



Request for Proposals—August 27, 2015

Electronic Case Management in Federal Administrative Adjudication

The Administrative Conference is seeking proposals by potential consultants to undertake a research project that will study the implementation and use of electronic case management at federal agencies.

Proposals are due by 5:00 p.m. Eastern Time on October 2, 2015.

Background.

One of the stated purposes of the E-Government Act of 2002 is to establish “a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.”¹ It further expands on this purpose to include the reduction of “costs and burdens for . . . Government entities” and improvement of the government’s ability to achieve “agency missions and program performance goals.”² One way agencies can employ Internet-based information technology to achieve the Act’s purposes is by using electronic systems to manage cases. However, only a handful of agencies have implemented electronic case management systems in some form. Other agencies have taken preliminary steps for converting their systems, but without guidance each agency has been left to develop the process on its own with little uniformity and varying levels of functionality.

Electronic case management is a comprehensive system that enables an agency to manage its adjudications for increased efficiency and access. It involves not only the creation and maintenance of an electronic system in which users may file and manage documents but also various other changes that must be made to accommodate such a system. For example, an agency may have to modify existing adjudicatory processes, increase data storage, enhance their equipment, and/or develop training for staff and users.

Making use of an electronic case management system can yield numerous benefits for the agency, parties, and their representatives. Time spent manually organizing and handling files will be reduced, if not eliminated, as will the risk of misplacing paper files. A system that allows for simultaneous access to files by multiple users—including the adjudicator, the administrative staff, and parties and their representatives—will reduce time spent sending files back and forth. Private parties will be able to access their case files easily and know what is included in the administrative record. Similarly, a system could be devised allowing documents to be shared between agencies, improving both uniformity and efficiency in interagency adjudication. The

¹ E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899.

² *Id.*



system could also include decisional tools for adjudicators that help promote decisional quality and consistency.

Project Description.

The Conference seeks proposals for a comprehensive study of the implementation and use of electronic case management at federal agencies. The goals of the study are to: (1) examine the factors agencies should consider to optimize the use of electronic case management in furthering agencies' goals; and (2) share best practices to improve the process of converting to and maintaining electronic case management. The consultant for this study would be encouraged to, as appropriate, draw on the results of other studies or reports on electronic case management. The consultant would also be encouraged to work with Conference staff to include relevant agencies, such as the Social Security Administration, and interested stakeholder groups in the research process. A detailed scope of work follows, but the Conference encourages prospective consultants to comment on the scope of work in their project proposals, and identify/include any additional research subjects related to this topic that the Conference may wish to consider.

Scope of Work

The study should include consideration of the following issues and questions:

- **Challenges.** What factors have kept agencies from converting paper systems to electronic systems? How can agencies reduce the costs of implementation and maintenance? How can agencies reduce the loss of productivity during the transition process? What human resource/personnel hurdles might agencies encounter?
- **Agency Processes.** What sort of preparatory work and analysis must be done when considering implementation of an electronic case management system? Who are the key participants from whom agencies should gain support for the successful incorporation of an electronic system? Whose input should be included in the planning, designing, and testing phases (e.g., adjudicators, management, staff, representatives, parties)? What are the ways in which agency processes can be institutionalized?
- **Adjudicatory Procedures.** What should an agency consider in adjusting or streamlining its existing adjudicatory processes to make the best use of new technology? Does the agency have procedural inconsistencies between different adjudicatory offices?
- **Attributes of an Effective System.** How does an agency determine the best route to take for developing an electronic system? While transitioning, what is the best way for agencies to handle archives and case files that are still in paper format? Are there



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relevant federal recordkeeping laws and regulations that agencies must consider? How should agencies get feedback on their electronic case management systems from internal and external users? What precautions must be taken to ensure privacy and security?

- **Shared services.** How can agencies take advantage of intergovernmental shared services to minimize the costs of developing and maintaining electronic case management systems? Are there existing products or products in development that agencies could use? What impact could shared services have on increasing uniformity and interagency efficiency?
- **Agency Examples.** What lessons can be learned from agencies that (1) use; (2) are transitioning to; or (3) are currently planning to transition to electronic case management? What guidance can be given to agencies that plan to transition in the future?

How to Submit a Proposal.

Proposals are invited from qualified persons who would like to serve as a research consultant on this project. Joint proposals from multiple individuals will also be considered. All responses will be considered by the Conference staff and the Chairman.

A consultant's study should result in a report that is delivered first for review by the Conference staff and Chairman and then forwarded to a committee of the Conference membership for consideration. The report should provide proposed recommendations. The consultant works with Conference staff and the committee to refine and further shape the report and may work with Conference staff to revise the recommendations. Recommendations approved by the committee are then forwarded to the Council of the Conference for consideration, and the Council forwards the recommendations (with its views) to the full Conference membership meeting in plenary session. If approved at the plenary session, a recommendation becomes an official recommendation of the Administrative Conference. (For a general understanding of how the Conference is organized and operates, see 5 U.S.C. §§ 591-596, and <http://www.acus.gov>.)

The Conference will provide a consulting fee for this study, plus a budget for related expenses. The Conference also typically encourages its consultants to publish the results of their studies in journals or other publications. Thus, working as a Conference consultant provides some compensation, a publication opportunity, and the opportunity to work with Conference members from federal agencies, academia, the private sector, and public interest organizations to help shape and improve administrative law, procedure, and practice. Those submitting proposals should understand that, in addition to the work involved in researching and writing the consultant's report, the consultant will (in most cases) need to work with Conference staff and committees as the Conference develops a recommendation based on the report. The consulting



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fee is not designed to match a consultant's normal consulting rates. It is a significant public service to serve as a consultant to the Conference.

To submit a proposal to serve as the Conference's consultant on this project, you must:

- Send an e-mail to Attorney Advisor Amber Williams, at awilliams@acus.gov. Proposals must be submitted by e-mail.
- Include the phrase "ACUS Project Proposal" in the subject line of your e-mail.

In the body of your e-mail or in an attachment, please:

- State the name of the project for which you are submitting a proposal: "Electronic Case Management in Federal Administrative Adjudication."
- Explain why you would be well qualified to work on the project. Include your curriculum vitae or other summary of relevant experience.
- Explain your research methodology and how you would develop recommendations based on the research. There is no required format, and 2-4 pages should probably be sufficient.
- State how much funding you would need for the project, keeping in mind that a typical Conference research contract includes a consulting fee of \$12,000 - \$15,000 plus travel expenses of \$1,000, and research assistance expenses of \$1,000. There may be some flexibility in the budget based on factors relating to the proposal (e.g., the consultant's location relative to Washington, D.C., and the need for research assistance and empirical or interviewing work), so your proposal should suggest any special needs in this regard. The amount of the consulting fee and expenses is not a critical factor in the award of the contract; the quality of both the proposal and the consultant's ability to carry out the study are the most important factors.
- Propose a schedule for the project deliverables. This project requires submission of a draft outline, a final outline, a draft report, and a final report. Multiple draft reports may be necessary based on input from the Chairman, staff, or committee; nonetheless, the draft report should be substantially complete. The timeline for deliverables should substantially adhere to the schedule below, but high quality research leading to a well-written report will be the prime consideration.

| Deliverable | Due Date |
|-----------------------|----------------------------------|
| Draft Project Outline | Contract Award + 30 Days |
| Final Project Outline | Draft Project Outline + 15 Days |
| Draft Report | Final Project Outline + 180 Days |
| Final Report | Draft Final Report + 45 Days |



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A July 2016 submission date for the draft report is preferred, so that a committee recommendation, if any, can be targeted for completion at a plenary session of the Conference held in December 2016.

Submit your proposal by 5:00 p.m. Eastern Time on October 2, 2015. Only proposals submitted by the stated deadline are guaranteed to receive consideration. Proposals may also be submitted or amended at any time until the award of the contract, and the Conference may consider any proposals or amended proposals received at any time before the award of the contract.

Proposals will be evaluated based on:

- The qualifications and experience of the researcher(s) and knowledge of literature in the field (if applicable);
- The quality and clarity of the proposal;
- The timeline of the proposal and the ability of the researcher(s) to perform the research in a timely manner;
- The likelihood that the research will contribute to greater understanding of the subject matter studied and lead to an Administrative Conference recommendation that will improve administrative procedures in the federal government; and
- The cost of the proposal (although the other factors are more important).

Failure to follow the above instructions may result in your proposal not being considered. Including the phrase “ACUS Project Proposal” in the subject line of your e-mail is important so that your proposal can be easily identified.