

**Report on Potential e-filing and
Electronic Case Management Solutions**

Submitted by:

**The Federal Mine Safety and Health Review
Commission**

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Introduction

Pursuant to Chapter 7 of Public Law 111-212, the “Supplemental Appropriations Act, 2010,” the Federal Mine Safety and Health Review Commission (FMSHRC or Commission) received an appropriation of \$3,800,000, all of which is available for one year from the date of enactment (July 29, 2010) for the purpose of reducing the existing case backlog before the Commission. In Senate Report 111-188, Congress stated its expectation that some of the supplemental funding provided to the Commission would be used to explore information technology solutions that would enhance the efficient processing and tracking of cases before the Commission. This is the Commission’s report on the results of its exploration to date on options for upgrades, the feasibility of such upgrades, and the associated costs.

Exploration of Options

FMSHRC has been actively exploring various electronic products and system designs to replace or upgrade its current case management system. Ultimately, a new or upgraded system will permit electronic filing, fully electronic case files, electronic assignment and distribution of cases, automated notifications to parties, secure access by litigants, case tracking, and other utilities. It would also ideally help to increase public access under the Freedom of Information Act and other transparency initiatives designed to promote greater public understanding of its activities.

The Commission assembled an ad hoc e-filing project team made up of Commission staff and contractors, who as a first step developed a list of general, high-level requirements that must be addressed in the new system. FMSHRC then consulted with other federal agencies using electronic filing systems regarding how a new system could be integrated with the current case tracking system. Through these consultations, we learned the importance of having a dedicated project manager and integrated project team on-site to oversee the development and integration of a new system. Careful attention to change management – that is, the process of prioritizing requirements and adjusting the system and associated processes to accommodate evolving requirements and technology – will be critical to a successful transition.

In order to learn about information technology solutions available in the marketplace and to estimate the cost of acquiring and implementing a system, FMSHRC published a Request for Information (RFI) in FedBizOpps on November 24, 2010. The RFI asked vendors to inform the Commission about market solutions that could fulfill the requirements identified by the FMSHRC e-filing project team, demonstrate the experience of the vendor in providing secure electronic filing systems to federal agencies, and provide price information for implementing the solution. The Commission received 16 responses to the RFI. The information provided in those responses has been and will continue to be very useful as the Commission continues to explore, prepare for, and ultimately implement electronic case filing and management.

FMSHRC has contracted with a research firm experienced in process evaluation and software assessment. The firm has extensive experience working with the Department of Labor's Mine Safety and Health Administration (MSHA) and Office of the Solicitor (SOL). As a result of this experience, the firm initiated its work for the Commission already possessing an in-depth understanding of the backlog of cases before the Commission, and the processes used by both MSHA and the Commission in processing those cases.

Under its contract with FMSHRC, the firm is evaluating the 16 responses to the RFI, providing recommendations on the options offered in those responses, the associated costs, and the feasibility of implementation. It will also develop a process map that reflects how cases are currently processed at the Commission from receipt through disposition. This process map will help the Commission identify any inefficiencies in case processing that could be addressed prior to implementing a new system, highlight best practices that could be rolled out uniformly across the Commission, and also assist the Commission and a future system provider in prioritizing key requirements to customize and implement a technological solution.

Finally, the research firm will advise the Commission on developing a system of records that relies on electronic, rather than paper, files. This is an important long-term cost-saving aspect to electronic case management. Currently, the Commission is required to reinforce the floor of its docket office in order to ensure sufficient support for the many closed case files that are not yet scheduled to be sent to the Archives. The Commission's lease on its current Headquarters in Washington, D.C. will expire at the end of FY 2012. Thus, corollary goals of electronic case management are to reduce the amount of contract staff, office, and storage space needed for the docket office and to eliminate the need for reinforced flooring as the vast majority of all files are retained electronically.

Findings

The RFI responses and their analysis have provided FMSHRC with a great deal of valuable information regarding market solutions to e-filing and electronic case management. We anticipate using this information to develop a Request for Proposals in the future.

Through the RFI responses, the Commission has learned that moving to e-filing and electronic case management is entirely feasible. However, there are a number of considerations that must be taken into account as we move forward. One is whether the system will be cloud-based or on-site. The Office of Management and Budget, in its "25 Point Implementation Plan to Reform Federal Information Technology Management" (<http://www.cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf>) issued a "Cloud First" policy for the federal government. The policy stipulates that "when evaluating options for new IT deployments, OMB will require that agencies default to cloud-based solutions whenever a secure, reliable, cost-effective cloud option exists."

The Commission is a small agency without a robust information technology department, so even absent OMB's "cloud first" guidance, our inclination is to avoid owning and servicing servers and instead to look to a cloud-based solution. However, even without hosting the system on-site, FMSHRC's current network, hardware and software require upgrading for the systems to be effective.

RFI respondents were asked to estimate the cost of implementing any recommended solution, and most provided a rough order of magnitude cost estimate, noting that the information provided in the RFI was insufficient to provide a more precise estimate of cost. In addition, the cost estimates provided varied widely depending on what was included in the estimate, such as necessary hardware to support the system, software licenses, term of licenses, and professional services provided. Based on the information provided by respondents, and an internal assessment of our current IT infrastructure, FMSHRC estimates that the first year cost of acquiring and implementing a comprehensive electronic solution will be approximately \$1,000,000. This estimate includes acquiring a system, any required software and licenses for the first year, professional services to customize and integrate the system, and necessary upgrades to the Commission's current network, hardware and software.

Conclusion

The President's FY 2012 Budget includes \$1,000,000 for e-filing and electronic case management. In the interim, FMSHRC will continue to take purposeful steps to lay the groundwork for the ultimate solution. Those steps include examining and streamlining its current processes, increasing automation of certain steps in the process, and other enhanced use of information technology.