



REQUEST FOR INFORMATION

This document is a Request for Information (RFI) for vendor services to develop and deploy an examination proctoring program capable of administering and proctoring a “pen and paper” version of the California Bar Examination to approximately 100 test-takers in a remote testing environment.

A response to the RFI is optional and not a requirement of any subsequent procurement. This RFI is nonbinding. The State Bar of California will have no obligations under this RFI to award a contract based on the responses received but may engage some or all respondents in further discussions and negotiations that may result in one or more contracts. Responses may be used to structure further formal or informal requests or solicitations, which may also serve as the basis for a contract. If the State Bar decides to issue a formal solicitation after this RFI, that solicitation may be distributed to respondents to this RFI, in addition to other businesses.

I. INTRODUCTION

The State Bar of California is a public agency established by Article VI, Section 9 of the California Constitution, and serves as an administrative arm of the California Supreme Court for the purpose of assisting in matters of attorney licensing and discipline. The protection of the public is the State Bar’s highest priority in carrying out the Supreme Court of California’s attorney licensing and disciplinary functions. More information about the State Bar can be found online: www.calbar.ca.gov/About-Us.

Those wishing to become licensed to practice law in California must, in addition to satisfying other requirements, pass the Bar Exam. Under normal circumstances, the Bar Exam is administered in-person, two times per year, to approximately 13,500 test-takers at conference centers across the State. Test-takers in need of reasonable testing accommodations on any portion of the Bar Exam must, pursuant to the Rules of the State Bar, petition for such accommodations in advance of a given administration and provide documentary medical evidence of their need for such accommodations. The State Bar grants hundreds of requests for testing accommodations for every administration of the Bar Exam.

The Bar Exam is generally a two-day examination made up of three parts: a series of essay questions, a performance test, and the Multistate Bar Examination (MBE) multiple-choice test. Because the Bar Exam is timed and closed-book, a test-taker’s performance depends upon their ability to perform under time constraints, their knowledge of the topics tested, and, with respect to the performance test, their understanding and application of a “closed universe” of materials provided to them.

II. BACKGROUND

The changing circumstances surrounding the current public health situation caused by COVID-19 have impacted the State Bar's ability to administer the Bar Exam in the traditional mass in-person format. As a result, the California Supreme Court has directed the State Bar to implement complex modifications to the Bar Exam's format that have allowed the Bar Exam to be administered mostly remotely, thereby significantly reducing the number of in-person test-takers. The State Bar has continued to grant hundreds of disabled test-takers reasonable testing accommodations that afford them equal access to the Bar Exam and the legal profession while preserving the fundamental timed, closed-book nature of the exam.

For the October 5-6, 2020 Bar Exam, it was determined that certain testing accommodations were incompatible with the State Bar's existing remote proctoring program and therefore could not be securely and effectively administered remotely. Specifically, testing accommodations for a "pen and paper" version of the Bar Exam and physical scratch paper on the essay and/or MBE portions of the Bar Exam could not be administered remotely, as the State Bar's existing remote proctoring program requires all remote test-takers to download and access the test questions electronically and "flags" (through a combination of Artificial Intelligence and human review) any and all incidents of a test-taker having physical paper in view of the web camera during the Bar Exam or gazing away from the camera for significant periods, which would occur if they were handwriting their answers or notes.

Test-takers with testing accommodations for a "pen and paper" version of the Bar Exam and/or physical scratch paper on the essay and/or MBE portions of the Bar Exam were given the option of testing at limited capacity, in-person testing sites, where all of their testing accommodations could be securely and effectively administered in individual hotel rooms by State Bar staff and proctors. For future administrations of the remote Bar Exam, the State Bar would like to explore whether it is possible for a vendor to develop and deploy an alternative remote proctoring program that will enable the State Bar to securely and effectively administer these testing accommodations in a remote testing environment.

III. INFORMATION REQUEST

The State Bar wishes to engage the services of a vendor with significant expertise and experience in administering and proctoring "pen and paper" tests securely and effectively in a remote testing environment. The scope of the project, as currently envisioned, is to develop and deploy an alternative remote proctoring program that will enable the State Bar to securely and effectively administer testing accommodations for a full "pen and paper" version of the Bar Exam (having all questions in paper form, having physical scratch paper, and/or handwriting responses) in a remote testing environment without compromising the security and integrity of the timed, closed-book Bar Exam.

With respect to procedural and methodological considerations of the project, the State Bar requests information about the following items:

- Methods for ensuring the security and integrity of the timed, closed-book remote Bar Exam;
- Methods for the secure delivery, retrieval, and/or destruction of "pen and paper" tests to remote test-takers;
- Methods for enforcing the start and end times for each test session;

- Methods for collecting hand-written test answers and delivering those physical files timely and securely to the State Bar; and
- Feasibility of customization of test-taker schedules to account for varying amounts of extra testing time and varying numbers of testing days.
- If the State Bar were to courier hard-copy exam questions to applicants, the vendor would need to monitor the process by which applicants access exam materials. Essentially, proctoring would need to commence prior to question delivery. A method that ensures a timely and secure return of exam materials, to include the written questions, the Multistate Bar Examination and applicant answers, from examinees.
- The State Bar seeks to apply this solution for the upcoming examinations:
 - June 2021 First-Year Law Students' Examination (June 22, 2021)
 - July 2021 California Bar Examination (July 27-28, 2021)
- The vendor needs to utilize a single sign-on process.
- The vendor needs to provide licenses of video software used for proctoring. This solution must include video recording of the proctoring sessions. Videos of all sessions must be provided to The State Bar to be used for review of quality insurance.
- The Office of Admissions anticipates the following with regard to the July 2021 Bar Exam:
 - Up to approximately 50-85 applicants may be eligible to receive a hard copy of the exam material.
- Proctoring would need to commence prior to exam question delivery. Applicants need to be monitored as they access exam questions.
- Once the questions are accessed, a proctor would need to read instructions to the applicant and walk them through the identity verification process, read exam instructions and continue with live proctoring during the exam administration.
- The standard exam schedule is a two-day schedule as follows:

Exam Day Schedules (all times PT)

	Session	Password release	Latest start time
Exam Day 1	Essay 1 (60 mins)	8:00 a.m.	8:30 a.m.
	Essay 2 (60 mins)	9:30 a.m.	10:00 a.m.
	Essay 3 (60 mins)	11:00 a.m.	11:30 a.m.
	Essay 4 (60 mins)	1:30 p.m.*	2:00 p.m.
	Essay 5 (60 mins)	3:00 p.m.	3:30 p.m.
	PT (90 mins)	4:30 p.m.	5:00 p.m.

Exam Day Schedules (all times PT)

	Session	Password release	Latest start time
Exam Day 2	MBE Part 1 (90 mins)	8:00 a.m.	8:30 a.m.
	MBE Part 2 (90 mins)	10:00 a.m.	10:30 a.m.
	MBE Part 3 (90 mins)	1:00 p.m.*	1:30 p.m.
	MBE Part 4 (90 mins)	3:00 p.m.	3:30 p.m.

- A 30-minute break is allocated between questions, as well as a one-hour lunch break, as noted in the schedule with an asterisk.
- The vendor would need a method to verify and ensure test materials were secure during breaks.
- In order to preserve examination security, remote applicants must currently adhere to the following conditions:
 - Applicants must have access to a laptop computer with a functional internal webcam and microphone to take the exam but may submit responses on paper. The camera and microphone must be on and unobstructed at all times during the exam session.
 - Other than scheduled breaks, applicants are NOT permitted to leave the view of their web camera unless they finish the session early.
 - An applicant must be alone in the room where they are taking the exam, and no other person may enter the room or communicate in any manner by any means with the applicant during the exam for any purpose.
 - Applicants cannot have cell phones or other electronic devices, including a tablet or additional computers or monitors in the exam room or connected remotely to any other devices or equipment in the exam room.
 - Applicants cannot bring notes, study aids, or other papers or exam resources in the exam room, including scratch paper (digital scratch paper will be provided). The only exception is the allowance of a maximum of 8 pieces of blank scratch paper (16 sides, maximum size 8.5" x 11") during the Performance Test portion of the exam only, which is to be displayed (front and back) to the webcam.
 - Applicants cannot have digital timers, watches, or clocks in the exam room (the exam software has a built-in timer that allows applicants to set timed reminders).
 - Applicants cannot have books of any kind in the exam room within view or reach of the applicant.
 - Food or beverages, including but not limited to coffee and water, are not allowed in the exam room (unless the applicant has been granted a testing accommodation that allows for these items). Smoking during the exam is not allowed.

- Radios, stereos, or other devices/equipment that can make audible sounds in the exam room are not allowed. Any such items must be turned off at all times during the exam and scheduled breaks.

IV. RESPONSE INSTRUCTIONS

The submission requirements for this RFI are set forth below. Respondents are solely responsible for all expenses associated with responding to this RFI.

A. Submission Requirements

1. A brief description of your organization's history and position in the licensing or other exam administration and remote proctoring markets.
2. Qualifications, background, and experience of the project director and other staff proposed to work on the project.
3. Provide a description of any history of work previously performed for licensing or other government entities.
4. A description of at least three similar projects completed within the past five years. Projects should clearly list: a summary of the goal and result; start and end dates; methods and tools used; any subcontractors or external parties that assisted with the project and their roles.
5. A general description of the techniques, approaches, and methods to be used in meeting the objectives described in this RFI. This should include a description of how many live proctors will be used per test taker, how proctors will be trained, and the numbers of proctors your organization would be able to guarantee could be secured for an exam.
6. A description of the chronology for completing the work, including a timeline and deadlines for each task. Timelines should be designed in weeks, in series starting from Week 1; include named project phases; descriptions of activities in those phases; required parties and responsibilities; any and all concurrent services should be clearly noted as such.
7. A total cost estimate, and a cost breakdown for the various phases of the project, including the method and cost for development, testing, and deployment, if deemed feasible; and
8. Any other information or suggestions you may have in providing services designed to meet stated project goals.

B. Questions Regarding This RFI

Questions regarding the RFI should be addressed in writing, by email, or both by May 12, 2021. They should be submitted to Kate Bennett at kate.bennett@calbar.ca.gov. Responses will be provided by Monday, May 19, 2021.

C. Addenda

The State Bar may modify the RFI prior to the response due date by posting, mailing, emailing, or faxing an addendum to the respondents known to be interested in submitting a response.

D. Responses Due

Please email your response by no later than 5:00 p.m. on May 24, 2021, to Kate Bennett at kate.bennett@calbar.ca.gov.

E. Disposition of Materials

All materials submitted in response to an RFI will become the property of the State Bar of California and will be returned only at the State Bar's option and at the expense of the vendor. One copy of each response will be retained for the State Bar's official files and become a public record pursuant to the California Public Records Act. By submitting a response, a vendor agrees to these terms and waives any right to pursue a cause of action for damages incurred as a result of the release of any information contained in a response.