

RFP JAGGAER DESCRIPTION

1. **Purpose.** This request for proposals (“RFP”) provides to those interested in submitting proposals for the subject procurement (“Offerors”) sufficient information to enable them to prepare and submit proposals for consideration by the Department of Human Services’ (“Department”), on behalf of the Commonwealth of Pennsylvania (“Commonwealth”), to satisfy a need for a publicly-accessed, Department-managed, Learning Management System (“Project”). This RFP contains instructions governing the requested proposals, including the requirements for the information and materials to be included; a description of the service to be provided; requirements which Offerors must meet to be eligible for consideration; general evaluation criteria; and other requirements specific to this RFP.
2. **Determination to Use Competitive Sealed Proposal Method.** The Commonwealth, through the issuing office, has determined that the competitive sealed proposals process is the most practical and advantageous method for awarding contracts to obtain the best value for the Commonwealth
3. **Issuing Office.** The Department’s Office of Administration, Bureau of Procurement and Contract Management (“Issuing Office”) has issued this RFP on behalf of the Commonwealth. Except as set forth in **Section 13** below, the sole point of contact in the Commonwealth for this RFP shall be Holly Zeiders, the Issuing Officer for this RFP. Please refer all inquiries other than those described in **Section 13** to the Issuing Officer.
4. **Project Description.** The Commonwealth maintains and hosts content and trainings related to the Department’s Office of Developmental Programs (“ODP”), Office of Mental Health and Substance Abuse Services (“OMHSAS”), and Office of Medical Assistance Programs (“OMAP”) within a Moodle Learning Management System (“LMS”) and a WordPress Content Management System. The Commonwealth currently hosts this content within the following sites: MyODP, MyOMHSAS, and Pediatric Complex Care Resource Centers (“PCCRC”). These sites share one Moodle LMS platform. The Commonwealth also hosts content and trainings for the Medication Administration Program within OpenLMS. The Commonwealth is issuing this RFP to continue the work on these sites, incorporate the Department’s Office of Long-Term Living (“OLTL”) into the LMS, and rebrand the entire platform as MyDHS. The Department is seeking an Offeror that can complete this transition within one year of the contract effective date. The current estimated system capacity for both ODP, OMHSAS, and OLTL are as follows (PCCRC and OLTL do not currently have active courses in the LMS).

ODP estimated system capacity information:

Total courses	500 Unique Active courses 2,000 Total (Includes archived and duplicate)
New courses per year	~20
Current accounts	145,000

New accounts per year	40,000 ODP 10,000 Medication Administration
Technical Support calls per month	500
Technical Support emails or chats per month	1,500

OMHSAS estimated system capacity information:

Total Courses	300 Unique Active Courses
Professional Users	20,000
OMHSAS Users	3,000
Technical Support calls per month	225
Technical Support emails per month	250
Face-to-Face trainings	20

OLTL estimated system capacity information:

Total Courses	75
Professional Users	50,000
OLTL Users	500
Technical Support calls per month	500
Technical Support emails per month	1500
Face-to-Face trainings	20

5. Objectives.

- A. General.** The Department is seeking an Offeror to maintain and improve the existing LMS and WordPress Content Management System and rebrand the platform as MyDHS. Within one year after the effective date of the contract resulting from this RFP, the Department desires to rebrand the existing LMS platform as MyDHS and incorporate OLTL into the platform, while maintaining the current LMS components with minimal interruption. Within two years after the effective date of the contract resulting from the RFP, the Department desires to see demonstrated improvements to reporting and certification processes, and to obtain recommendations on a standardized course structure across all programs.
- B. Specific.** The specific objectives that the Department intends to achieve through this RFP include the following:
- i. Transition the LMS and WordPress platforms, currently operating as MyODP/MyOMHSAS/PCCRC to become MyDHS and incorporate OLTL into the new MyDHS platform;
 - ii. Maintain and improve current functionality of the LMS and WordPress platforms with minimal interruption for the following:
 - a. MyODP/MyOMHSAS/PCCRC LMS;

- b. MyODP/MyOMHSAS WordPress; and
 - c. Amazon S3 Repository;
 - iii. Maintain and improve current functionality to the Medication Administration LMS as defined by business requirements from the Department and the Department's contracted training vendor;
 - iv. Maintain response times and customer satisfaction of technical support provided through the LMS Help Desk;
 - v. Improve turnaround time and enhance the design of LMS, WordPress, and Amazon S3 related reports requested by Department staff;
 - vi. Improve the certification processes of LMS to allow users to take courses on demand and allow for re-certification of all courses in LMS; and
 - vii. Provide recommendations and standards that may be used by Department staff and training vendors to create a standardized course design across all programs.
- 6. **Type of Contract.** If the Department enters into a Contract as a result of this RFP, it will be a firm, fixed price Contract containing the IT Contract Terms and Conditions as shown in **Appendix E, IT Contract Terms and Conditions and DHS Addendum to the Standard Terms and Conditions Including the Audit Clause.**
- 7. **Rejection of Proposals.** The Department may, in its sole and complete discretion, reject any proposal received as a result of this RFP.
- 8. **Incurring Costs.** The Department and the Commonwealth are not liable for any costs any Offeror incurs in preparation and submission of its proposal, in participating in the RFP process, or in anticipation of award of the Contract.
- 9. **Pre-proposal Conference Webinar.** The Department will hold a Pre-Proposal conference as specified in the Calendar of Events. The purpose of this conference is to provide opportunity for clarification of this RFP. Offerors should forward all questions to the Issuing Officer in accordance with **Section 10** below to provide for adequate time for analysis before the Department provides an answer. The Pre-Proposal Conference is for information only. **Attendance at the Pre-Proposal Conference is optional but strongly encouraged.**
- 10. **Questions & Answers.** Offerors must submit questions using the Q&A Board within this event. Questions must be submitted as individual questions, and not via an attached document, and must be submitted **no later than** the date and time specified on the Calendar of Events Buyer Attachment. The Offeror must not attempt to contact the Issuing Officer by any other means. The Department will post all questions and written answers within this site by the date stated in the Calendar of Events attachment.

All questions and responses as posted on this site are considered an addendum to, and part of, this RFP in accordance with **Section 11** below. The Department will not be bound by any verbal information, nor will it be bound by any written information that is not either contained within the RFP or formally issued as an addendum by the Department.

11. **Addenda to this RFP.** If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Department will post an addendum electronically, to this website. It is the Offeror's responsibility to periodically check the website for any new information or addenda to this RFP.
12. **Response Date.** To be considered for selection, the electronic submission of an Offeror's proposal must be uploaded to this website on or before the time and date specified in the **RFP Calendar of Events Buyer Attachment**. Offerors should allow sufficient time for the electronic uploading of documents within this site. Electronic copies of the completed Corporate Reference forms must be submitted to RA-PWBPCMReferForms@pa.gov as provided in **Section 14.B**. The JAGGAER event will close at the time and date specified in the Calendar of Events and Offerors will no longer be able to submit proposals once the event closes. The Department will reject, unopened, any late proposals or proposals submitted via any other method. The Department will reject any late Corporate Reference Forms. "Late" includes, but is not limited to, anything received a minute or less after the due date and time, as well as referenced received several hours after the due date and time.
13. **Small Diverse Business ("SDB") and Veteran Business Enterprise ("VBE") Participation.** The DGS Bureau of Diversity, Inclusion and Small Business Opportunities ("BDISBO") has developed a goal setting policy based upon recommendations from its 2018 Disparity Study. The goal setting policy requires BDISBO and agencies to identify contract-specific participation goals for SDBs (which include Minority Business Enterprises ("MBE"), Women Business Enterprises ("WBE"), LGBT Business Enterprises ("LGBTBE"), Disability-Owned Business Enterprises ("DOBE"), and Service-Disabled Veteran-Owned Small Business ("SDVBE") and VBEs (which include Veteran-Owned Small Businesses and Service-Disabled Veteran-Owned Small Businesses). Offerors must either agree to meet the participation goals in full or must request a full or partial Good Faith Efforts waiver from one or both of the participation goals. Failure to meet the participation goals or establish that they have made good faith efforts to meet the participation goals will result in rejection of a proposal as nonresponsive.

The goals that have been set for this Project are set forth below:

SDB Participation: 23%

VBE Participation: 3%.

Further information can be found in **RFP Questions Group 1.2 and 1.3**.

For assistance in determining whether a firm meets these requirements, you may contact BDISBO at (717) 783-3119 or RA-BDISBOVerification@pa.gov.

14. **Proposal Requirements.**

- A. **Proposal Submission:** To be considered, each Offeror must submit to this website its complete and timely response to this RFP as specified in **Section 31** and using the format specified in **Section 14.B**. To the extent that the Offeror designates information

as confidential or proprietary or trade secret protected in accordance with **Section 20**, the Offeror must also provide an electronic submission to include one redacted version of the Technical Submittal, also excluding the Financial Capability section. The Offerors may not lock or protect any cells or tabs on the Cost Submittal Worksheet. **Offerors shall not lock, encrypt, or restrict access to any files.** The Offeror shall make no other distribution of its proposal to any other Offeror, Commonwealth official, or Commonwealth consultant. Each proposal page should be numbered for ease of reference. An official authorized to bind the Offeror to its provisions must sign the proposal and make this representation within this website. This requirement will be met if the official signs the **Proposal Cover Sheet (Appendix A)** to this RFP located in the Buyer Attachments) and the Proposal Cover Sheet is uploaded to **RFP Questions Group 1.1**. For this RFP, the proposal must remain valid for 120 days or until a Contract is fully executed. If the Department selects the Offeror's proposal for award, the contents of the selected Offeror's proposal will become, except to the extent the contents are changed through BAFOs or negotiations, contractual obligations.

B. Proposal Format: Offerors should submit their proposals in the format, including heading descriptions, outlined below. To be considered, the proposal must respond to all proposal requirements. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal. All cost data relating to this proposal and all SDB and VBE cost data should be kept separate from and not included in the Technical Submittal. Offerors should not reiterate technical information in the Cost Submittal. The submission should be structured as follows:

1. Technical Submittal:

- a.** Offerors should format their responses as outlined below. The Technical Submittal should include the following sections:
 - Table of Contents
 - Statement of the Project
 - Management Summary
 - Qualifications
 - Training
 - Financial Capability
 - Work Plan
 - Requirements
 - Reports & Project Control
 - Performance Standards
 - Objections and Additions to Standard Terms and Conditions

The contacts for the Corporate Reference Forms should submit the completed forms in accordance with **Sections 12 and 14**.

- b. Complete, sign, include, and submit the **Lobbying Certification** and if applicable, the **Disclosure of Lobbying Activities** forms, which are located in **Additional Required Documentation Questions Group 2.1**;
 - c. Complete, sign, include, and submit the **Domestic Workforce Utilization Certification**, which is located in **Additional Required Documentation Questions Group 2.1**;
 - d. Complete, sign, include, and submit the **Worker Protection and Investment Certification Form**, which is located in **Additional Required Documentation Questions Group 2.1**;
 - e. Complete, sign, include and submit the **Iran Free Procurement Certification**, which is located in **Additional Required Documentation Questions Group 2.1**;
- 2. SDB Participation Submittal (which must include the SDB Utilization Schedule, the Good Faith Efforts Documentation to Support Waiver Request, or both), in response to **RFP Questions Group 1.2**;
 - 3. VBE Participation Submittal (which must include the VBE Utilization Schedule, the Good Faith Efforts Documentation to Support Waiver Request, or both), in response to **RFP Questions Group 1.3**;
 - 4. Cost Submittal, in response to **Appendix B, Cost Submittal Worksheet** located within the **Buyer Attachments** section and **RFP Questions Group 1.4**; and
 - 5. Contractor Partnership Program (“CPP”) Submittal, in response to the **Appendix C, Contractor Partnership Program** and **RFP Questions Group 1.5**.

Electronic proposals must adhere to the following format:

- 1. Pages must be 8.5 by 11 inches with right and left margins of one inch.
- 2. Must use Arial or Times New Roman font with a size of 12.
- 3. Section headings, shown in **Section 14.B** above, Proposal Requirements, should be used.
- 4. Each page of the proposal must include a page number and identification of the Offeror in the page footer.
- 5. Materials provided in any appendix must be specifically referenced by page numbers in the body of the proposal.
- 6. Exceptions for paper and font size are permissible for Project schedule or for graphical exhibits and material in appendices.

The Department may request additional information which, in the Department’s opinion, is necessary to ensure that the Offeror’s competence, number of qualified

employees, business organization, and financial resources are adequate to perform according to this RFP.

The Department may make investigations as deemed necessary to determine the ability of the Offeror to perform the Project, and the Offeror shall furnish to the Issuing Office all requested information and data. The Department may reject any proposal if the evidence submitted by, or investigation of, such Offeror fails to satisfy the Department that such Offeror is properly qualified to carry out the obligations of this RFP and to complete the Project as specified.

15. **Economy of Preparation.** Offerors should prepare proposals simply and economically, providing a straightforward, concise description of the Offeror's ability to meet the requirements of this RFP.
16. **Alternate Proposals.** The Department has identified the basic approach to meeting its requirements, allowing Offerors to be creative and propose their best solution to meeting these requirements. The Department will not accept alternate proposals.
17. **Discussions for Clarification.** Offerors may be required to make an oral or written clarification of their proposals to the Department to ensure thorough mutual understanding and Offeror responsiveness to the solicitation requirements. The Department will initiate requests for clarification. Clarifications may occur at any stage of the evaluation and selection process prior to Contract execution.
18. **Written and Oral Presentations.** Offerors may be required to make an oral or written presentation of their proposals, or both, to the Department to demonstrate the Offeror's capabilities and ability to provide the services required in this RFP. The Department will initiate requests for presentations, which may include a request that Key Personnel be present during an oral presentation. Such oral presentations may be held virtually or in person in Harrisburg, Pennsylvania. Presentations may be requested at any stage of the evaluation and selection process prior to Contract execution.
19. **Prime Contractor Responsibilities.** The selected Offeror must perform services valued at a minimum, the largest percentage of work as compared to its subcontractors and suppliers. Nevertheless, the Contract will require the selected Offeror assume responsibility for all services offered in its proposal whether it produces them itself or by subcontract. Further, the Department will consider the selected Offeror to be the sole point of contact with regard to all contractual matters.
20. **Proposal Contents.**
 - A. Confidential Information. The Commonwealth does not require, and is not requesting, that Offerors include confidential or proprietary information or trade secrets as part of their proposals. Accordingly, except as provided, Offerors should not label proposal submissions as confidential, proprietary, or trade secret protected. Any Offeror who determines that its proposal cannot be evaluated properly without including such

information must submit the signed written statement described in Subsection C below and must additionally provide, for required public disclosure purposes, a redacted version of its proposal, which removes only the confidential or proprietary information and trade secrets, in accordance with the **Additional Required Documentation Questions Group 1**.

- B. Commonwealth Use. All material submitted with any proposal shall be considered the property of the Commonwealth. Regardless of whether any particular proposal becomes part of a Contract, the Commonwealth has the right to use any or all ideas presented in any proposal that are not protected by intellectual property rights. Notwithstanding an Offeror's copyright designations contained on proposals, the Commonwealth shall have the right to make copies, to distribute proposals internally, and to comply with public record or other disclosure requirements under the provisions of any Commonwealth or United States statute or regulation, or rule or order of any court of competent jurisdiction.
- C. Public Disclosure. After the award of a Contract pursuant to this RFP, all proposal submissions are subject to disclosure in response to a request for public records made under the Pennsylvania Right-to-Know-Law, 65 P.S. § 67.101, et seq. If a proposal submission contains confidential or proprietary information or trade secrets, a signed written statement to this effect must be provided with the submission in accordance with 65 P.S. § 67.707(b) for the information to be considered exempt from public records requests under 65 P.S. § 67.708(b)(11). Refer to the **Additional Required Documentation Questions Group 2.1** for a **Trade Secret Confidential Proprietary Information Notice Form** that may be utilized as the signed written statement, if applicable. If financial capability information is submitted in response to the Technical Submittal Buyer Attachment of this RFP, such financial capability information is exempt from public records disclosure under 65 P.S. § 67.708(b)(26).

21. **Best and Final Offers ("BAFO").**

- A. While not required, the Department may conduct discussions with Offerors for the purpose of obtaining BAFOs. To obtain BAFOs from Offerors, the Department may do one or more of the following, in any combination and order:
 - 1. Schedule presentations;
 - 2. Request revised proposals;
 - 3. Conduct a reverse online auction; and
 - 4. Enter into pre-selection negotiations.
- B. The following Offerors will **not** be invited by the Department to submit a BAFO:

1. Those Offerors, the Department has determined to be not responsible or whose proposals the Department has determined to be not responsive.
2. Those Offerors, the Department has determined, in accordance with the **Offeror Responsibility** subsection (**Section 35**), and based on the submitted and gathered financial and other information, do not possess sufficient financial capability, experience, or qualifications for good faith performance of the Contract.
3. Those Offerors whose raw score for their technical submittal is less than 75% of the total amount of raw technical points allotted to the technical criterion.

The Department may further limit participation in the BAFO process to those remaining responsible Offerors, which the Department has, within its discretion, determined to be within the top competitive range of responsive proposals.

- C. The Evaluation Criteria set forth in the RFP shall be used to evaluate the BAFOs.
- D. Price reductions offered shall have no effect upon the Offeror's Technical Submittal.
22. **News Releases.** Offerors shall not issue news releases, Internet postings, advertisements, or any other public communications pertaining to this Project without prior written approval by the Department, and then only in coordination with the Department.
 23. **Restriction of Contact.** From the issue date of this RFP until notification of award pursuant to **Section 27.B**, the Issuing Officer is the sole point of contact concerning this RFP, except as set forth in **Section 3**. If an Offeror violates this condition, the Department may reject that offending Offeror's proposal. If the Department later discovers that an Offeror has engaged in any violations of this condition, the Department may reject that offending Offeror's proposal or rescind its Contract award. Offerors must agree not to distribute any part of their proposals beyond the Issuing Office. An Offeror who shares information contained in its proposal with other Commonwealth personnel or competing Offeror personnel, or both may be disqualified.
 24. **Department Participation.** Offerors shall provide all services, supplies, facilities, and other support necessary to complete the identified work, except as otherwise provided in this **Section 24**. The Department's ODP, OMHSAS, OLTL, and OMAP will each assign a DHS Contract Administrator to manage the execution, administration, and monitoring of the Contract as a result of this RFP. The selected Offeror shall maintain a local facility or office space as described in the RFP to provide administrative, technical, and logistical support for the tasks and deliverables as needed.
 25. **Term of Contract.** The term of the Contract will commence on the Effective Date and will end **three years** after the Effective Date. The Department will have the option to extend the Contract upon the same terms and conditions for two additional one-year periods. The Department will fix the Effective Date after the Contract has been fully executed by the selected Offeror and by the Commonwealth and all approvals required by Commonwealth

contracting procedures have been obtained. The selected Offeror shall not start the performance of any work pursuant to the Contract prior to the Effective Date, and the Commonwealth will not be liable to pay the selected Offeror for any service or work performed or expenses incurred before the Effective Date of the Contract.

26. Offeror's Representations and Authorizations. By submitting its proposal, each Offeror understands, represents, and acknowledges that:

- A.** All of the Offeror's information and representations in its proposal are material and important, and the Department will rely upon the contents of the proposal in awarding the Contract. The Commonwealth may treat any misstatement, omission, or misrepresentation as fraudulent concealment of the true facts relating to the proposal submission, punishable pursuant to 18 Pa. C.S. § 4904.
- B.** The Offeror has arrived at the price(s) and amounts in its proposal independently and without consultation, communication, or agreement with any other Offeror or Potential Offeror.
- C.** The Offeror has not disclosed the price(s), the amount of its proposal, nor the approximate price(s) or amount(s) of its proposal to any other firm or person who is an Offeror or potential Offeror for this RFP.
- D.** The Offeror has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a proposal, or to submit a proposal higher than its proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.
- E.** The Offeror makes its proposal in good faith and not pursuant to any Agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.
- F.** To the best knowledge of the person signing the proposal for the Offeror, the Offeror, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last **four** years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public Contract, except as the Offeror has disclosed in its proposal.
- G.** To the best knowledge of the person signing the proposal for the Offeror and except as the Offeror has otherwise disclosed in its proposal, the Offeror has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal.
- H.** The Offeror is not currently under suspension, or debarment, or preclude from participation in any federally funded health care program by any other state or the

Federal government, and if the Offeror cannot so certify, then it shall submit along with its proposal a written explanation of why it cannot make such certification.

- I. The Offeror has not made, under separate Contract with the Department, any recommendations to the Department concerning the need for the services described in its proposal or the specifications for the services described in the proposal.
- J. Each Offeror, by submitting its proposal, authorizes Commonwealth agencies to release to the Commonwealth information concerning the Offeror's Pennsylvania taxes, unemployment compensation and workers' compensation liabilities.
- K. Until a selected Offeror receives a fully executed and approved written Contract from the Issuing Office, there is no legal and valid Contract, in law or in equity, and the selected Offeror shall not begin to perform.
- L. The Offeror is not currently engaged, and will not during the duration of the Contract engage, in a boycott of a person or an entity based in or doing business with a jurisdiction that the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.

27. Notifications of Selection for Negotiations and Award.

- A. **Negotiations.** The Department will notify all Offerors in writing of the Offeror selected for Contract negotiations after the Department has determined, taking into consideration all of the evaluation factors, the proposal that is the most advantageous to the Department. Prior to execution of the Contract resulting from this RFP, the selected Offeror must be registered in the Commonwealth of Pennsylvania's Vendor Master File. In order to register, Offerors must visit the Pa Supplier Portal at <https://www.pasupplierportal.state.pa.us/> or call the Customer Support Center at 877-435-7363.
- B. **Award.** Offerors whose proposals are not selected will be notified when Contract negotiations have been successfully completed and the Department has received the final negotiated Contract signed by the selected Offeror.

28. Debriefing Conferences. Upon notification of award pursuant to **Section 27.B**, Offerors whose proposals were not selected may request the opportunity to be debriefed by emailing the Issuing Officer identified in **Section 3**. The purpose of the debriefing is to assist the Offeror in understanding some of the strengths and weaknesses of certain aspects of its Technical Submittal and will not compare the Offeror's proposal with those of other Offerors, other than the position of the Offeror's proposal in relation to all others. The Department shall provide the written debriefing document to the requesting Offeror. Offeror's exercise of the opportunity to be debriefed neither constitutes a protest nor tolls the time for filing one (see **Section 29**).

- 29. RFP Protest Procedure.** Offerors and prospective Offerors who are aggrieved in connection with the solicitation or award of a Contract resulting from this RFP may file a protest with the Department. Any such protest must be in writing and must comply with the requirements set forth in the Commonwealth Procurement Code at 62 Pa.C.S. §1711.1.

Any protest filed in relation to this RFP must be delivered to:

Department of Human Services
Office of Administration, Bureau of Procurement & Contract Management
Attn: Holly Zeiders and
Email address: RA-PWRFPQUESTIONS@PA.GOV

Offerors and prospective Offerors must file a protest electronically via email to the resource account and email address listed above. An Offeror or prospective Offeror must state all grounds on which it asserts the solicitation or award is improper. The date of filing is the date of receipt of the protest. To be timely, the protest must be received by 4:00 p.m. on the seventh day following the date the Offeror or prospective Offeror knew or should have known the facts giving rise to the protest; however, no protest may be filed more than seven days after the notification of Contract award. Further, a prospective Offeror who does not submit a proposal may not file a proposal later than the proposal due date. If an Offeror or prospective Offeror includes information in its protest or in a reply that it considers to be confidential, proprietary, or trade secret protected information, it must also submit a redacted version within the above specified timeframe. If a redacted version is not submitted, the Department will distribute the original to the Offerors that have a substantial and reasonable prospect of Contract award resulting from this RFP. The Issuing Office will notify the contracting office and any Offeror reasonably susceptible of Contract award of the protest, and such notification shall start the timeline for any protest response.

- 30. Use of Electronic Versions of this RFP.** This RFP is being made available by electronic means. If an Offeror electronically accepts this RFP, the Offeror acknowledges and accepts full responsibility to ensure that no changes are made to this RFP. In the event of a conflict between a version of this RFP in the Offeror's possession and the Issuing Office's version of this RFP, the Issuing Office's version shall govern.
- 31. Mandatory Responsiveness Requirements.** To be eligible for selection, the electronic proposal must:
- A. Be timely received from an Offeror (see **Section 12**);
 - B. Be properly signed by the Offeror (see **Section 14.A**);
 - C. Contain a SDB Participation Submittal and additional required documentation, all completed in accordance with the SDB Participation Information Document contained in **RFP Questions Group 1.2** and the Instructions for Completing the SDB Participation Submittal and Utilization Schedule and meet the SDB Participation Goal

in full or meet the SDB Participation Goal in part and have an approved Good Faith Efforts waiver from any unmet portion of the SDB Participation Goal; and

- D.** Contain a VBE Participation Submittal and additional required documentation, all completed in accordance with the VBE Participation Document contained in **RFP Questions Group 1.3** and the Instructions for Completing the VBE Participation Submittal and Utilization Schedule and meet the VBE Participation Goal in full, or meet the VBE Participation Goal in part and have an approved Good Faith Efforts waiver from meeting any unmet portion of the VBE Participation Goal.
- 32. Technical Nonconforming Proposals.** The four Mandatory Responsiveness Requirements set forth in **Section 31** above (A-D) are the only RFP requirements that the Commonwealth will consider to be *non-waivable*. The Department may, in its sole discretion, (1) waive any other technical or immaterial nonconformities in an Offeror's proposal, (2) allow the Offeror to cure the nonconformity, or (3) consider the nonconformity in the scoring of the Offeror's proposal.
- 33. Evaluation.** The Department has selected a committee of qualified personnel to review and evaluate timely submitted proposals. The Department will notify in writing of its selection for negotiations the responsible Offeror whose proposal is determined to be the most advantageous to the Commonwealth as determined by the Department after taking into consideration all of the evaluation factors.

The Commonwealth will not score the SDB and VBE Participation Submittals. Rather, Offerors must commit to meeting the SDB and VBE Participation Goals or make good faith efforts to meet the SDB and VBE Participation Goals as more fully explained in **RFP Questions Group 1**. Although the SDB and VBE Participation Submittals will not be scored, the Issuing Office, in conjunction with BDISBO, will evaluate the SDB Participation Submittal, the VBE Participation Submittal, and additional required documentation to determine whether the Offeror has satisfied the SDB and VBE participation requirements.

The Department will not review or score the CPP Submittal. Once an Offeror has been selected for negotiations, the Department will review the CPP Submittal of the selected Offeror and may request changes to the selected Offeror's CPP Submittal during Contract negotiations.

- 34. Evaluation Criteria.** The following criteria will be used in evaluating each proposal:

 - A. Technical:** The Department has established the weight for the Technical criterion for this RFP as **65%** of the total points. Evaluation will be based upon the following:

 - **Understanding the Project.** This refers to the Offeror's understanding of the Commonwealth's needs that, resulted in this RFP, of the Commonwealth objectives in asking for the services, and of the nature and scope of the work involved, and of the Offeror's roles and responsibilities.

- **Offeror Qualifications.** This includes the ability of the Offeror to meet the terms of the RFP, especially the time constraint and the quality, relevancy, and recentness of projects completed. This also includes the Offeror's ability to undertake a Project of this size.
- **Personnel Qualifications.** This includes the competence and sufficiency of the personnel and staff who would be assigned to the Project by the Offeror. Qualifications of professional personnel shall be measured by experience and education, with particular reference to experience on studies/services similar to that described in the RFP.
- **Soundness of Approach.** This includes the Offeror's technical approach for completion of all deliverables by this RFP, if it is responsive to all requirements of the RFP and if it meets the Project's objectives. The Offeror should clearly state how the objectives of the Project will be met and how each task will be performed.

The final Technical scores are determined by giving the maximum number of technical points available to the proposal with the highest raw technical score. The remaining proposals are rated by applying the Technical Scoring Formula set forth at the following webpage: https://www.dgs.pa.gov/Materials-Services-Procurement/Procurement-Resources/Pages/RFP_SCORING_FORMULA.aspx.

- B. Cost:** The Department has established the weight for the Cost criterion for this RFP as **35%** of the total points. The cost criterion is rated by giving the proposal with the lowest total cost the maximum number of Cost points available. The remaining proposals are rated by applying the Cost Formula set forth at the following webpage: https://www.dgs.pa.gov/Materials-Services-Procurement/Procurement-Resources/Pages/RFP_SCORING_FORMULA.aspx.
- C. Domestic Workforce Utilization:** Any points received for the Domestic Workforce Utilization ("DWU") criterion are bonus points in addition to the total points for this RFP. The maximum amount of bonus points available for this criterion is **3%** of the total points for this RFP. Additional information is contained in the Additional Required Documentation section of this RFP. The DWU Formula is at the following webpage: https://www.dgs.pa.gov/Materials-Services-Procurement/Procurement-Resources/Pages/RFP_SCORING_FORMULA.aspx.
- D. Iran Free Procurement Certification and Disclosure.** Prior to entering a Contract worth \$1,000,000 with a Commonwealth entity, an Offeror must: a) certify that it is not on the current list of persons engaged in investment activities in Iran created by DGS pursuant to Section 3503 of the Procurement Code and is eligible to Contract with the Commonwealth under Sections 3501 – 3506 of the Procurement Code; or b) demonstrate that DGS granted it an exception from the certification requirement with respect to this RFP pursuant to Section 3503(e). All Offerors must complete and return the **Iran Free Procurement Certification Form**, located in the **Additional Required**

Documentation Group 2.1. The completed and signed Iran Free Procurement Certification form must be submitted as part of the Technical Submittal.

- 35. Offeror Responsibility.** To be responsible, an Offeror must submit a responsive proposal and possess the capability to fully perform the Contract requirements in all respects and the integrity and reliability to assure good faith performance of the Contract.

In order for an Offeror to be considered responsible for this RFP, and therefore eligible for selection for BAFOs or selection for Contract negotiations, all of the following requirements must be satisfied:

- A.** The total raw score for the Offeror's technical submittal must be greater than or equal to **75%** of the **available raw technical points**.
- B.** The Offeror must be conflict free as defined by **Section I-7.A. of the RFP** or be able to become conflict free within 90 days of notice of selection as determined by the Department in its sole discretion.
- C.** The Offeror's financial information must demonstrate that the Offeror possesses sufficient financial capability for good faith performance of the Contract. The Commonwealth will review the Offeror's previous three financial statements, any additional information received from the Offeror, and any other publicly-available financial information concerning the Offeror, and assess each Offeror's financial capacity based on calculating and analyzing various financial ratios, and comparison with industry standards and trends.

An Offeror that fails to demonstrate sufficient financial capability for good faith performance of the Contract as specified herein may be considered by the Department, in its sole discretion, for BAFO or Contract negotiation contingent upon such Offeror providing Contract performance security for the first Contract year cost proposed by the Offeror in a form acceptable to the Department. Based on the financial condition of the Offeror, the Department may require a certified or bank (cashier's) check, letter of credit, or a performance bond conditioned upon the faithful performance of the Contract by the Offeror. The required performance security must be issued or executed by a bank or surety company authorized to do business in the Commonwealth. The cost of the required performance security will be the sole responsibility of the Offeror and cannot increase the Offeror's cost proposal or the Contract cost to the Commonwealth.

Further, the Department will award a Contract only to an Offeror determined to be responsible in accordance with the most current version of Commonwealth Management Directive 215.9, Contractor Responsibility Program.

- 36. Final Ranking and Award.**

- A. The Department, in its sole discretion, may undertake negotiations with Offerors whose proposals, in the judgement of the Department, show them to be qualified, responsible, and capable of performing the Project.
- B. After any BAFO process is conducted, the Issuing Office will combine the evaluation committee's final technical scores, the final cost scores, and (when applicable) the DWU scores, in accordance with the relative weights assigned to these areas as set forth in **Section 34** above.
- C. The Issuing Office will rank responsible Offerors according to the total overall score assigned to each, in descending order.
- D. Except as provided in **Section 36.E** below, the Department must select for Contract negotiations the Offeror with the highest overall score.
- E. The Department has the discretion to reject all proposals or cancel this RFP, at any time prior to the time a Contract is fully executed, when it is in the best interests of the Commonwealth. The reasons for the rejection or cancellation shall be made part of the Contract file.