

**STATE OF NORTH DAKOTA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
RURAL HEALTH TRANSFORMATION PROGRAM
600 E. BOULEVARD AVE., DEPT. 325
BISMARCK, ND 58505**

Solicitation Number: SRC000403

Solicitation Type: Request for Proposal (RFP)

RFP Title: Rural Health Transformation Program (RHTP) Fit, Focused and Friendly Marketing and Advertising Campaign

Issued: August 13, 2026

Purpose of RFP: The state of North Dakota, acting through its North Dakota Department of Health and Human Services (NDHHS) Rural Health Transformation Program (RHTP) (STATE) is seeking a qualified advertising and marketing agency to manage a comprehensive statewide campaign promoting physical activity, social engagement, and healthy recreation among school-aged children through the ND Moves “Fit, Focused and Friendly” initiative...

Procurement Officer: Connie Faulkner

RHTP is supported by Centers for Medicare & Medicaid Services (CMS) of the U.S. Department of Health and Human Services (US HHS) as part of a financial assistance award totaling \$198,936,969.55 with 100 percent funded by CMS/US HHS. The contents are those of STATE and do not necessarily represent the official views of, nor an endorsement, by CMS/US HHS, or the U.S. Government.

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SECTION ONE INTRODUCTION AND INSTRUCTIONS

1.01 Purpose of the RFP

The state of North Dakota, acting through its North Dakota Department of Health and Human Services Rural Health Transformation Program (RHTP) (STATE) is seeking is seeking qualified advertising and marketing vendors to submit a proposal to develop, execute and evaluate a comprehensive marketing campaign for its ND Moves “Fit, Focused and Friendly” initiative. This initiative is a statewide program designed to encourage school-aged children to become more physically active, socially engaged, and involved in healthy recreational activities. The selected vendor will serve as a strategic partner responsible for campaign planning, creative development, media strategy, campaign implementation, and performance measurements.

1.02 Procurement Officer Contact Information

The Procurement Officer is the point of contact for this RFP. Offerors shall direct all communications regarding this RFP to the Procurement Officer. Do not add the Procurement Officer to any marketing distribution lists.

Procurement Officer: Connie Faulkner

E-Mail: cfaulkner@nd.gov

Phone: 701-298-4872

TTY Users Call: 7-1-1

A person or firm interested in submitting a proposal should ensure all communications related to the procurement are only with the designated point of contact. This section does not restrict communication with state officials or any member of the legislative assembly unless the state official or member of the legislative assembly is involved directly with the procurement for which the person is interested or has submitted a bid or proposal ([N.D.C.C. § 54-44.4-01.1](#)).

Engaging in unauthorized communication or seeking to obtain information about an open solicitation with any state employee or official other than the responsible Procurement Officer or designee is sufficient grounds for suspension or debarment [[N.D.A.C. § 4-12-05-04\(7\)](#)].

1.03 RFP Schedule

This schedule of events represents STATE’s best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the Deadline for Receipt of Proposals, is delayed, the rest of the schedule will be shifted by the same number of days. The estimated RFP Schedule is as follows:

RFP Schedule	Dates	Time (CT)
RFP Issue Date	August 13, 2026	
Deadline for Submission of Questions and Objections	August 19, 2026	12:00 p.m.
Approximate issue date of Solicitation Amendment with responses to questions, if applicable	August 26, 2026	5:00 p.m.
Deadline for Receipt of Proposals	September 9, 2026	12:00 p.m.
Approximate issue date of Notice of Intent to Award	September 21, 2026	5:00 p.m.
Approximate Contract Start Date	September 29, 2026	

1.04 Assistance to Individual with a Disability

Contact the Procurement Officer, as soon as possible, if an individual with a disability needs assistance with this RFP, including any events in the RFP Schedule, so reasonable accommodation can be made.

1.05 Secretary of State Registration Requirements

The North Dakota Secretary of State has registration requirements for individuals and businesses transacting business in North Dakota. If the successful offeror is determined to have a registration requirement with the North Dakota Secretary of State, they must be registered before the contract award and registration must remain active for the duration of the contract period ([N.D.C.C. § 54-44.4-09.1](#)).

See the OMB [Guidelines to Vendor Registry](#) for more information.

Visit the Secretary of State's [Vendor Registration](#) webpage for information on registration requirements and fees. Visit [FirstStop](#), the Secretary of State's business and licensing software, for online form options.

Check the [Business Records](#) database to see if a business is registered.

Contact [Secretary of State's](#) office by [email](#) or call 701-328-2900 (choose menu item 2, then option 1).

If you need to register, fees apply.

Vendors may need to obtain businesses licenses. See the [list of licenses required of businesses](#) in the State of North Dakota. The link includes information on who to contact, application fees, renewal dates, and the legal reference.

1.06 Bidders List Registration

Individuals or business entities desiring to be notified of bidding opportunities may apply to be placed on the Bidders List ([N.D.C.C. § 54-44.4-09](#)). Bidders Lists are used to notify vendors when solicitations are issued on the State's procurement information system (NDBuys). Placement on the Bidders List does not guarantee a vendor will receive notice of every solicitation ([N.D.A.C. § 4-12-05-01](#)). There are no fees to register as a bidder.

Bidders applying for the Bidders List must provide contact information for receiving solicitation notices, Tax ID, address, and phone information. Bidders must also select the commodity codes to identify categories of goods, services, and information technology.

The commodity code used for this solicitation is: 91523, 96260, 91876, 91522, 96153, 91821, 91501, and 91807

Visit the OMB website for instructions and the online Bidders List Application: [Bidders List Registration Website](#). For assistance with Bidders List Registration, contact State Procurement Help Desk at 701-328-2740 or ndbuys@nd.gov.

1.07 SAM Registration Federal Registration, Debarment, and Exclusion Certification

Rural Health Transformation Initiative (RHTI) – CMS Funded Procurement Applicability (RHTI only):

This solicitation is funded in whole or in part by RHTI, supported by federal funds, awarded by CMS. Accordingly, federal requirements apply in accordance with:

- 2 CFR Part 25 (System for Award Management)
- 2 CFR Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension)
- 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- 2 CFR Part 3000 (HHS Adoption of 2 CFR Part 180)
- 48 CFR (FAR) 4.1102
- FAR 52.204-7 (System for Award Management)
- FAR 52.209-6 (Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment)
- NDCC Chapter 54-44.4 (North Dakota Procurement Practices)

The following requirements apply:

1. System for Award Management (SAM) Registration

All offerors must:

- Be actively registered in the federal SAM (www.sam.gov) before signing a contract.
- Possess a valid Unique Entity Identifier (UEI);
- Maintain active SAM registration throughout the period of contract performance; and
- Update SAM registration at least annually to prevent lapse.

Contract award is contingent upon verification of active SAM registration. No contract shall be executed, and no payment shall be made to an entity with inactive SAM status.

2. Debarment, Suspension, and Exclusion Certification

By submitting a proposal, the offeror certifies that:

- The offeror is not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal transactions;
- The offeror is not listed in the SAM Exclusions database;
- The offeror is not listed on the US HHS Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE);
- The offeror is not excluded from participation in federal health care programs; and
- The offeror will not subcontract with any entity or individual that is debarred, suspended, or otherwise excluded from federal participation.

If, during the term of the contract, the successful offeror becomes debarred, suspended, excluded, or otherwise ineligible, the successful offeror must immediately notify STATE, in writing.

3. Ongoing Compliance (RHTI Only)

The successful offeror shall:

- Verify the eligibility status of all subcontractors prior to execution of any subaward or subcontract;
- Maintain documentation demonstrating compliance with federal exclusion verification requirements;
- Provide documentation upon request by STATE, CMS, or authorized federal oversight entity; and
- Comply with all CMS grant conditions applicable to RHTI funding.

Failure to comply with these requirements may result in:

- Withholding of payments;
- Suspension of performance;
- Termination for cause; and/or
- Referral to appropriate federal authorities.

1.08 Notice Provided

This RFP and any related amendment and notices will be posted on NDBuys, State's procurement information system. Offerors are responsible for checking the NDBuys system to obtain all information and documents related to this RFP:

<https://public.ndbuys.nd.gov/>.

Notices related to this RFP will be sent to the Bidders List for the needed commodity or service and other known potential offerors.

Offerors that are registered for the Bidders List and would like to receive notices related to this RFP, locate the solicitation in NDBuys and select the "Participate in RFx" button. If you do not see the "Participate in RFx" button, contact the Procurement Officer to confirm you are already included in the list of offerors to receive notices for the solicitation.

Offerors that have not yet registered for the Bidders List and would like to receive notices related to this RFP and must complete the bidders list registration. See NDBuys Quick Reference Guides at <https://www.omb.nd.gov/doing-business-state/bidders/bidding-opportunities-and-resources> for how to register.

This RFP will also be posted on the North Dakota Department of Health and Human Services website: [Solicitation Notice | Health and Human Services North Dakota](#)

1.09 Pre-Proposal Conference

No pre-proposal conference will be held for this RFP.

1.10 Deadline for Submission of Questions and Objections

Offerors should carefully review this RFP, including all attachments. Offerors may ask questions to obtain clarification, request additional information, or object to material in the RFP. Questions and objections must be submitted to the Procurement Officer, in writing, the Deadline for Submission of Questions and Objections identified in the RFP Schedule.

- 1) Offerors may submit questions within NDBuys using the “Discussions Tab” in the system (see the [OMB website](#) for a quick reference guide); or
- 2) Offerors may email the question directly to the Procurement Officer.

The Procurement Officer may elect to respond to questions received after the Deadline for Submission of Questions and Objections.

Questions and objections should include a reference to the applicable RFP section or subsection.

Responses to questions and requests for clarification will be distributed as a Solicitation Amendment, unless the question can be answered by referring the offeror to a specific section of the RFP.

1.11 Amendments to the RFP

If an amendment to this RFP is issued, it will be provided to all offerors on the Bidders List for the solicitation and to those prospective offerors who have contacted the Procurement Officer to receive notices related to the RFP. All amendments to this RFP will be issued on NDBuys, and an offeror shall include in its proposal any required acknowledgements of amendments to the RFP.

1.12 Proposal Submission Instructions

Offeror must electronically submit proposals through the State’s procurement information system (NDBuys) by the Deadline for Receipt of Proposals <https://public.ndbuys.nd.gov/>.

DO NOT WAIT UNTIL THE “LAST MINUTE” TO SUBMIT A RESPONSE. It is recommended that proposals be uploaded 24 hours prior to the Deadline for Receipt of Proposals.

Offeror must begin the electronic submission process well in advance of the Deadline for Receipt of Proposals to allow for transmission and resolution of any technical difficulties. Be advised that the STATE is not responsible for an offeror's failure to timely submit a proposal due to any technical difficulties. If you experience any technical difficulties contact, the Procurement Officer or the State Procurement Office at ndbuys@nd.gov or 701-328-2740.

If documents are in the process of being uploaded when the Deadline for Receipt of Proposals occurs, the upload process will stop. The attempted submission will not be uploaded successfully and is ineligible for consideration. The STATE takes no responsibility for electronic submissions that are captured, blocked, filtered, quarantined, or otherwise prevented from uploading by any anti-virus or other security software.

To participate in the solicitation, offeror must register as a supplier within NDBuys. Offeror must log into their NDBuys account using a North Dakota Login (ND Login) and complete the supplier registration to submit a response to the solicitation.

Offeror will not be able to respond to a solicitation without registering first.

Visit <https://www.omb.nd.gov/doing-business-state/bidders/bidding-opportunities-and-resources> for the NDBuys Quick Reference Guides which describe how to submit an electronic response.

Offeror must upload their Technical Proposal and Cost Proposal in separate files. The maximum file size allowed is 56mb or 56,120 KB per file.

DO NOT submit documents that are embedded (zip files), movies, wmp, encrypted, or mp3 files.

Offeror will be able to confirm that a response has been submitted by reviewing the History tab of the solicitation and confirming that proposal status is submitted. If offeror DOES NOT see that it has been submitted, the upload was NOT successful. Contact the Procurement Officer or the State Procurement Office at ndbuys@nd.gov or 701-328-2740.

1.13 Proposal Receipt Deadline – Late Proposals Rejected

An offeror is responsible for ensuring its proposal is received by STATE prior to the Deadline for Receipt of Proposals identified in Section 1.03 RFP Schedule. A Solicitation Amendment will be issued if this deadline is changed. An offeror may contact the Procurement Officer to inquire whether its proposal has been received. Offerors assume the risk of the method of dispatch chosen. STATE assumes no responsibility for delays caused by any delivery service. Postmarking by the Deadline for Receipt of Proposals shall not substitute for actual proposal receipt by STATE. Proposals delivered late will be rejected pursuant to [N.D.A.C. § 4-12-08-13](#).

1.14 Proposal Opening

This is a formal sealed RFP process. Proposals will be secured and held unopened until the Deadline for Receipt of Proposals. A public opening will not be held.

1.15 News Releases

An offeror shall not make any news releases related to this RFP without prior approval of the Procurement Officer.

1.16 Attempt to Influence Prohibited

Offerors must not give or offer to give anything to a state employee or official anything that might influence, or appear to influence, procurement decisions. Suspected attempt to influence will be handled in accordance with [N.D.A.C. § 4-12-04-05](#).

1.17 Collusion Prohibited

Offerors must prepare proposals independently, without collusion. Suspected collusion will be handled in accordance with [N.D.A.C § 4-12-04-06](#).

1.18 Specifications Prepared by Non-State Personnel

When a purchasing agency has specifications prepared by someone other than a state employee or official on behalf of the STATE, that person or business entity must be excluded from submitting bids or proposals in accordance with [N.D.A.C. § 4-12-06-06](#).

1.19 Supplier Registration (Payee)

The successful offeror must be registered as a Supplier to submit a proposal and or receive payment for supplies or services rendered.

Payments are generally made by check or automatic clearing house (ACH), and taxpayer information must be collected in compliance with IRS requirements.

The STATE and North Dakota University System (NDUS) have separate financial systems and vendor registration processes.

SECTION TWO SCOPE OF WORK

2.01 Background Information

STATE is soliciting proposals for an offeror to develop a statewide Fit, Focused and Friendly named schools and community-based initiative that inspires children to increase daily physical activity, develop healthy lifelong habits, participate in organized sports and recreational activities, build friendships through positive social engagement, improve emotional well-being through active play and teamwork, and reduce sedentary behaviors and digital dependency.

This campaign should take a simple, practical, and visual first approach to engage and inspire both children and the adults who influence them; including parents, caregivers, educators, coaches, established athletes and community organizations from every area of ND, with a special focus on rural schools, tribal entities and smaller communities first, scalable to learning institutions throughout in ND.

As part of Public Law 119-21, Congress established the \$50 billion [RHTP](#) to help rural communities reimagine their health care delivery systems and improve health outcomes. This program, administered by CMS, aims to address longstanding health-care challenges facing rural and tribal communities.

North Dakota is taking bold, practical steps to restore health, stability and prosperity to America's heartland. North Dakota Department of Health and Human Services (ND HHS) developed its RHTP to focus on creating new access points, modernizing care delivery and empowering local providers to meet the needs of their communities through sustainable investments. North Dakota's plan, as indicated in the [RHTP application and supporting documents](#), includes four initiatives:

- Initiative 1: Make North Dakota Healthy Again
- Initiative 2: Strengthen and Stabilize Rural Health Workforce
- 1. Initiative 3: Bring High-Quality Health Care Closer to Home
- Initiative 4: Connecting Technology, Data and Providers for a Stronger North Dakota

This effort falls within Initiative 1: the Make North Dakota Healthy Again Pillar. (More information on the ND HHS website.)

Following approval from CMS, ND HHS is launching multiple funding opportunities as part of North Dakota's five-year RHTP effort. These opportunities are designed to support practical, locally driven solutions that help rural and tribal communities stay healthy and strong. Funding opportunities will be released in phases, with individual applications announced over time. Eligible applicants may apply for more than one funding opportunity; there is no limit to the number of applications that can be submitted.

2.02 Budget

The budget for the period of contract execution through August 31, 2027, is not to exceed \$750,000-\$1,000,000, inclusive of production cost, materials produced and any added value ideas submitted. Proposals priced at more than \$1,000,000 will be considered non-responsive.

The proposed budget shall include all costs associated with planning, coordination, production of materials, venue management, talent recruitment, event production, travel, communications, school engagement, awards administration, evaluation activities, and project management necessary to successfully execute the campaign.

2.03 Scope of Work

The scope of work is intended to describe specific expectations and services that the successful offeror will be responsible for completing once awarded.

The State seeks a full-service advertising and marketing agency to plan, develop, implement, manage, and evaluate a statewide campaign for the ND Fit Focus and Friendly campaign/program. The campaign will promote physical activity and healthy lifestyle choices among North Dakota children and families and support sustained participation by schools, communities, local athletes, businesses, and other partners.

The successful campaign will inspire children and families to embrace healthier lifestyles by making physical activity fun, accessible, and rewarding. Thorough compelling storytelling, strategic media placement, and meaningful community engagement, the Fit Focused and Friendly campaign should become a recognizable, timely and trusted movement that effectively encourages every child, regardless of background, to be active, connected, and confident. Value-added ideas for this campaign outside of these initial parameters are welcome in the context of this proposal with all costs being incurred within the scope of the current budget.

The successful offeror must provide sufficient staffing, expertise, project management, creative services, media services, production support, community-engagement support, and performance reporting to complete the work.

Complete proposal format and content requirements are outlined in Section 4. The offeror must provide a detailed response to each section below, including its proposed approach, methods, staffing, assumptions, estimated schedule, and associated costs.

A. Campaign Goals

The successful offeror will develop and implement a campaign that addresses the following goals. Offerors should address how each goal will be achieved and measured. Proposed performance measures may include awareness, enrollment, participation, reach, engagement, social media and website activity, partner involvement, and repeat participation.

1. Increase awareness of the Fit Focus and Friendly program.
2. Encourage enrollment and participation.

3. Motivate children to be physically active every day.
4. Promote healthy lifestyle choices.
5. Encourage family participation in physical activities.
6. Build positive brand recognition throughout the community.
7. Drive engagement through digital and traditional media.
8. Activate local athlete hero influencers.
9. Support long-term community participation.

B. Target Audiences

The successful offeror will develop messaging, creative content, media placement, and outreach strategies appropriate for the identified audiences. Offerors must demonstrate an understanding of each potential audience, including who they are, what motivates them, what may prevent them from participating, how and where they receive information, who influences their decisions, and what types of messages and outreach methods are most likely to reach and engage them. Offerors should address how the proposed approach will be adapted for each audience, including the intended role of each secondary audience in influencing participation, distributing information, providing activities, referring families, sponsoring events or reinforcing campaign messages.

1. Primary Audience-Children ages 5 through 18. The offeror must consider age-appropriate segmentation, including differences in interests, geographic and societal challenges, media use, motivation, literacy, and parental involvement among elementary, middle-school, and high-school audiences.
2. Secondary Audience-Parents and guardians, teachers, school administrators, coaches, youth organizations, local athletes, community leaders, healthcare providers, local businesses, and community partners.

C. Scope of Services

The successful offeror must provide full-service advertising and marketing support, including, but not limited to, the following services.

1. Strategic planning for documented campaign strategy

The successful offeror will develop a documented campaign strategy. Offerors should address the research, State input, approvals, and partner coordination needed to complete the strategic planning work.

- a. Campaign Strategy-Overall approach for achieving the campaign goals and reaching the identified audiences.
- b. Audience Research-Review of available information, identification of gaps in existing audience information, including audience needs, motivations, barriers, communication preferences, and behaviors and, when proposed, collection of additional information through surveys, interviews, focus groups, stakeholder engagement, market research, or other methods.
- c. Messaging Framework-Core messages, supporting messages, calls to action, and recommended message variations by audience.
- d. Communication Plan-Audiences, communication objectives, channels, frequency, responsible parties, and intended outcomes.
- e. Brand Positioning-Recommended position for Fit Focus and Friendly in

relation to other health, wellness, school, recreation, Tribal and community initiatives.

- f. Marketing Calendar-Schedule of planned campaign activities, media placements, content releases, seasonal promotions, events, and reporting periods.

2. Creative Development for defined and consistent campaign

The successful offeror will develop a defined and consistent creative campaign. Offerors should address the creative development process, State approvals, production requirements, and adaptations needed for different audiences, communities, campaign partners and media channels. Creative materials must be inclusive, age appropriate, accessible, suitable for statewide use, and capable of adaptation for different communities and campaign partners. All concepts and final materials are subject to State review and approval.

- a. Campaign Theme-A unifying concept that can be used across audiences, channels, and campaign phases
- b. Tagline-A concise and memorable campaign statement/mission, subject to State approval.
- c. Visual Identity-Recommend visual elements that distinguish the campaign while remaining consistent with applicable State and approved program branding.
- d. Graphic Design-Design of materials for digital, print, event, school, partner, and community use.
- e. Photography Direction-Recommended imager, shot lists, settings, representation, usage rights, and production approach.
- f. Video Concepts-Concepts and scripts appropriate for digital, social, streaming, television, school, and community use. Final video must be professionally produced and delivered in the appropriate formats, sizes, lengths, and technical specifications for each channel identified in the approved media plan.
- g. Copywriting: Audience-appropriate campaign copy, headlines, calls to action, scripts, captions, and supporting text.
- h. Digital Creative Assets-Adaptable assets in the formats and dimensions required for approved digital platforms.

3. Media Planning and Buying

The successful offeror will develop, manage the approved media plan and purchase media placements within the overall contract budget. Offerors should address the recommended media mix based on audience research, campaign goals, geographic coverage, cost efficiency, anticipated reach, and measurable performance. Offerors must disclose whether media will be purchased directly, through subcontractors, or through third-party platforms.

- a. Develop and manage a media plan using audience and geographically appropriate combinations of:
 - 1) Print publications
 - 2) Social media advertising

- 3) Streaming platforms
 - 4) Digital display advertising
 - 5) Search engine advertising
 - 6) Radio
 - 7) Television
 - 8) Outdoor advertising
 - 9) School communications
 - 10) Community newsletters
 - 11) Other appropriate media channels proposed by the offeror
- b. Media Plan must identify:
- 1) Recommended channels and placements
 - 2) Target audience and geographic area for each placement
 - 3) Timing and frequency
 - 4) Estimated reach, impressions, and anticipated engagement
 - 5) Media and production costs
 - 6) Agency fees, commissions, and markups
 - 7) Approach for optimizing medial placement and performance
 - 8) Method for verifying placement and performance

4. Digital Marketing

The successful offeror will provide digital marketing services. Offerors should address the proposed approach and identity; and proposed digital tools, platforms, software, subscriptions, data collection, tracking technology, or third-party services.

- a. Social Media Campaign Development-Development of channel-specific strategies, content, calls to action, and engagement approaches appropriate for school-age children in North Dakota, including consideration of age, platform use, parental involvement, school policies, and applicable privacy and safety requirements.
- b. Content Calendar-A schedule of organic and paid content, campaign themes, key dates, partner content, and approval deadlines.
- c. Paid Social Advertising-Targeting, placement, monitoring, testing, and optimization of paid campaigns.
- d. Digital Video Advertising-Development and placement of video appropriate for social, streaming, display, and other digital environments.
- e. Email Marketing Support-Recommended email content, templates, schedules, audience segmentation, and performance measures.
- f. Website Recommendations-Recommendations related to campaign content, usability, accessibility, navigation, enrollment, and conversion.
- g. Landing-Page Strategy-Recommended landing pages, user pathways, calls to action, tracking, and conversion measures.
- h. Search Engine Marketing (SEM)-Paid-search strategy, keyword development, advertising, monitoring, and optimization.
- i. Search Engine Optimization (SEO)-Recommendations for keywords, content, metadata, site structure, and other measures intended to improve organic search visibility.

5. Community Engagement

The successful offeror will recommend and support community engagement strategies. Offerors should address how each proposed strategy will be developed, implemented, supported, and measured. For each recommended strategy, the offeror must describe the intended audience and objective, proposed activity, roles, recruitment and participation approach, required materials and support, schedule, anticipated costs, and method for measuring participation and results. Any youth ambassador or influencer activity must include appropriate safeguards, permissions, content standards, disclosure requirements, and State approval.

- a. School partnerships
- b. Community events
- c. Tribal partnerships
- d. School fitness challenges
- e. Local business partnerships
- f. Youth ambassadors
- g. Influencer partnerships
- h. Seasonal promotions
- i. Community outreach materials
- j. Sports partnerships

For each recommended strategy, the offeror must describe:

- a. Intended audience and objective
- b. Proposed activity
- c. Role of the offeror, State, and participating partner
- d. Recruitment and participation approach
- e. Materials and support required
- f. Proposed schedule
- g. Anticipated costs
- h. Method for measuring participation and results

Any youth ambassador or influencer activity must include appropriate safeguards, permissions, content standards, disclosure requirements, and State approval.

6. Campaign Implementation

The successful offeror will manage campaign implementation. Offerors should address the processes, staffing, controls, coordination, approvals, and communication methods that will be used to manage the work. The offeror must designate a primary project manager and provide a process for issue escalation, change control, approvals, and communication with the State.

- a. Production Schedules-Detailed schedules for creative development, approvals, production, placement, and delivery.
- b. Vendor Coordination-Coordination of subcontractors, media outlets, printers, production companies, photographers, videographers and other vendors.
- c. Media Placement-Placement, verification, monitoring, reconciliation, and documentation of approved media purchases.
- d. Budget Tracking-Current tracking of authorized costs, committed amounts, actual expenditures, remaining balances, and projected expenses.

- e. Quality Control-Review of materials for accuracy, consistency, accessibility, technical requirements, and compliance with approved branding and messaging.
- f. Campaign Optimization-Adjustments based on performance data, audience response, placement results, participation information, and State direction.

D. Reporting and Evaluation

The successful offeror will provide ongoing reporting and campaign evaluation. Offerors should address the proposed reporting schedule, dashboard format, data sources, methodologies, reporting periods, limitations, baseline measures, measurable targets for State approval, and process for comparing planned and actual performance and explaining material variances.

1. Campaign performance
2. Media analytics
3. Website traffic
4. Social media metrics
5. Reach and impressions
6. Engagement rates
7. Participation inquiries
8. Recommendations for optimization
9. Final campaign results

The final campaign evaluation report must summarize:

1. Work completed
2. Media and community activities
3. Expenditures
4. Performance against approved goals and measures
5. Audience and geographic reach
6. Enrollment or participation results, when available
7. Lessons learned
8. Recommended improvements
9. Recommendations for sustaining or expanding the campaign

E. Deliverables

The successful offeror will provide the following deliverables. Offerors should address the proposed contents, format, completion date, State input required, review process, and number of revisions included for each deliverable. Final deliverables must be provided in both publication-ready formats and editable source formats acceptable to the State. The offeror must maintain organized documentation of approvals, licenses, releases, media purchases, performance data, and final files.

1. Comprehensive campaign strategy
2. Creative campaign concept
3. Brand standards, if needed
4. Marketing plan
5. Media plan
6. Advertising creative

7. Digital advertisements
8. Video assets
9. Radio scripts
10. Print advertisements
11. Social media toolkit
12. Community outreach toolkit
13. Campaign performance dashboard
14. Final campaign evaluation report

F. Governor's Healthy Hero Awards

The successful offeror will develop and implement the Governor's Healthy Hero Awards, an awards program intended to recognize and reward individuals, families, schools, organizations, businesses, communities, and other participants whose efforts advance the goals of Fit Focus and Friendly. The awards program may include opportunities for participation by the Governor or a designated representative, as approved by the State.

Offerors should address the proposed awards-program structure, administration, promotion, selection process, safeguards, costs, and measurement of program reach and impact. The awards process must be objective, transparent, consistently applied, and subject to State approval. Offerors must clearly distinguish recognition awards from any proposed monetary, gift, travel, or other items of value and separately identify the cost, administration, eligibility, and legal or policy considerations associated with such items.

1. Purpose and relationship to the overall campaign
2. Award categories
3. Eligibility requirements
4. Nomination or application process
5. Evaluation and selection criteria
6. Selection process and proposed reviewers
7. Conflict-of-interest safeguards
8. Award frequency and schedule
9. Recognition format
10. Event or presentation recommendations
11. Promotional strategy
12. Nominee and recipient communications
13. Award materials, certificates, graphics, and recognition assets
14. Documentation and recordkeeping
15. Measurement of program reach and impact

G. State Review and Approval

The State will retain final approval authority over campaign strategy, messaging, creative concepts, public-facing materials, media plans, expenditures, partnerships, awards criteria, and final deliverables.

The successful offeror may not publish, distribute, place, or release materials without the approvals required by the contract. State review does not relieve the offeror of

responsibility for accuracy, quality, accessibility, licensing, or compliance with contract requirements.

H. Applicable Policy and Security Requirements

Offerors must acknowledge they will comply with the following requirements:

1. Policy Requirements

The successful offeror shall be solely responsible for the development, implementation, and oversight of its internal policies and related documentation.

Successful offeror is required to maintain documentation demonstrating that all policies are reviewed and updated, at least annually, to ensure ongoing staff competency and program compliance. While STATE may request and collect these documents to verify the existence and review of internal policies, it does not review, approve, or endorse any agency policies, procedures, or practices. Submission of such documentation shall not be construed as STATE approval or as acceptance of oversight responsibility. The successful offeror shall remain fully accountable for compliance with all applicable laws, regulations, and contractual obligations.

1. Safety and Risk Management
2. Confidentiality
3. Employment Practices

Successful offeror must comply with any STATE-created Policies and Procedures as they are released/revised and deemed applicable to the program.

2. Compliance and Confidentiality Requirements:

Successful offeror shall maintain confidentiality and comply with all applicable federal and state laws, federal regulations, and state administrative codes governing confidentiality, including the HIPAA, 42 C.F.R Part 2 Confidentiality of Substance Use Disorder Patient Records, North Dakota Century Code § 50-06-15, and Administrative Code Title 75.

Develop and use appropriate procedural, physical, and electronic safeguards to protect against the use or disclosure of Protected Health Information (PHI) in a manner not authorized by the Agreement or required by law.

Implement and comply with the standards set forth at Subpart C of 45 CFR Part 164, with respect to ePHI to reasonably and appropriately protect the confidentiality, integrity, and availability of the ePHI, including use both physical and electronic access controls; and perform regular vulnerability and penetration testing.

3. Coordination, Communication, Documentation, and Data Security Requirements

Successful offeror shall actively participate in all scheduled meetings as requested by STATE. In addition to scheduled meetings, successful offeror shall engage in regular communication with STATE to make timely and appropriate adjustments aimed at reducing risk factors. Close and ongoing collaboration with STATE is essential to achieving the best possible outcomes.

Successful offeror shall use a secure, encrypted email system for all communications involving PHI, including but not limited to information protected under 42 CFR Part 2 and any other sensitive or confidential data. All electronic transmissions and exchanges of documents with STATE must fully comply with applicable federal and state privacy and security laws, including HIPAA and any additional confidentiality requirements. Successful offeror shall maintain and demonstrate the capability to securely transmit documents and data upon request by STATE, using encryption and security protocols that meet or exceed current regulatory standards.

STATE will become the sole owner of any materials that are developed, branded, and produced under this RFP.

2.04 Location of Work

STATE will not provide workspace for the successful offeror. Successful offeror shall complete work remotely with the expectation of on-site visits to Bismarck and/or rural areas of North Dakota, as needed/directed by RHTP staff, with an average estimated travel frequency of one time per quarter/as needed per campaign need and calendar. Any costs associated with travel must be part of an offeror's proposed budget. STATE will not pay travel costs in addition to consulting contract.

2.05 Experience and Qualifications

The successful offeror must demonstrate relevant experience and qualifications to perform the services described in Section 2.03. Experience should include developing and implementing broad-audience branding and marketing initiatives, including youth focused and statewide campaigns.. Offerors should provide examples of comparable prior work that demonstrate experience with integrated marketing campaigns, creative development, traditional and digital media, media planning and buying, community engagement, campaign measurement and project management.

Experience working with schools, nonprofits, municipalities, healthcare organizations, community organizations, or similar public-facing initiatives is highly desirable.

Offerors must disclose any subcontractors or suppliers proposed for the project and describe their roles and relevant qualifications.

Complete proposal format and content requirements are outlined in Section 4. The offeror must provide a detailed response covering each of the following sections.

A. Relevant Campaign Experience

1. Describe experience developing and implementing youth-, family-, public health-, or broad-audience marketing campaigns.
2. Describe experience with campaigns of similar size, scope, or complexity.
3. Describe experience developing materials and messaging for elementary, middle-school, high-school, family, or community audiences.

4. Provide relevant examples of comparable prior work.

B. Integrated Marketing and Creative Experience

1. Describe experience developing and implementing integrated campaigns using a combination of traditional, digital, social, print, video, radio, television, out-of-home, website, or other media channels.
2. Describe experience developing campaign themes, branding, visual identities, messaging, and creative materials for diverse audiences.
3. Provide examples demonstrating the offeror's creative capabilities and range of work.

C. Media Planning and Digital Marketing Experience

1. Describe experience planning, buying, placing, managing, and optimizing media across traditional and digital channels.
2. Describe experience selecting media channels, managing media budgets, verifying placements, and evaluating media performance.
3. Describe experience with digital advertising, social media, search marketing, website or landing-page strategies, and other digital campaign activities relevant to the proposed work.

D. Community and Partner Engagement Experience

1. Describe experience developing and implementing community-engagement or partnership strategies.
2. Describe experience working with schools, nonprofits, municipalities, healthcare organizations, businesses, community organizations, or similar partners.
3. Describe experience engaging youth, families, community partners, or other stakeholders in campaign activities.

E. Campaign Measurement and Performance

1. Describe experience using data to monitor, measure, and improve campaign performance.
2. Describe experience developing or managing campaign dashboards, performance reports, or similar measurement tools.
3. Describe the types of measures previously used to evaluate reach, engagement, awareness, participation, media performance, or overall campaign effectiveness.

F. Project Management and Staffing

1. Describe experience managing complex, multi-channel projects involving multiple deliverables, partners, vendors, subcontractors, budgets, and deadlines.
2. Describe the offeror's approach to project management, including scheduling, approvals, budget tracking, quality control, issue resolution, and client communication.
3. Identify the key personnel proposed for this project and describe their roles, qualifications, and relevant experience.
4. Identify any proposed subcontractors or suppliers, their anticipated roles, and the qualifications they bring to the project.

2.06 Licenses

By the Deadline for Receipt of Proposals, an offeror must possess and ensure current status of any all required professional licenses and permits required by federal, state, and local laws for performance of a contract entered because of this RFP. An offeror who does not possess required licenses at the time proposals are due will be determined as non-responsive.

2.07 Federal and State Requirements

The scope of work includes compliance with all applicable federal and state laws, regulations, rules, policies, and requirements governing the services, deliverables, funding source, procurement, and resulting contract. The awarded vendor shall perform all work in accordance with these requirements throughout the term of the contract.

SECTION THREE GENERAL CONTRACT INFORMATION

3.01 Contract Term, Extension, and Renewal Options

STATE intends to enter a contract on its effective date through August 31, 2027.

STATE may extend the contract period for an additional period of time, not to exceed 12 months, beyond the normal expiration date of the contract, upon mutual written agreement by both parties.

The contract resulting from this RFP may be renewed upon satisfactory completion of the initial contract term. STATE reserves the right to renew the contract for up to four additional periods, each period of renewal being for 12 months, upon written agreement by both parties. The contract will not automatically renew. The estimated dollar amount for renewal options is dependent upon legislative appropriation. STATE and successful offeror may revise the firm fixed price for each renewal option.

3.02 Contract Type

A contract resulting from this RFP is a Firm Fixed Price. Successful offeror will be required to hold the price firm for the contract period, except as otherwise provided in the contract.

3.03 Standard Contract Provisions

The successful offeror will be sent a contract to sign and return to STATE. The successful offeror shall comply with the contract provisions set out in the "Sample Purchase of Service Agreement" document, attached as Attachment A and made a part of this RFP. Due to the limited timeframe associated with the funding source for this RFP opportunity, STATE will not entertain significant changes proposed by the offeror to the contractual Terms and Conditions. **Significant proposed changes will result in the offeror being deemed non-responsive and will not be considered for any award.**

North Dakota procurement statutes, rules, and policies allow some negotiation of the terms and conditions. No changes to the terms and conditions will be permitted without prior written approval from STATE.

3.04 Proposal as a Part of the Contract

Part or all of this RFP and the successful offeror's proposal may be incorporated into any contract resulting from this RFP.

3.05 Additional Terms and Conditions

STATE reserves the right to add, delete, or modify terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluations.

3.06 Supplemental Terms and Conditions

A proposal that includes supplemental terms and conditions may be accepted, but acceptance of the proposal does not constitute acceptance of supplemental terms and conditions that conflict with those contained in this RFP or that diminish STATE's rights under any contract resulting from the RFP. STATE reserves the right to consider these types of terms and conditions null and void. STATE is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After, ward of the contract:

- A) If conflict arises between a supplemental term or condition included by the offeror in its proposal and a term or condition of the RFP, the offeror agrees that the term or condition of the RFP will prevail; and
- B) If the result of the application of a supplemental term or condition included in the proposal diminishes STATE's rights, the supplemental term or condition will be considered null and void.

3.07 Contract Approval

This RFP, by itself, does not obligate STATE. STATE's obligation will commence when it signs the contract but not earlier than the contract start date. Upon written notice to the successful offeror, STATE may set a starting date for a contract resulting from this RFP, which is different from the Contract Start Date set out in Section 1.03 RFP Schedule and Section 3.01 Contract Term, Extension, and Renewal Options. STATE is not responsible for reimbursing the successful offeror for any work, even if work done in good faith, if the work occurs prior to the contract start date set by STATE.

3.08 Contract Changes – Unanticipated Amendments

During the course of a contract resulting from this RFP, the successful offeror may be required to perform additional work due to a legitimate unforeseen circumstance. That work will be within the general scope of the initial contract. When additional work is required, STATE shall provide the successful offeror with a written description of the additional work and request the successful offeror to submit a proposal for accomplishing the additional work. The successful offeror shall not begin the additional work until STATE has approved the additional work and signed a written contract amendment.

3.09 Taxes and Taxpayer Identification Number

The successful offeror shall provide STATE with a valid Vendor Taxpayer Identification Number as a provision of the contract resulting from this RFP.

STATE is not responsible for and will not pay itemized local, state, or federal taxes. Purchasing tangible personal property made by a state government agency is exempt from sales tax. STATE's sales tax exemption number is E-2001, and STATE will furnish certificates upon request. The state tax exemption number should not be used by the successful offeror in the performance of the contract resulting from this RFP.

STATE will determine if services provided under the contract resulting from this RFP are 1099 reportable. STATE may require the successful offeror to submit an IRS Form W-9.

A vendor performing any contract, including service contracts, for the United States Government, state of North Dakota, counties, cities, school districts, park board, or any other political subdivisions within North Dakota is not exempt from payment of sales or use tax on materials, tangible personal property, and supplies used or consumed in carrying out contracts. In these cases, the vendor is required to file returns and pay sales and use tax just as required for contracts with private parties. Contact the North Dakota Tax Department at 701-328-1246 or visit its website at <https://www.nd.gov/tax/tax-resources/> for more information.

A vendor performing any contract, including a service contract, within North Dakota is also subject to the corporation income tax, individual income tax, and withholding tax reporting requirements, whether the contract is performed by a corporation, partnership, or other business entity, or as an employee of the vendor. In the case of employees performing the services in the state, the vendor is required to withhold state income tax from the employees' compensation and remit to the state as required by law. Contact the North Dakota Tax Department at 701-328-1248 or visit its website for more information.

3.10 Proposed Payment Procedures

STATE will issue payment within 30 days after receipt of the request for reimbursement and required reporting, except that no payment will be made until the reimbursement and reporting have been approved by STATE.

STATE will not make any advance payments before performance of services by the successful offeror under a contract resulting from this RFP.

3.11 Contract Personnel

STATE must approve any change of the successful offeror's project team members named in the proposal, in advance and in writing. Personnel changes that are not approved by STATE may be grounds for STATE to terminate the contract.

3.12 Right to Inspect Place of Business

At reasonable times, STATE may inspect those areas of the successful offeror's place of business which are related to the performance of a contract resulting from this RFP. If STATE makes an inspection, the successful offeror must provide reasonable assistance.

3.13 Inspection & Modification – Reimbursement for Unacceptable Services

The successful offeror is responsible for the completion of all work set out in a contract resulting from of this RFP. All work is subject to inspection, evaluation, and approval by STATE. STATE may employ all reasonable means to ensure that the work is progressing and being performed in compliance with a contract resulting from this RFP.

If STATE determines that corrections or modifications are necessary for performance of a contract resulting from this RFP, STATE may direct the successful offeror to make changes. The successful offeror will not unreasonably withhold changes.

Substantial failure of the successful offeror to perform a contract resulting from this RFP may cause STATE to terminate a contract. If STATE terminates a contract resulting from this RFP because the successful offeror fails to perform the contract, STATE may require the successful offeror to reimburse monies paid (based on the identified portion of unacceptable work received) and may seek associated damages.

SECTION FOUR PROPOSAL FORMAT AND CONTENT

4.01 Proposal Format and Content

STATE discourages overly lengthy proposals. For STATE to evaluate proposals fairly and completely, offeror shall follow the format set out in this RFP and provide all information requested. If an offeror submits more than one proposal, each proposal must be prepared in accordance with these instructions.

Each proposal will include a Technical Proposal and a Cost Proposal prepared in accordance with these instructions. The Technical Proposal and Cost Proposal must be submitted as separate documents, clearly labeled with the name of the offeror and marked "Technical Proposal" and "Cost Proposal." Costs must not be revealed in the Technical Proposal.

4.02 Technical Proposal

- Section 1 – Cover Letter
- Section 2 – RFP Amendments
- Section 3 – Scope of Work
- Section 4 – Experience and Qualifications
- Section 5 – Contract Provisions
- Section 6 – Open Records and Confidentiality

Section 1 – Cover Letter

Proposals shall include a cover letter that includes the following:

1. The name of the offeror, name of the person to contact regarding the proposal, email address, telephone number, and mailing address.
2. Offerors are instructed to review the "Conflict of Interest" provisions in RFP Section 6.02. If the firm, its employees or subcontractors working on the contract have an apparent or actual conflict of interest, provide a statement disclosing the circumstances of the apparent or actual conflict of interest, and what the plan to mitigate that conflict of interest would be if awarded this contract. Otherwise, provide a statement that your firm, employees and subcontractors do not have a conflict of interest.
3. The applicant certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency.
 - b. Have not, within a three-year period preceding this application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connections with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

- c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph B of this certification.
 - d. Have not, within a three-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.
- 4. The cover letter must be signed by an individual with authority to bind the offeror. By signing the cover letter, an offeror certifies that it complies with:
 - a. All the requirements, terms and conditions as set forth in this RFP.
 - b. The requirement that the offeror's proposal accurately describes the goods and services being offered to the STATE, and the proposal will be held firm for the period specified.
 - c. All local, state, and federal laws, rules, code, regulation, and policies, including those relating to nondiscrimination, accessibility, civil rights and equal employment.
 - 1. the applicable portion of the Title VI of the Federal Civil Rights Act of 1964
 - 2. all applicable requirements Department of Health and Human Services
 - 3. Section 504 of the Rehabilitation Act of 1973
 - 4. the Equal Employment Opportunity Act and the regulations issued by the federal government.
 - 5. the Americans with Disabilities Act of 1990 and the regulations issued by the federal government.
 - 6. Title IX of the Education Amendments of 1972
 - 7. Age Discrimination Act of 1975
 - 8. Section 1557 of the Patient Protection and Affordable Care Act
 - d. The requirement that this proposal was prepared independently without collusion.

Section 2 – RFP Amendments

Provide signed copies of all Solicitation Amendments issued by the STATE that were required to be acknowledged by offerors.

Section 3 – Scope of Work

An offeror must provide comprehensive narrative statements that illustrate their understanding of the requirements of Section 2.03 Scope of Work of this RFP, Sections A-H and all subsections, as well as the state and federal law.

Offerors should explain the proposed strategy to accomplish each of the areas listed in the Scope of Work Section A-H, clearly labeling responses to the applicable section and subsections being addressed.

Offerors should include a statement acknowledging the Requirements of Section 2.04 Location of Work.

Section 4 Experience and Qualifications

An offeror must provide comprehensive narrative statements that illustrate their

understanding of the requirements of Section 2.05 Experience and Qualifications.

Offerors should address each of the areas listed in the Experience and Qualification Sections A-F and all subsections, clearly labeling responses to specific experience being addressed.

An offeror shall identify, by name and title, the offeror's staff who will have primary responsibility for carrying out this project.

An offeror shall include an organizational chart which describes the offeror's organization and illustrates lines of authority and communication and designates the individual responsible and accountable for assuring the services are provided according to the offeror's proposal and STATE's requirements. If the offeror plans to use external sources, such as consultants, this should be included in the plan as well.

An offeror shall disclose any instances where the firm or any individuals working on the contract resulting from this RFP have a possible conflict of interest and, if so, the nature of that conflict (e.g. employed by the state of North Dakota).

An offeror shall submit 2 reference contacts who must demonstrate the offeror's capacity to provide services like those being purchased through this RFP. Offerors must include the name of a contact person, address, email, and telephone number. STATE may contact references provided for verification and to obtain additional information. Evaluation will be impacted if STATE is unable to contact the reference or the reference does not provide the requested information in timely manner.

Section 5 – Contract Provisions

Offeror shall review the RFP Section 3 and Attachment A.

The proposal must indicate whether or not the offeror accepts the terms and conditions in the STATE's Contract.

An offeror may state that they accept the STATE's Contract as written.

An offeror may state any objections or propose changes or additions to the STATE's Contract. Describe the changes to the Contract being proposed and provide a red line of the STATE's Contract. Offerors are not to submit their own contract or standard terms and conditions with their proposals. Offeror should address the specific language in the attached contract and submit any proposed changes. Significant edits will not be accepted.

Section 6 – Open Records and Confidentiality

All proposals and other material submitted become the property of the State and may be returned only at the State's option. The State of North Dakota has broad open records laws. Proposals received are exempt from open record requirements until an award is made, in accordance with [N.D.C.C. § 54-44.4-10\(2\)](#). After award, proposals are subject to the North Dakota open records laws. Proposals or portions of proposals may be confidential only if specifically stated in law.

Offerors are instructed not to mark their entire proposal as "confidential."

Offeror must provide one of the following in their proposal:

- Provide a statement indicating that their proposal does not contain any confidential information; or
- Make a written request to hold confidential any trade secrets and other proprietary data contained in its proposal. Offeror must clearly identify the material considered confidential and explain why the material is confidential. See the North Dakota Office of the Attorney General website for additional information. <https://www.ag.nd.gov/OpenRecords/ORM.htm>

If the STATE receives a request for public information, the procurement officer, in consultation with the Office of the Attorney General, shall determine whether the information is an exception to the North Dakota open records laws, and the information shall be processed accordingly.

4.03 Cost Proposal

An offeror shall provide a cost proposal that follows the same format of the "Cost Proposal" document, attached as Attachment B, and made a part of this RFP.

The Cost Proposal must consider STATE's standard terms and conditions included in this RFP. Offeror must state all associated costs in U.S. currency.

A cost proposal that does not follow the format in Attachment B may be considered nonresponsive and may be rejected.

4.04 Required Enclosures

An offeror's failure to provide all documents and information specifically required in this RFP or an offeror's failure to sign the documents as required, may cause the proposal to be considered non-responsive and may be rejected.

SECTION FIVE AWARD AND PROPOSAL EVALUATION

5.01 Award

STATE intends to award a contract to the responsible offeror whose proposal is determined to be responsive to the requirements of the solicitation and is determined to be most advantageous in consideration of the RFP evaluation criteria.

5.02 Responsiveness

All proposals will be evaluated to determine if they are responsive to the requirements of the solicitation. STATE reserves the right to waive minor informalities in accordance with [N.D.A.C. chapter 4-12-10](#). Minor informalities are insignificant omissions or nonjudgmental mistakes that are matters of form rather than substance, evident from RFP document, with a negligible effect on price, quantity, quality, delivery, or contractual conditions that can be waived or corrected without prejudice to other offerors. Responsive proposals will be evaluated by the Procurement Officer or evaluation committee using the evaluation criteria stated in the RFP.

5.03 Evaluation Criteria and Relative Weight

The Evaluation Tool, which is attached as Attachment C, will be the scoring tool used to score proposals. The total number of points used to score this proposal is 100 points. The technical proposal evaluation criterion scores and cost proposal evaluation score will be added together to determine the total evaluation score. The final evaluation score may consider information received by STATE, including, but not limited to, discussions with offerors, reference checks, and best and final offers.

5.04 Scope of Work

Forty-five (45) of the total possible evaluation points will be assigned to this criterion. Proposals will be evaluated against the questions set out below:

- A) How well does the offeror's comprehensive narrative statements illustrate their understanding of the requirements of Section 2.03 Scope of Work of this RFP, as well as any applicable state and federal law?
- B) How well did the offeror define their proposed strategy to carry out the requirements of Section 2.03?
- C) Has the offeror provided a detailed plan and will the plan be sufficient to accomplish the requirements of this RFP?
- D) If the offeror identified any pertinent issues and potential problems related to the work to be completed, how well do they provide solutions?

5.05 Management Plan

Five (5) of the total possible evaluation points will be assigned to this criterion. Proposals will be evaluated against the questions set out below:

- A) How well did the offeror provide a comprehensive work plan and timeline that set out the management plan it intends to follow and illustrate how the plan will be successfully implemented? Did the timeline include milestones with estimated

dates?

- B) Did the offeror include an organizational chart and, if so, did the chart describe the offeror's organization and illustrate lines of authority and communication and designate the individual(s) responsible and accountable for assuring the services are provided according to the offeror's proposal and STATE's requirements? Did the offeror identify, by name and title, the offeror's staff who will be involved in carrying out this project?
- C) Has the offeror disclosed any instances where the firm or any individuals working on the contract resulting from the RFP has a possible conflict of interest, and, if so, the nature of that conflict (e.g. employed by state of North Dakota)?

5.06 Experience and Qualifications

Thirty (30) of the total possible evaluation points will be assigned to this criterion. Proposals will be evaluated against the questions set out below:

- A) Did the offeror provide a brief history and describe the organization of the firm, including the number of years the offeror has provided the type of work requested in this RFP?
- B) Did the offeror submit two letters of reference that demonstrate the offeror's capacity to provide the services sought in this RFP?
- C) How well did the offeror describe the type of work each of the offeror's staff will perform in carrying out this project, describe relevant credentials and experience of each staff member, and provide a resume for each?

5.07 Cost Proposal

Twenty (20) of the total possible evaluation points will be assigned to cost.

The proposal with the lowest total cost will receive the maximum number of points allocated. The point allocations for cost on the other proposals will be evaluated and determined as follows:

- Lowest Total Cost

Cost being rated X Total Points for Cost Available = Awarded Points

In the event, [N.D.C.C. § 54-44.4-05.1](#) requires that if two or more proposals contain identical pricing or receive identical evaluation scores, preference must be given to a resident North Dakota bidder, seller, vendor, offeror, or contractor as defined in [N.D.C.C. § 44-08-02](#). In the event the tie is not resolved by application of this law, [N.D.A.C. § 4-12-11-05](#) will be applied.

For a listing of state preference laws, visit the following website:

- North Dakota State Procurement Office
Website: [North Dakota Purchasing Preferences \(nd.gov\)](http://North Dakota Purchasing Preferences (nd.gov))

SECTION SIX STANDARD PROPOSAL INFORMATION

6.01 STATE Not Responsible for Preparation Costs

STATE will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

6.02 Conflict of Interest

Under state laws and rules, a state employee or official shall not participate directly or indirectly in a procurement when the state employee or officials knows of a conflict of interest. Potential conflicts of interest include state employees or their immediate family members employed by the firm, seeking employment with the firm, or with a financial interest in the firm. Potential conflicts of interest will be addressed in accordance with [N.D.A.C. § 4-12-04-04](#). [N.D.C.C. § 12.1-13-03].

People employed by the state of North Dakota, or within one year thereafter, may be prohibited from acquiring a pecuniary interest in a public contract or transaction. Offerors should review [N.D.C.C. § 12.1-13-02](#) to ensure compliance and avoid such conflict(s) of interest.

6.03 Offer Held Firm

Offerors must hold proposals firm for at least 90 days from the Deadline for Receipt of Proposals. STATE may send a written request to all offerors to hold their offer firm for a longer period of time.

6.04 Amendments to Proposals and Withdrawal of Proposals

An offeror may amend or withdraw its proposal prior to the Deadline for Receipt of Proposals set forth in Section 1.03 RFP Schedule. No amendments will be accepted after the Deadline for Receipt of Proposals unless they are in response to STATE's request. After the deadline, an offeror may make a written request to withdraw its proposal and provide evidence that a substantial mistake has been made, and STATE may permit withdrawal.

6.05 Alternate Proposals

An offeror may submit only one proposal for evaluation. Alternate proposals that offer something different than what is requested will be rejected.

6.06 Subcontractors

An offeror may use subcontractors to perform work under a contract resulting from this RFP. If an offeror intends to use subcontractors, the offeror shall identify in the proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

If STATE selects a proposal with subcontractors, the offeror shall provide the following information concerning each subcontractor within five working days from the date of STATE's request:

- A) complete name of the subcontractor.
- B) complete address of the subcontractor.
- C) type of work the subcontractor will be performing.
- D) percentage of work the subcontractor will be providing.
- E) evidence, as set out in the relevant section of this RFP, that the subcontractor is registered and, if applicable, holds a valid North Dakota business license; and
- F) a written statement, signed by each proposed subcontractor, which clearly verifies that the subcontractor is committed to rendering the services required by a contract resulting from this RFP.

An offeror's failure to provide this information, within the time set, may cause STATE to consider its proposal non-responsive and reject it or cancel an award. The offeror may substitute one subcontractor for another only at the discretion and with prior written approval of STATE.

6.07 Joint Ventures

Joint ventures are not allowed.

6.08 Disclosure of Proposal Contents and Compliance with North Dakota Open Records Laws

All proposals and other material submitted become the property of STATE and may be returned only at STATE's option. The state of North Dakota has broad open records laws. Proposals received are exempt from open record requirements until an award is made, in accordance with [N.D.C.C. § 54-44.4-10\(2\)](#). After award, proposals are subject to the North Dakota open records laws. Proposals or portions of proposals may be confidential only if specifically stated in law.

Offerors are encouraged to not identify any proprietary or confidential information in their proposal. If an offeror must identify proprietary or confidential information, offeror shall clearly identify the material considered confidential and explain why the material is confidential. Offerors are instructed not to mark their entire proposal as "confidential."

If STATE receives a request for public information, STATE, in consultation with the Office of the Attorney General, shall determine whether the information is an exception to the North Dakota open records laws, and the information shall be processed accordingly. If proposal does not identify any proprietary or confidential information in the proposal, STATE will assume there is no proprietary or confidential information in the application, and the application materials will be subject to an open records request.

6.09 Right of Rejection

STATE reserves the right to reject any proposals, in whole or in part. Proposals received from suspended or debarred bidders will be rejected. Proposals determined to be nonresponsive to the requirements of the RFP will be rejected. STATE reserves the right to reject the proposal of an offeror determined to be not responsible. STATE

reserves the right to refrain from making an award if determined to be in its best interest.

6.10 Clarification of Proposals – Discussions

To determine if a proposal is reasonably susceptible for award, communications by the Procurement Officer or evaluation committee are permitted with an offeror to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Discussions will be limited to the specific section of the RFP or proposal indicated by STATE. Discussions are generally conducted by telephone or internet-based conference.

In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. Clarifications may not result in material or substantive changes to the proposals. Evaluation scores may be adjusted based on consideration of information obtained through discussions.

6.11 Best and Final Offers

STATE is not obligated to request best and final offers; therefore, offerors should submit their best terms (technical and cost) in response to this RFP.

If STATE determines there is a need for any additional information, substantial clarification, or changes to the RFP or proposals, STATE may request the best and final offers (BAFO) from offerors that have submitted proposals determined to be reasonably susceptible for award. The best and final offer request will describe the additional information, clarification, or change being requested.

A date and time will be established for receipt of revised proposals. If an offeror does not submit a best and final offer, STATE shall consider its original proposal as its best and final offer.

Best and final offers will be evaluated using the evaluation criteria stated in the RFP. STATE may request more than one Best and Final Offer.

6.12 Preference Laws

In the event, [N.D.C.C. § 54-44.4-05.1](#) requires that if two or more proposals contain identical pricing or receive identical evaluation scores, preference must be given to a resident North Dakota bidder, seller, vendor, offeror, or contractor as defined in [N.D.C.C. § 44-08-02](#). In the event the tie is not resolved by application of this law, [N.D.A.C. § 4-12-11-05](#) will be applied.

For a listing of state preference laws, visit the following website: <http://www.nd.gov/spo/legal/resources/> or contact the North Dakota State Procurement Office at 701-328-2740.

6.13 Negotiations

STATE will not entertain any changes proposed by the offeror.

6.14 Notice of Intent to Award – Offeror Notification of Selection

After the completion of proposal evaluations, the Procurement Officer will issue a written Notice of Intent to Award to all offerors that submitted proposals. The Notice of Intent to Award will set out the names of all offerors and identify the proposal selected for award. The scores and placement of other offerors will not be part of the Notice of Intent to Award. Upon issuance of this notice, the procurement file becomes an open record.

The successful offeror named in the Notice of Intent to Award is advised not to begin work, purchase materials, or enter subcontracts until both the successful offeror and STATE sign the contract resulting from this RFP.

6.15 Protest and Appeal

An interested party may protest a solicitation pursuant to [N.D.C.C. § 54-44.4-12](#) and [N.D.A.C. § 4-12-14-01](#). When a solicitation contains a Deadline for Submission of Questions and Objections, protests of solicitation will not be allowed if these faults have not been brought to the attention of the Procurement Officer before the specified deadline. If no deadline for questions is specified, protest based upon defects in the solicitation must be made at least seven calendar days before the deadline for receipt of proposals.

An offeror that has submitted a response to a solicitation and is aggrieved may protest an award or notice of intent to award pursuant to [N.D.C.C. § 54-44.4-12](#) and [N.D.A.C. § 4-12-14-02](#). The protest must be submitted, in writing, to the Procurement Officer during the protest period, which is seven calendar days beginning the day after the Notice of Intent to Award is issued.

The protestor may appeal the decision of the Procurement Officer to the Director of OMB within seven calendar days after receiving notice of the decision pursuant to [N.D.C.C. § 54-44.4-12](#) and [N.D.A.C. § 4-12-14-03](#).