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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

THE DIRECT MARKETING ASSOCIATION,

Plaintiff,

v. Civil Action No.: 10-CV-01546-REB-CBS

ROXY HUBER, in her capacity as
Executive Director, Colorado
Department of Revenue,

Defendant.

DEPOSITION OF F. CURTIS BARRY

October 19, 2010

Sandston, Virginia

HALASZ REPORTING & VIDEO
P. O. Box 1644
Richmond, VA 23218-1644
(804) 741-5215

Reported by: Mary L. Rosser, RPR

HALASZ REPORTING & VIDEO

1 someone to make a proposal for how to, in effect, achieve
2 those desired objectives?

3 A Yes.

4 Q For an individual project when you put out a
5 request for proposal, do you send it to only one vendor
6 or one company?

7 A Rarely, rarely ever.

8 Q How many, typically, are asked to provide a
9 response to a request for proposal?

10 A For a big system, three or four.

11 Q So with regard to the 120 projects over the last
12 decade or so, those would have had perhaps three or four
13 vendor responses to a request for proposal for any
14 individual project?

15 A For that kind of a project, yes.

16 Q So you've probably reviewed, in your estimate,
17 how many requests for proposal in the last 10 years, in
18 regard to modifying direct marketer systems or developing
19 such systems?

20 A Well, probably half of those 120, if that's an
21 accurate number. We use a number in the 25-year period
22 that we've been involved with 300 or 400 systems projects
23 of varying scales. So, you know, maybe half of those
24 we're looking at either an RFP somebody else has sent
25 out, looking at the results, trying to help them make the

1 right decision.

2 Q So would it be fair to say hundreds of RFPs
3 you've reviewed in the last --

4 A Of various different kinds. Some are marketing,
5 you know, some are order management, some are web.

6 Q Okay. To prepare this report, you didn't
7 consult any one of those specific RFP responses?

8 A No.

9 Q So you've acquired experience over the years
10 from having worked in this field with company systems,
11 both in terms of putting out bids for RFP and also
12 working on them internally?

13 A Yes.

14 Q You relied on that experience?

15 A Solely on -- pretty much on that experience.

16 Q Were you attempting to determine the costs of
17 compliance with Colorado House Bill 10-1193 and the
18 regulations for any particular company?

19 A No.

20 Q What was your objective?

21 A It was to determine what would be all the
22 changes in a general, big-picture way that the companies
23 will be required to answer, and then to come up with what
24 a reasonable estimate was, in terms of being
25 conservative, what those added costs are going to be.