

CPSC-I-11-0012; MOD #12  
INTERAGENCY AGREEMENT  
BETWEEN THE  
U.S. CONSUMER PRODUCT SAFETY COMMISSION  
AND THE  
U.S. DEPARTMENT OF JUSTICE  
  
STATEMENT OF WORK/SPECIFICATIONS  
CPSC Litigation Support Coordinator

**I. Background**

The Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency that protects the public against unreasonable risks of injury or death from consumer products. The CPSC's Office of the General Counsel (OGC) Division of Compliance investigates potential violations of federal product safety laws, and, on occasion, refers matters for litigation to the Department of Justice (DOJ). In connection with its corrective action and civil penalty investigations and other legal matters, CPSC requests, receives, and reviews document productions provided by third parties. CPSC also gathers internal agency records and documents for production in potential and active legal matters.

CPSC acquired Concordance software from the LexisNexis Company to enhance its e-discovery capabilities, but it does not have the necessary personnel to administer the software, train users, or support the platform. The U.S. Department of Justice will provide services through a DOJ contract vehicle to obtain a Litigation Support Coordinator who shall (1) support OGC's use of Concordance as a document review platform, and (2) conduct an assessment of the agency's future litigation support needs. This is a nonpersonal service.

**II. Concordance Support**

In the second half of 2010, CPSC obtained a three-year, 20-user license for Concordance and Concordance Image (version 10). At a minimum, OGC requires that the Litigation Support Coordinator be capable of performing the following functions:

1. **General Support:** The Litigation Support Coordinator must have expert technical knowledge of how to administer the software, train users, share databases and support Concordance. The Litigation Support Coordinator must also have professional knowledge of Concordance Image. The Litigation Support Coordinator must be able to instruct CPSC nontechnical users on how to search, tag, redact, Bates-stamp, view, report, sort, and produce case related data. The Litigation Support Coordinator must also be able to conduct trainings and answer support questions related to Concordance as they arise.
2. **Future Document Productions:** The Litigation Support Coordinator will work with OGC legal staff to develop uniform data delivery standards that can be enclosed with all future document requests and provides producing parties

with the agency's specifications for data deliveries. The staff desires that all future document productions be made in text-searchable electronic format compatible with Concordance software. The Litigation Support Coordinator will liaise with third parties (e.g., businesses and other government agencies) to facilitate the receipt and transmission of document productions in an acceptable format.

3. **Existing Document Productions:** The Litigation Support Coordinator will train, assist, and perform tasks necessary to aid OGC legal staff in converting documents now existing in paper and electronic format into Concordance loadable files, perform Optical Character Recognition (OCR), and load the documents into separately stored and categorized Concordance databases. To the extent necessary, the Litigation Support Coordinator will facilitate transfer of documents to a third party vendor certified and accredited by DOJ. The Litigation Support Coordinator may also be asked to provide document processing support in order to make existing production data load ready. The OGC legal staff is responsible for handling many active cases with significant demands for document management and review; OGC legal staff will work with the Litigation Support Coordinator to assess which cases are best suited for conversion and loading into Concordance databases.
4. **Coordination with EXIT:** The Litigation Support Coordinator will coordinate with CPSC's Office of Information & Technology Services (EXIT) to assure smooth installation and operations of Concordance, and confirm that all capacity planning, security, back-up, recovery and other technical requirements are met.
5. **Training of CPSC FTEs:** The Litigation Support Coordinator will train and assist CPSC full-time EXIT employees and contractors on Concordance operations, configuration, installation and all other related activities.
6. **Training of OGC Legal Staff:** The Litigation Support Coordinator shall provide a minimum of two (2) training sessions per calendar year for approximately 25 OGC legal staff on accessing, using, and conducting searches of Concordance databases.

### **III. Document Collection and Processing Support**

As instructed by OGC legal staff, the Litigation Support Coordinator will conduct searches for, and collect agency records that are (1) responsive to discovery requests the agency receives in litigation or adjudicative proceedings, (2) responsive to Freedom of Information Act requests the agency receives, or (3) related to other agency purposes as determined by OGC legal staff. Examples of agency records that the Litigation Support Coordinator may be instructed to search and collect include, but are not limited to, archived e-mail messages of current and former agency employees, electronic files stored on agency network drives or hard drives, agency files in hard copy, or other types of agency records. The Litigation Support Coordinator may be required to process any

responsive records using CPSC's document processing software and upload such records into Concordance or any other CPSC database as requested by OGC legal staff.

CPSC personnel will provide the Litigation Support Coordinator with access and resources to search, collect, and process agency records.

#### IV. Consulting

The Litigation Support Coordinator must be able to provide technical advice to staff attorneys, managers, and other personnel on legal automation options, system capabilities, and support services available. This requirement includes the ability to understand OGC's current operations, anticipate its future needs, and forecast new technologies that will facilitate the practice of law.

This Statement of Work contemplates that Concordance will be used as the agency's primary document review platform in connection with offensive litigation matters, such as civil penalty investigations. CPSC may, in its discretion and subject to available funds, expand the scope of e-discovery services requested to other matters, including but not limited to, Freedom of Information Act (FOIA) requests and agency defensive litigation matters.

#### V. Additional Specifications

**Availability:** CPSC anticipates that the Litigation Support Coordinator will be needed onsite for a minimum of one day per week. Depending on OGC legal staff workload, the Litigation Support Coordinator may need to be available remotely or on call. Additional services, if required, will be obtained through modification to this agreement.

**Security Clearance:** CPSC requires the Litigation Support Coordinator to possess a Public Trust security clearance.

**Disclosure of Protected Information:** the Litigation Support Coordinator shall comply with all government-wide and CPSC restrictions on public disclosure of protected information gained in the performance of this IAA or any subcontract executed as a result of the IAA. The Litigation Support Coordinator shall comply with the Privacy Act of 1974, the Consumer Product Safety Act, 15 U.S.C. § 2055, CPSC directives and procedures, and all other applicable authority governing information disclosure.

**Location:** The Litigation Support Coordinator will provide the services requested onsite at CPSC headquarters located at 4330 East-West Highway, Bethesda, MD 20814. The Litigation Support Coordinator shall use existing agency-owned hardware applications and infrastructure. In the event that CPSC hardware applications and infrastructure are insufficient to handle a project requested by OGC legal staff, the Litigation Support Coordinator may complete such project offsite by following appropriate security procedures as discussed with OGC legal staff and EXIT.

**VI. Authority**

For CPSC, this IAG is authorized under Section 27 of the Consumer Product Safety Act (15 U.S.C. § 2076(g)), which provides authority for CPSC to enter into contracts with other governmental entities.

**VII. Period of Agreement**

This IAG becomes effective upon acceptance by both parties, and will continue indefinitely until terminated. It may be modified by mutual written consent or terminated by either party upon a 30-day advance written notice to the other party.

**VIII. Funding and Accounting Data**

The transfer of funds shall be from one agency to the other through the On-Line Payment Collection (OPAC) system using the following accounting data:

**CPSC:**

Taxpayer ID Number (TIN): 520978750

Agency Location Code (ALC): 61-00-0001

DUNS#: 069287522

US Treasury Code: 61160100

ACCOUNTING DATA: – The accounting data will be provided each year.

**DOJ:**

Taxpayer ID Number (TIN): 52-1109-724

Agency Location Code (ALC): 15-01-0004

DUNS#: 112518001

US Treasury Code (Appropriation Code): 1510128

**IX. Basis of Cost Estimate**

a. Litigation support services for GC:	44/hr.	\$115.00	\$5,060.00
b. Litigation support services for GC:	88/hr.	\$115.00	\$10,120.00
c. Litigation support services for GC:	79,2/hr.	\$115.00	\$9,108.00
d. Litigation support services for GC:	440/hr.	\$40.00	\$17,600.00
e. Server storage			<u>\$10,000.00</u>
			\$51,888.00

**X. DOJ Project Officer**

Leonard Caston  
Department of Justice  
1100 L Street, N.W.  
Washington, D.C. 20530  
Phone: (202) 616-5025  
Fax: (202) 616-9012  
E-mail: [Leonard.Caston@usdoj.gov](mailto:Leonard.Caston@usdoj.gov)

**XI. CPSC Project Officer**

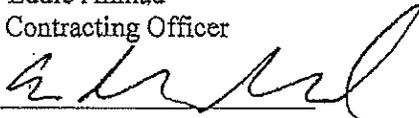
Gregory Reyes  
U.S. Consumer Product Safety Commission  
Office of the General Counsel  
4330 East West Highway  
Bethesda, MD 20814  
Phone: (301) 504-7220  
Fax: (301) 504-0403  
E-mail: [greyes@cpsc.gov](mailto:greyes@cpsc.gov)

**XII. Disagreements**

In the event the CPSC and DOJ have a disagreement arising under this IAG, the parties shall cooperatively seek to resolve the disagreement by themselves. If the disagreement cannot be resolved between them, the parties agree to seek the assistance of a third party in resolving the disagreement.

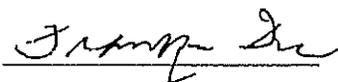
**XIII. Signatures**

For CPSC: Eddie Ahmad  
Contracting Officer

Signature: 

Date: 9/29/15

For DOJ:

Signature: 

Date: 9/29/15