from desktops and laptops attached to corporate network		
	Support for collection of multiple searches to place records into a legally defensible, secured location for each matter		
	Collection can occur in such a way that business operations are not interrupted.		
	Processing		
	Provides statistical and graphical analysis		

	of collected data based on custodian, date range, and file type prior to processing		
	Ability to filter collected data by custodian, date, file type, and file size prior to processing		
	Ability to filter collected data by NSRL database list (de-NIST) prior to processing		
	Ability to filter collected data by customer defined known file lists prior to processing		
	Ability to process (extract text and metadata) from all file types specified in the Identification section above		
	Ability to de-duplicate records and data of a single custodian across multiple data stores and across all custodians		
	Provides a pre-processing scan of all documents to detect and repair file-level errors prior to full processing		
	Support average processing speeds of at least 10 GB per hour		
	Support for processing on content containing international languages (Unicode). Please detail the languages that are and are not supported		
	Support for processing reports to understand file errors, warnings, and key processing metrics such as de-duplication rates, total # of messages and loose files, and average document size		
	Explain how the solution handles time zone		

	settings		
	Support extraction of attachments from emails and ability to process attachments as separate documents that are associated with the original email message. System maintains metadata between original files and attachments		
	Provides capability for metadata extraction making it available for review		
	Ability to later add information to an index without re-indexing the entire case dataset		
	Support processing of nested email attachments (e.g. the solution can process all documents in the case of an email which contains a .msg attachment which contains a zip file attachment which contains a word document)		
	Support extraction and processing of files within container files such as zip and rar and support the processing of files in nested containers (e.g. a zip within a zip within a zip)		
	Ability to identify and report on encrypted and password protected files		
	Analysis		
	Support for nesting multiple combinations of Boolean search terms and parameters into expressions including AND, OR, NOT, etc.		
	List the searchable file formats		

	Support for all analysis features to operate on and across the entire matter, including matters up to 5 million documents. Please detail what features do not analyze content across the entire case data set at once		
	Supports wildcards and proximity searching		
	Supports stemming and literal searches		
	Supports search of content in tags or document notations		
	Support for search on international content (Unicode)		
	Support for searches by document ID, source location, custodian or processing batch		
	Support search by senders, recipients, urgency, and direction (e.g., internal email only) of email		
	Support search by attachment content or type		
	Describe how your solution helps us with Rule 26(f)		
	Describe how your solution ensures the defensibility of keyword selection and searching procedures to avoid e-discovery defensibility issues such as those in <i>Victor Stanley v. Creative Pipe</i>		
	Provides automatic documentation and/or reporting of executed searches and keyword variation selections		

	Support real-time and iterative sampling of search results		
	Ability to preview search results prior to running searches to remove obvious false positives		
	Support for relevance ranking: Retrieved documents that most closely satisfy the query criteria should be listed or ranked above those that match less exactly. Ranking should also place a higher priority on matches in a title or subject than on those in body text		
	Use of directory information such as names, e-mail addresses, and department groupings to extend the values of certain metadata fields, such as message recipients, or create new metadata, such as departments creating or receiving content		
	Provides ability to visually track e-mail threads for responses based on content and metadata, not just metadata		
	Ability to group documents and e-mails together that pertain to the same/similar topic		
	Ability to identify and group documents based on language		
	Ability to identify and group documents by frequently found nouns or noun phrases		
	Ability to organize and group related loose files for analysis		

	Ability to organize and group related custodians for analysis		
	Provides hit highlighting in text, metadata, and attachments		
	Cull-down & Filtering: Ability to filter documents across the entire case by tag, sender domain, sender group, sender name, recipient domain, recipient group, recipient name, document type, custodian, and language type and displays exact hit counts across the entire search result set for every filter		
	Review		
	Ability to divide records so each reviewer is assigned a specific range or percentage of records, or by the source or significance of a subset of records.		
	Ability to organize documents intended for review into access controlled nested folders		
	Ability to customize tags, issue codes, and tagging rights		
	Support for hierarchical tagging structures that define and require sub-tags based on parent tags		
	Support for tagging or classification of documents via a single mouse click		
	System provides ability for individual and bulk categorization and tagging		
	UI allows privileged communication to be		

	tagged and a privileged log to be created		
	Support for HTML preview of all documents		
	Annotation is supported directly in the review UI for all document formats		
	Provides ability to view documents within a native viewer, abdicating the need for reviewers to load applications on their workstations		
	Support for hit highlighting of searched terms during review in native viewer or HTML preview		
	Support for redaction of text, areas within a document, and entire pages		
	Provides redaction verification capabilities		
	Provides find-and-redact functionality		
	Identifies and displays items related to the document in review		
	Provides review progress and productivity analysis for each reviewer		
	Automatically documents reviewer actions such as login, logout, search, tag, print, and export		
	Production		
	Support for individual products sets and batch export		
	Support for export to HTML		

	Support for export to CSV with custom fields		
	Support for image-based productions such as TIFF		
	Support to “un-duplicate” data by custodian on export. Change to: Support to “re-duplicate” documents by custodian on export		
	Support for export to Concordance file format		
	Support for export to CT Summation format		
	Support for export to EDRM XML compatible formats – Please describe specification and version		
	Support for producing documents one at a time or in batch		
	Ability to organize production sets using a folder based structure		
	Support for produced redactions, where text is secured from unauthorized display, search, and review.		
	Support for custom header, footer, and watermark labeling of documents in image-based production		
	Support for Bates stamping		

Section F: Technical Requirements

	Architecture/Technology		
	Please detail the technical architecture of your solution. Also, attach a separate diagram depicting this architecture		
	Is your solution a self-contained solution or does the solution require additional licenses and software from third parties? Please describe.		
	Does your solution require additional hardware from third parties? Please describe.		
	Please describe the typical installation time and resources required for your solution		
	Describe the key differentiators of your technical architecture		
	Describe the minimum & recommended system requirements for your solution. Include Operating System, CPU, RAM, Database, Disk Space, etc.		
	What OS/ platforms does your product support (e.g., Solaris, Linux, Windows)?		
	Describe how scalable your solution is – how does the solution handle 50 concurrent cases each containing at least one million documents?		
	Describe your solution's storage		

	requirements and capabilities		
	Describe any key technology differentiators (any leading edge technologies?) that set your application apart from your competitor's application.		
	How is the warranty of the system handled?		
	Administration		
	Describe the system administration tools provided with your application. Are these tools web-based and apply to the entire solution?		
	Support for multiple administrative roles and privileges for the a) system b) case and c) capabilities within each case		
	Describe the backup and disaster recovery process		
	Describe how your application integrates with MS Windows Active Directory		
	Security		
	Audit Trail: Describe the ability for your solution to log administrative and user actions such as login, logout, search, tag, print, and export		
	Describe the security of data transferred to and from your solution such as usernames and passwords and any data that might be transferred between a server and client		
	Does the application support cryptographic		

	features to protect confidential information? Please describe		
	Describe your application's security structure. Is security role-based and configurable down to an individual case or object level?		
	Reporting		
	Describe the ability to report on processing statistics such as file exceptions/errors, de-duplication rates, number of documents, average size of documents, etc.		
	Describe the ability to report on case progress, including the total number of documents reviewed/analyzed, un-reviewed, and tagged		
	Describe the ability to report on tag distribution of documents such as "privileged", "responsive", "unresponsive", etc.		
	Provides the ability to report details of search and results on a per-search basis		
	Is your reporting tool internally built or does it use 3 rd party software? Please describe.		
	Describe the solution's ability to provide audit history logs, which include a simple means of reporting on searches by custodian, operator, keyword, phrase, concept and matter		

[COMPANY NAME]
Request for Proposal – Corporate E-Discovery Solution

Section G: Pricing

Please describe how your solution(s) are licensed and priced.

	Reporting	
	How is your solution licensed for in-house deployment?	
	How is your solution priced for in-house deployment?	
	What is the cost for maintenance and support? Please detail available support packages.	
	Are training services available? Please list available services and cost	
	Are professional services available? Please list available services and cost	

Section H: Customer References

Please provide four customer references that [COMPANY NAME] may contact that have used the solution you are proposing for at least 6 months:

Reference 1	
Company Name	
Contact Name	
Contact Phone	
Contact Email	
Company Address	
Description of Solution Provided	
Benefits of Solution Provided	

Reference 2	
Company Name	
Contact Name	
Contact Phone	
Contact Email	
Company Address	
Description of Solution Provided	
Benefits of Solution Provided	

Reference 3	
Company Name	
Contact Name	
Contact Phone	
Contact Email	
Company Address	
Description of Solution Provided	
Benefits of Solution Provided	

Reference 4	
Company Name	
Contact Name	
Contact Phone	
Contact Email	
Company Address	
Description of Solution Provided	
Benefits of Solution Provided	

Section I: Terms and Conditions

Please describe the appropriate terms and conditions the vendor must agree to for this project including confidentiality, insurance, compliance with applicable laws and indemnity clauses.