

OFFICE OF ADMINISTRATIVE LAW

300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225 FAX (916) 323-6826
www.oal.ca.gov



SUSAN LAPSLEY
Director

March 10, 2010

**Update Regarding the 2010 Contract Process for Future Publication
of the Official California Code of Regulations
and the California Regulatory Notice Register**

In November 2009, the Office of Administrative Law (OAL) issued a "[Request for Information](#)," regarding the future publication of the Official California Code of Regulations (CCR) and the California Regulatory Notice Register (Notice Register). We would like to thank everyone who provided us with information or suggestions as well as those who requested to be added to our distribution list for further information. (A summary of the information comments, suggestions we received is attached. As public records, copies of the emails and letters we received are available upon request.)

As our Request for Information indicated, we intend to issue a Request for Proposals (RFP) in 2010 for the future publication of the CCR and Notice Register. We plan to issue the RFP by April 30, 2010. We expect to give interested contractors 90 days after the date of issuance to respond to the RFP. Please note that these dates are subject to change: The deadline for proposal submission and other key action dates will be clearly set forth in the RFP.

At this time, we invite any prospective contractor to visit our Sacramento office during the month of April 2010 to learn more about how state regulations are submitted, reviewed and filed with the Secretary of State prior to publication. To schedule a visit, please contact Linda Brown at 300 Capitol Mall, Suite 1250, Sacramento, California 95814; phone (916) 323-8915; fax (916) 445-9515; email lbrown@oal.ca.gov or CCRcontract@oal.ca.gov.

RESPONSES TO OAL'S REQUEST FOR INFORMATION

Each of the following paragraphs summarizes an email, letter or phone call OAL received in response to our Request for Information.

Larry Meyer, Law Librarian of the San Bernardino County Law Library, inquired by email whether there had been any discussion regarding the use of authentication of the on-line CCR for the future publication contract. Mr. Meyer attended a conference on authentication hosted by the American Association of Law Libraries. He stated that California could take a strong lead in the authentication and preservation of digital legal materials.

Gary Klockenga, Government Publications Librarian of the San Diego Public Library, urged that the CCR contract continue the practice of providing depository libraries with a free subscription to the CCR and Notice Register.

Vanessa Spady, Librarian of the Madera County Law Library, stated that some of the CCR binders are too full and recommended dividing them, particularly title 8, title 10 and title 14.

Scott Boyd, Executive Director and General Counsel of the Florida Joint Administrative Procedures Committee, provided information about a 2008 Florida law that requires rulemaking agencies to provide an electronic copy of materials incorporated by reference. The incorporated document is made accessible by means of a hyperlink within the text of a regulation. He urged OAL to consider creating a similar system in California. He stated that if OAL cannot afford to do that now, we might consider building an application that will allow these links to be easily added at a later time.

David McFadden, Senior Reference Librarian of the Leigh H. Taylor Law Library at Southwestern Law School, expressed concern about inaccessibility to Title 24, the Building Standards Code. He asked whether Title 24 could be included within the scope of the CCR publication contract.

Henry Calhoun, Senior Client Executive of SDL XySoft, asked whether there was funding in the state budget for the CCR publication contract.

Andrea Garvey, Director of the District of Columbia Office of Documents, provided information about their project to digitize the D.C. administrative code and publish it in an online database at www.dcregs.org.

David Dulberg of the California Department of Corporations, asked OAL to consider requiring the use of paper with a minimum of 30% postconsumer recycled content when printing the CCR and Notice Register. He stated that California state policy is to conserve and protect its natural resources by requiring that at least 50% of reportable paper purchases meet the 30% postconsumer recycled content requirement.

Julie Solomon of the California Department of Corporations, recommended that OAL require the use of paper with a minimum of 30% postconsumer recycled content for the annual APA rulemaking book.

Lawrence R. Meyer, President, Council of California County Law Libraries, provided the comments listed below:

Hardcopy version

1. Continue to provide subscriptions of the CCR and Notice Register to the California depository libraries and counties at no cost. Add the provision for each California county law library to receive the hardcopy CCR and Notice Register at no cost. Include register updates, binder replacement, and missing pages replacement at no cost.
2. Continue the provision for the CCR Master Table of Contents to be updated at least four times per year.
3. Add a provision for updating the CCR Master Index at least two times per year.
4. Continue to update the CCR with the weekly Regulatory Code Supplement register. Register updates will be delivered to California depository and county law libraries within 3 weeks after publication.
5. Include penalty for failure to perform provisions of the contract. One suggested penalty would be to preclude the contract awardee from bidding on the contract's next renewal.

Electronic versions

1. Continue to provide the CCR and Notice Register online and free to the public.
2. Continue to provide the option of the monthly CD-ROM version of the CCR to the California depository libraries and counties at no cost.
3. Require authentication of the online CCR and Notice Register. Authentication would be of a PDF document stamped with a digital authentication mark. For an example of a digitally signed authentic government publication, see the Federal Register produced by the Government Printing Office and published through FDsys. The digital signature is located in the upper left-hand corner <http://www.gpo.gov/fdsys/pkg/FR-2009-12-16/pdf/FR-2009-12-16.pdf>. Clicking on the digital signature gives a pop-up window with further information about the authenticity of the document.
4. Preserve and retain the online CCR and Notice Register. Archive previous versions online. Archived versions will be searchable in the same way as the current version.
5. Include a provision for the online CCR Master Table of Contents to be updated at least four times per year.
6. Add a provision for updating the online CCR Master Index at least two times per year.
7. Continue to update the online CCR by 5:00 p.m. Pacific Time, on the next business day following the date the weekly Regulatory Code Supplement has been issued.
8. Include a provision for the online CCR to use the "and" search standard. The search results will be greatly improved by requiring the default search connector be the Internet standard "and."
9. In addition to having "and" as the default search connector, we strongly recommend expanding search capabilities similar to that used by most vendors to effectively navigate electronic versions. The use of additional search connectors, the ability to browse, segment searching, search by citation and historical search by citation, and the ability to search by date and/or restrict your search by date are all typical features used to search online databases.
10. Provide cross-searchable Notice Registers in PDF. Include cross-entries and link tables and index for improved searchability. An example of searchable PDFs is provided by the California Office of the Attorney General in their "Search Legal Opinions" database, <http://ag.ca.gov/opinions/searchOpinions.php>.

11. Include penalty for failure to perform provisions of the contract. One suggested penalty would be to preclude the contract awardee from bidding on the contract's next renewal.

OAL additionally received two contacts that were outside the scope of the RFI in that the questions or comments were not relevant to the 2010 CCR publication contract process.

As public records, copies of all emails and letters OAL received in response to the RFI are available upon request. Please submit your request by email to CCRcontract@oal.ca.gov; or by letter, fax or phone call to Linda C. Brown, Deputy Director of OAL, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814; phone (916) 323-4228; FAX (916)445-9515.

CCR CONTRACT DISTRIBUTION LIST

In addition to the comments, suggestions and questions summarized above, OAL received requests for the following people to be added to our distribution list for future contacts about the CCR contract.

- Ann Bernardo, Director, Tulare County Public Law Library, Visalia, California
- Nikki L. Daugherty, Director, Government Content Acquisition, LexisNexis, Charlottesville, Virginia
- Johanna Flores, Long Beach, California
- Danielle Galvin, Vice President, Municipal Code Corporation, Tallahassee, Florida
- Alany Helmantoler, Concord, California
- Cliff Li, CommerNet, Inc., Pompano Beach, Florida
- William A. McKay, Business Manager, Barclays Law Publishers, San Francisco, California
- Lawrence Meyer, President, Council of California County Law Libraries, c/o San Bernardino County Law Library, San Bernardino, California
- Lisa Stokes, Manager, Government Contracts, Thomson Reuters, Eagan, Minnesota

PLEASE NOTE: If your name is not shown above and you would like to be added to the OAL distribution list for future communications on the 2010 CCR contract process, please email CCRcontract@oal.ca.gov; or submit your request by letter, fax or phone call to Linda C. Brown, Deputy Director of OAL, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814; phone (916) 323-4228; FAX (916)445-9515.