



DPA Solicitation Number:

RFP AABA 2027*0049

Health and Welfare Actuarial and Broker Consultant for the State of
Colorado

State of Colorado

REQUEST FOR PROPOSAL (RFP) COVER SHEET & SIGNATURE PAGE

Health and Welfare Actuarial and Broker Consultant for the State of Colorado

Date: September 21, 2026

RFP Number: AABA 2027-0049

Procurement Contact: Phil Rollins
phil.rollins@state.co.us

Submit Sealed Proposal to: Department of Personnel & Administration

Phil Rollins, Purchasing Agent

Benefit.w0l50a78oqzi68d2@u.box.com

RFP Submission Deadline: Thursday, October 22, 2026 at 3:00pm (Mountain Time)

Offerors are responsible to ensure timely receipt.

Number of Copies: One Electronic Copy in a Zip Folder

This cover page must be filled out in its entirety, signed, and returned with proposal. The State of Colorado Request for Proposal Signature Page MUST be signed by the Offeror or an officer of the Offeror legally authorized to bind the Offeror to the proposal. Signatures may be electronic signatures for this RFP.

Offerors must complete each field below:

F.E.I.N.: _____

Delivery Date: _____

Authorized Signature: _____

Typed/Printed Name: _____

Title: _____

Legal Company Name: _____

Company Address: _____

Phone Number: _____

Email Address: _____

Clarifications Contact: _____

Title: _____

Phone Number: _____

Email Address: _____

By signing this Cover Sheet & Signature Page, the authorized agent acknowledges acceptance of all terms and conditions of this solicitation and certifies that a conflict of interest does not exist.

ONLINE BID SUBMISSION: Send an email to **Benefit.w0l50a78oqzi68d2@u.box.com** attaching the proposal as a zip folder. See Section 2.5. Bids sent by other methods will not be accepted.

IMPORTANT: The Zip Folder must be titled with the RFP Number and the Offeror's name, such as below:

RFP AABA 2027-0049 – [Insert Offeror Name]

Please be advised that in-person, mail-delivered, telegraphic or other forms of sealed bids not specifically detailed in this RFP cannot be accepted in the Purchasing Office as a sealed proposal.

Is your company registered on Colorado VSS? _____

If yes, what is your VCUST number? _____

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SECTION 1.0 ADMINISTRATIVE INFORMATION

1.1. OFFICIAL MEANS OF COMMUNICATION

- 1.1.1. This Request for Proposals (RFP) is issued for the State of Colorado by the Department of Personnel & Administration (Department) and is posted on the Colorado Vender Self-Service System (Colorado VSS) at www.colorado.gov/vss. The Department uses Colorado VSS to publicly post solicitations, modifications, addendums, awards, as well as construction notices. Offerors should carefully and regularly monitor Colorado VSS for any such postings.
- 1.1.2. While registration on Colorado VSS is not required, vendors registered on Colorado VSS may choose to receive notifications for updates regarding this RFP. There is no cost to register on Colorado VSS. To register, visit Colorado VSS, which is linked directly above.
- 1.1.3. At any time prior to the execution of a contract from this RFP, any news release or other contact with media representatives regarding this RFP or any documents associated with this RFP is prohibited, to the extent permitted by law, without the prior express written approval of the State.
- 1.1.4. The Department’s Purchasing Agent listed on the Cover Sheet & Signature Page is the sole point of contact (“Procurement Point of Contact”) regarding this solicitation. All communications must be directed to the designated Purchasing Agent.
 - 1.1.4.1. Because phone lines may not be consistently monitored, email is the preferred method of communication. The individual listed above is the sole point of contact for this solicitation. Initiating contact with anyone other than this individual may result in Offeror disqualification.

SECTION 2.0 SCHEDULE OF ACTIVITIES AND ASSOCIATED TERMS

2.1. SCHEDULE OF ACTIVITIES

- 2.1.1. This Schedule of Activities is for information and planning purposes only. All times shall be considered to be in Mountain Time (MT), as adjusted for daylight savings.

<u>Activity</u>	<u>Date</u>
Solicitation Published on Colorado VSS	Monday, September 21, 2026
Vendor Inquiry Submission Deadline	Monday, October 5, 2026, at 12:00pm
Intent to Bid Notification Deadline	Monday, October 12, 2026, at 12:00pm
Proposal Submission Deadline	Thursday, October 22, 2026 at 3:00pm
Oral Presentations (Estimated)	Week of December 7, 2026
Notice of Intent to Award (Estimated)	Week of December 21, 2026
Contract Execution (Estimated)	May 2027

NOTE: The Department reserves the right to revise the dates in this schedule. If revisions are made prior to the Proposal Submission Deadline, changes will be made via a modification to this solicitation posted on the VSS web site. The estimated notice of intent to award period is for informational purposes only and may vary significantly based on the number and size of proposals received.

2.2. VENDOR INQUIRIES

- 2.2.1. Prospective Offerors' inquiries shall be received by the Department by the date and time indicated in the Schedule of Activities. Inquiries received after the inquiry deadline may not be accepted. Prospective Offerors shall submit all inquiries by email to the Procurement Point of Contact. The email should include the following:
 - 2.2.1.1. The solicitation number and title listed in the email subject line;
 - 2.2.1.2. Prospective Offerors' inquiries, to be attached as a Microsoft Word Document to the email.
 - 2.2.1.2.1. The Word Document should list the section or line numbering in this solicitation that precedes the text on which the inquiry is based. Follow the numbering with the prospective Offerors' question(s) pertaining to that text in this solicitation.
- 2.2.2. Inquiries received by the Department by the Inquiry Deadline will be responded to by the Department via a modification posting on Colorado VSS. Inquiries received after the Inquiry Deadline may not be included in the Department's response.
- 2.2.3. Prospective Offerors shall not rely on any verbal statements that alter any specification or other term or condition of the solicitation. Such changes are valid only if published on Colorado VSS.

2.3. INTENT TO BID NOTIFICATION

- 2.3.1. Organizations planning on submitting a proposal in response to this solicitation are requested to provide a letter of intent to bid stating the organization's intention of submitting a proposal. The letter of intent to bid may contain a statement of an organization's intent to submit a proposal and should be submitted via e-mail to Procurement Point of Contact by the Intent to Bid Notification Deadline.
- 2.3.2. Submission of a letter of intent to bid is not required as a condition for submitting a proposal.
- 2.3.3. Submission of a letter of intent to bid is not binding and does not obligate an organization to submit a proposal.

2.4. REDLINES TO DRAFT CONTRACT

- 2.4.1. By submitting a proposal, the Offeror confirms its willingness to enter into a contracting document containing the terms and conditions or substantially similar terms and conditions to the draft contract and the requirements of this solicitation without exception, deletion, qualification, or contingency.
- 2.4.2. If the Offeror is not willing to accept all terms and conditions, the Offeror must provide a redlined copy of the contract and a statement of explanation, with a listing of all exceptions the Offeror requires with the Offeror's proposal. The request must include a listing of all changes, additions or exceptions desired, an explanation of why Offeror is requesting each change, addition or exception, and the specific effect it will have on the Offeror's ability to perform the requirements of this solicitation.
 - 2.4.2.1. No changes to the legal provisions of the contract will be considered unless the Offeror proposes specific, alternative language to that included in the contract.

- 2.4.3. Failure to submit alternative language shall be deemed a waiver of any rights to subsequently modify the contract terms. If Offeror normally seeks counsel on contract terms, please do so before submitting a response to this solicitation. The Department may, at its discretion, reach out to Offeror(s) regarding exceptions prior to or during the evaluation process or after a notice of intent to award has been made.

2.5. PROPOSAL SUBMISSION

- 2.5.1. Proposals must be received on or before the Proposal Submission Deadline. It is the responsibility of the Offeror to ensure that the Department receives Offeror's complete proposal package on or before such deadlines.
- 2.5.2. The State is utilizing an online submission application. To use this application, please send an email to **Benefit.w0l50a78oqzi68d2@u.box.com**, attaching your proposal as a zip folder. Please note the following:
- 2.5.2.1. The subject line and the body of the email are not uploaded into the online submission application. Only email attachments are uploaded. Should any vendor wish to ask a question or make a comment regarding the solicitation, the Vendor should email the Procurement Point of Contact. If any questions or comments are included in the email to the online submission application, the Department will not be able to answer, or otherwise address them.
- 2.5.2.2. The solicitation submission application typically uploads proposals within five minutes. Offerors should submit proposals at a minimum of thirty minutes prior to the solicitation deadline to ensure the proposal was validly received.
- 2.5.2.3. The application sends an email confirmation if a proposal was uploaded successfully.
- 2.5.2.4. All inquiries, questions, comments, or concerns should be submitted directly to the Procurement Point of Contact, not through the submission application.
- 2.5.2.5. Vendors should submit one zip folder that contains all proposals submission documents. The zip folder should start with the solicitation type, solicitation number, and vendor name (e.g., RFP AABA 2027*0049 - Offeror Name...").
- 2.5.2.6. The solicitation submission application is for proposal submission only. All other communications will be posted to ColoradoVSS or through the Procurement Point of Contact directly.
- 2.5.2.7. Do not encrypt your email. The e-submission program automatically encrypts attachments, and the Department has experienced errors with emails already encrypted by vendors.

2.6. LIST OF BIDDERS

- 2.6.1. Following the Proposal Submission Deadline, organizations may request a list of names of all Offerors who have submitted a proposal package that was received by the Proposal Submission Deadline by emailing the request to the Procurement Point of Contact.

2.7. PUBLIC OPENING

- 2.7.1. Following the Proposal Submission Deadline, organizations may request a list of names of all Offerors who have submitted a proposal package that was received by the Proposal Submission Deadline by emailing the request to the Procurement Point of Contact.

- 2.7.2. In addition, if an Offeror would like to attend a “Public Opening of the Proposals,” they should notify the Procurement Point of Contact at least two (2) Business Days prior to the opening date. The Procurement Point of Contact will email a google hangouts invite to those interested in attending. On the date and time shown in the “Public Opening of the Proposals” above, the Purchasing Agent will conduct the virtual public opening at the delivery location. The Public Opening will disclose only the names of all Offerors who have submitted a proposal in response to the solicitation by the closing deadline.
- 2.7.3. Information regarding contents of proposals will be available from the Purchasing Agent following issuance of a “Notice of Intent to Make an Award” letter.

2.8. ORAL PRESENTATIONS AND/OR INTERVIEWS

- 2.8.1. During the evaluation process, the evaluation committee may, at its discretion, request any or all Offerors to provide demonstrations or make oral presentations, participate in in-person interviews or answer questions about their proposals. Not all Offerors may be asked to make such oral presentations. Offerors should not assume that they will have an opportunity for oral presentations, so the initial written proposal should include their most favorable proposals. After the Evaluation Committee scores each Offeror’s proposal, the Offerors whose proposals are deemed to be reasonably likely of being considered for award may be invited to Oral demonstrations. Offerors are cautioned to ensure that their proposals adequately convey the soundness of their approach and understanding of the requirements and specifications, as the Oral Presentations will only serve to narrow down final choices; the Oral Presentations will not be a place to offer extra information that was omitted from the initial Proposal, or a way for Offerors to incentivize themselves to the State with extraneous sales pitches. In addition, it may be decided that oral demonstrations are not needed.
- 2.8.2. The participating Offeror’s team must include the proposed project manager identified in the proposal. Based on demonstrations requested and questions asked, additional Offeror personnel intended to be active, ongoing participants in the project may be requested to attend. A list of questions will be emailed to participating Offerors prior to the oral demonstration date and these questions will be the foundation for the demonstration. Presentations, demonstrations, and interviews will be at the Offeror's expense. After the oral presentations, demonstrations, and/or interviews, evaluators will have the opportunity to review and update their scores based on the information presented by the Offerors.

2.9. CLARIFICATIONS AND BEST AND FINAL OFFERS

- 2.9.1. The Department may seek clarification from Offerors for the purpose of promoting understanding of the Department’s requirements and the Offeror’s proposal, to clarify requirements, and make adjustments in services to be performed. Changes to proposals, if permitted, will be requested by the Department in writing. Offerors will not be provided an opportunity for comprehensive proposal revisions. The Department, at its sole discretion, may invite Offeror(s) to submit a “Best and Final Pricing Offer” to the Department for consideration. The Department will not disclose any pricing information derived from proposals submitted by a competing Offeror. Best and Final Offers will be made at the Offeror’s expense.

2.10. LEGISLATIVE AND POLICY CHANGES

- 2.10.1. The subject matter of this solicitation may be subject to legislative changes either by the federal or state government. If any such changes occur prior to the submission deadline, then all Offerors will have the opportunity to modify their proposals to reflect such changes. If any such changes occur after the submission deadline, then (i) the Department reserves the right to negotiate modifications with the identified finalist(s) and/or with the Successful Offeror's proposal reflecting such legislative changes; and (ii) the Department shall have no obligation to provide unsuccessful Offerors with the opportunity to modify their submissions to reflect such legislative changes.

SECTION 3.0 GENERAL CONSIDERATIONS

3.1. DISCLAIMER ON INFORMATION IN SOLICITATION

- 3.1.1. All statistical and fiscal information contained within this solicitation and its appendices, and any amendments and modifications thereto reflect the best and most accurate information available to the Department at the time of solicitation preparation. No inaccuracies in such data shall constitute a basis for legal recovery of damages or protests, either real or punitive, except to the extent that such inaccuracy was a result of the intentional misrepresentation by the Department.

3.2. SOLICITATION CANCELLATION

- 3.2.1. The Department reserves the right to cancel this entire solicitation or individual phases at any time, without penalty. In the event that the Department receives only one (1) proposal, the Department may determine that this was the result of insufficient competition. In this event, the Department reserves the right to cancel this solicitation and either enter into Competitive Negotiations with the sole Offeror or choose to re-solicit.

3.3. PROPOSAL AND PRE-CONTRACT COSTS

- 3.3.1. The Department is not liable for any costs incurred by Offerors prior to issuance of a legally executed contract or procurement document. No property interest of any nature shall occur until a contract is awarded and signed by all concerned parties.

3.4. OFFEROR REGISTRATION IN COLORADO

- 3.4.1. Awarded Offeror, whether headquartered within or outside of Colorado, must be registered to conduct business in Colorado with the Colorado Secretary of State and obtain a Certificate of Good Standing or Certificate of Existence prior to the execution of any contract resulting from this solicitation. The Apparent Successful Offeror must be registered to do business in Colorado within ten (10) business days after receiving the Intent to Award. Proof of such certification shall be provided upon request by the Department. This is the link for the Colorado Secretary of State's Website: <http://www.sos.state.co.us>.

3.5. OFFEROR IDENTIFICATION

- 3.5.1. The tax identification number provided on any forms related to this solicitation must be that of the Offeror responding to this solicitation. The Offeror must be a legal entity with the legal right to contract. If an Offeror is owned or controlled by a parent company, the name, main office address and parent company's tax identification number shall be provided in the proposal.

3.6. TAXES

- 3.6.1. The State of Colorado, as a purchaser, is exempt from all Federal excise taxes under Chapter 32 of the Internal Revenue Code (Registration No. 84-730123K) and from all state and local government use taxes under §39-26-114(a), C.R.S. The State of Colorado's State and Local Sales Tax Exemption Number is 98-02565.
- 3.6.2. Goods and services purchased by an Offeror may be subject to sales tax in certain jurisdictions even though the Offeror is purchasing such goods or services in connection with providing goods or services to the State. Any taxes to which Offeror may be subject will not be reimbursed by the State.

3.7. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

- 3.7.1. By submission of this proposal, each Offeror certifies:
 - 3.7.1.1. The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Offeror or with any competitor;
 - 3.7.1.2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the Offeror and will not knowingly be disclosed by the Offeror prior to opening, directly or indirectly to any other Offeror or to any competitor; and
 - 3.7.1.3. No attempt has been made or will be made by the Offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.
- 3.7.2. The person causing this proposal to be submitted certifies that:
 - 3.7.2.1. They are the person in the Offeror's organization responsible within that organization for the decision as to the prices being offered herein and that they have not participated and will not participate in any action contrary to this section; or
 - 3.7.2.2. They are not the person in the Offeror's organization responsible within that organization for the decision as to the prices being offered herein but that they have been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated and will not participate in any action contrary to this section, and as their agent does hereby so certify; and
 - 3.7.2.3. They have not participated, and will not participate, in any action contrary to this section.
- 3.7.3. If any statement in this section of this document is not true for Offeror's organization, the proposal will not be considered for award unless the Offeror furnishes with the proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or their designee, determines that such disclosure was not made for the purpose of restricting competition.

3.8. CONFLICTS OF INTEREST

- 3.8.1. Offerors must disclose any potential conflict of interest in connection with a Proposal. A conflict of interest may include, but is not limited to, access to any non-public information regarding the RFP or the subject matter of the RFP by the Offeror, or any of the Offeror's employees, contractors, or agents, including any individual who may have had access to non-public information in a prior capacity before entering into a relationship with Offeror.

- 3.8.2. No individual or entity engaged by the State to prepare this RFP or that has otherwise had prior access to the solicitation or to sensitive information related to this procurement process (including, but not limited to the requirements, statement of work, or evaluation criteria), will be eligible to submit or participate in a Proposal in response to this RFP.
- 3.8.3. If the State determines that a conflict of interest exists, the State, in its sole discretion, may reject any Proposal or cancel the award of a contract. In the event the Awarded Offeror was aware of any conflict of interest prior to the award of the contract and failed to disclose the conflict to the State, the State may terminate the contract for cause.
- 3.8.4. The provisions of this section regarding disclosure of conflicts of interest to the State must be included in any subcontracts in connection with performance of the work. The language included in any subcontract must preserve the State's rights to disclosure of conflicts of interest and to termination of the contract on the basis of any unacceptable conflict or failure to disclose any conflict.

3.9. DEBARMENT AND SUSPENSION

- 3.9.1. By submitting a proposal in response to this solicitation, the Offeror certifies to the best of its knowledge and belief that it, its principals and proposed Subcontractors:
 - 3.9.1.1. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions;
 - 3.9.1.2. Have not within a three-year period preceding the proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection 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;
 - 3.9.1.3. Are not presently under investigation for, indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in the previous bulleted item; and
 - 3.9.1.4. 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.
- 3.9.2. If the Offeror is unable to certify any of the statements in this certification, Offeror is to provide an explanation included as a separate attachment to the proposal as an Additional Attachment. The inability of the Offeror to provide the certification will not necessarily result in disqualification of the Offeror. The explanation will be considered in connection with the Department's determination whether to award a contract to an Offeror.

3.10. NON-DISCRIMINATION

- 3.10.1. The Offeror shall comply with all applicable state and federal laws, rules and regulations involving non-discrimination on the basis of race, color, religion, national origin, age or sex.

3.11. CONTRACT PERFORMANCE DISCLOSURE

- 3.11.1. The proposal shall fully disclose any serious negative contract problems for the Offeror, its principal, and affiliates for contracts in the last seven (7) years that fall within one of the following categories:

- 3.11.1.1. Investigative or audit or similar findings or charges of fraud, malfeasance, anti-trust violation, civil violation, criminal activity or fine including those agreed to by settlement.
- 3.11.1.2. Formal notices to cure or formal audit findings concerning contractor deficiencies in a contract with a local, state or federal government agency.
- 3.11.1.3. Detailed information on all lawsuits for issues pertaining to contract performance, payments, or other obligations under an agreement with a local, state or federal agency and the outcome of the lawsuit or settlement.
- 3.11.2. If applicable, the Offeror shall include a separate attachment to the proposal as an Additional Attachment.

SECTION 4.0 PROPOSALS

4.1. SOLICITATION COMPLIANCE / PROPOSAL REJECTION

- 4.1.1. Proposals will be accepted only for the entire Statement of Work as described within this solicitation.
- 4.1.2. Estimated costs and/or prices will not be accepted. Proposed prices must be firm, fixed prices in United States funds. Proposals submitted must include all related costs, example surcharges, travel, etc. Any costs not included as part of the proposal will be disallowed.
- 4.1.3. Quantities stated in this solicitation or in Proposals are estimates only. Unless expressly stated, no volume of goods or services to be purchased can be guaranteed. Pricing may be tiered, but may not be contingent upon unstated assumptions regarding quantities to be purchased.
- 4.1.4. Failure of an Offeror to comply with or meet all requirements or respond to all requests for information within this solicitation may result in Offeror's proposal being disqualified or determined not acceptable. The Department reserves the right to reject any or all proposals for non-compliance, to waive informalities and minor irregularities in proposals received, and to accept any portion of a proposal or complete proposals if deemed in the best interest of the State. Such disqualification or determination may occur at any point following the Proposal Submission Deadline.
- 4.1.5. Unless the solicitation specifically allows for or requires multiple proposals, Offerors shall submit only one (1) proposal in response to this solicitation. The Department may, at its sole discretion, disqualify an Offeror's proposals from evaluation if the Offeror submits more than one (1) proposal and/or any alternative proposals. Best and final offers may be requested and considered, at the Department's option and request, as part of the evaluation process.

4.2. GENERAL INSTRUCTIONS

- 4.2.1. Offeror should adhere to the format prescribed and content required for proposal responses. Offeror's proposal response and attachments shall:
 - 4.2.1.1. Comply with the standards of Section 508 of the Rehabilitation Act of 1973, (29 USC § 794). The Offeror may not have an opportunity to re-draft their proposal response and attachments to make them accessible to persons with vision impairments after the proposal submission deadline and in the event that the Department has evaluator(s) serving on an Evaluation Committee requiring accessibility, the Department may disqualify an Offeror's proposal from evaluation.

- 4.2.1.2. Present writing that is responsive, succinct, self-explanatory, offers complete responses, and is well organized on pages that are consecutively numbered in a consistent numbering format. There is no page limit for proposal responses; however, the Department does not desire nor encourage excessive responses; unnecessary tables, graphs, photographs or marketing materials; or attachments that have not been requested.
- 4.2.1.3. Make no reference to elements of cost or pricing anywhere except as a response to any questions specifically listed in the “Cost Exhibit” Exhibit to the solicitation. The answers to the Cost Exhibit must be submitted as a different document in the Offeror’s proposal. If any element of cost or pricing is mentioned or referred to in any place within Offeror’s proposal response that does not specifically ask for cost or pricing, the Offeror may be disqualified.
- 4.2.1.4. Include attachments, as specified within the solicitation documents. Present attachments that are labeled with wording related to the requirement or topic covered within that attachment.
- 4.2.1.5. Address all questions asked in the Offeror Questionnaire Exhibit as follows:
 - 4.2.1.5.1. Provide Offeror’s full and complete response to each numbered question. Offerors should not expect the Evaluation Committee to review anything but Offeror’s response directly following the numbered questions.
 - 4.2.1.5.2. In order to obtain census, claims, and disruption data necessary to provide a proposal in response to this RFP, email the Sole Point of Contact listed above to obtain a Non-Disclosure Agreement (NDA). Once the NDA is signed vendors will be provided access to a Google Drive with the information.

4.3. COMPLETE PROPOSAL

- 4.3.1. A complete proposal should include the following:
 - 4.3.1.1. Technical Proposal, which should consist of the following:
 - 4.3.1.1.1. Table of Contents
 - 4.3.1.1.1.1. The Table of Contents should include headings that denote the major sections in the proposal. In addition, each attachment should be separate.
 - 4.3.1.1.2. Executive Summary
 - 4.3.1.1.2.1. The Executive Summary must be factual and should succinctly cover the core aspects of Offeror’s staffing, methodologies and approaches to fulfill the Statement of Work within the solicitation. The name, phone number and e-mail address for the Offeror’s contact person for the Offeror’s proposal. Also include the Offeror’s CORE VSS number in the Executive Summary.
 - 4.3.1.1.3. W-9 (Exhibit D in this solicitation).
 - 4.3.1.1.3.1. A W-9 must be completed and signed. If Offeror is owned or controlled by a parent company, the Proposal must also identify the name, main office address, and tax identification number of such parent company.
 - 4.3.1.1.4. Technical Proposal.
 - 4.3.1.1.4.1. The Technical Proposal should consist of Offeror’s full and complete response to all numbered questions in Exhibit B.

- 4.3.1.1.5. Technical Proposal Attachments, if applicable Any attachments that are requested or required within the Statement of Work or any attachment deemed applicable by Offeror in response to a numbered question.
- 4.3.1.2. Cost Proposal, which should consist of the following:
 - 4.3.1.2.1. Offeror's Cost Proposal Responses Offeror's full and complete response to any numbered question in Exhibit B to this solicitation.
 - 4.3.1.2.2. Offeror's Cost Proposal Attachments, if applicable. Any attachments that are requested or required within the Statement of Work or any attachment deemed applicable by Offeror in response to a numbered question.
- 4.3.1.3. Additional Attachments. Additional Attachments should consist of Offeror's response, as applicable, to any of the following:
 - 4.3.1.3.1. Conflicts of Interest (see Section 3, sub-section 8 of this document)
 - 4.3.1.3.2. Debarment & Suspension (see Section 3, sub-section 9 of this document)
 - 4.3.1.3.3. Contract Performance Disclosure (see Section 3, sub-section 11 of this document)

4.4. PROPOSAL PACKAGE AND COPIES

- 4.4.1. An Offeror's proposal package shall consist of all of the following:
 - 4.4.1.1. Exact and complete copy of the Technical Proposal. Labeled as "Technical Proposal".
 - 4.4.1.2. Exact and complete copy of the Cost Proposal. Labeled as "Cost Proposal".
 - 4.4.1.3. Exact and complete copy of the Additional Attachments. Labeled as "Additional Attachments".
 - 4.4.1.4. NOTES: All documents should be presented in searchable format.

4.5. PROPOSAL SUBMISSION

- 4.5.1. The complete proposal package, including all required copies, should be received by the Proposal Submission Deadline at the email address listed on the Cover Sheet & Signature Page for this solicitation, in the manner described in Section 2, sub-section 5.3 (and all its subcomponents).
- 4.5.2. If you have any issues with submitting your proposal, please contact the Procurement Contact on the cover page of this solicitation.

4.6. PROCEDURE FOR SUBMISSION OF CONFIDENTIAL / PROPRIETARY INFORMATION

- 4.6.1. The Department recognizes that some elements of a Proposal may contain proprietary or confidential information. An Offeror may request confidentiality of information submitted in connection with a Proposal using the following procedure:
 - 4.6.1.1. The Offeror must submit a written request for confidentiality with its Proposal.

- 4.6.1.2. The request must state specifically what elements of the Proposal are to be considered confidential and must provide a justification for the request, including Section numbers if applicable. To the extent that the request includes multiple types of information, the request must include a specific justification for the request as applied to each different type of information requested to be held confidential.
- 4.6.1.3. Material requested to remain confidential must be separated from the remaining elements of the Proposal and must be readily identified, such as by labeling the pages as “Proprietary/Confidential.”
- 4.6.2. The State will not consider any requests for confidentiality under the following circumstances:
 - 4.6.2.1. All, or substantially all, of a Proposal is requested to remain confidential.
 - 4.6.2.2. Material requested to be kept confidential is co-mingled with other information in the Proposal (i.e., is not separated from the remainder of the Proposal as required above).
 - 4.6.2.3. The request concerns price or rate information, or information that will be included in any resulting contract for the goods or services proposed.
- 4.6.3. The Department’s Procurement Official or delegate will make a written determination regarding any request for confidentiality that complies with the requirements above. In the event that the Department denies the Offeror’s request for confidentiality or determines that a request is not in compliance with the requirements of this RFP, a notice of that determination will be sent to the Offeror. Upon notice of such denial, the Offeror may withdraw its entire Proposal. An Offeror’s decision to allow its Proposal to remain under consideration will be considered acceptance of the Department’s determination regarding confidentiality.
- 4.6.4. Nothing in this section prohibits the Department from unilaterally determining that any portion of a Proposal should remain confidential, provided that the same criteria for such determination are applied to all proposals submitted under this RFP.
- 4.6.5. Any restrictions of the use or inspection of material contained within the proposal shall be requested by the Offeror prior to the submission of the proposal via email to the Procurement Point of Contact. The request must include a letter indicating what portion of the Colorado Open Records Act at Colorado Open Records Act, C.R.S. Title 24, Article 72, Part 2, as amended, applies to the suggested confidential/proprietary information and must specifically state what elements of the proposal are to be considered confidential/proprietary.
- 4.6.6. The Department will make a written determination as to the apparent validity of any written request for confidentiality. The written determination will be sent to the Offeror. The Offeror may protest the decision per Procurement Rule 24-103-202a-08.
- 4.6.7. For requests granted, the Offeror must provide a separate zip drive containing the entire proposal with all confidential/proprietary information redacted. The drive must also include the letter indicating what portion of the Colorado Open Records Act at Colorado Open Records Act, C.R.S. Title 24, Article 72, Part 2, as amended, applies to the suggested confidential/proprietary information. The drive should be submitted to the box.com email labeled “Confidential/Proprietary” and the solicitation number. Co-mingling of confidential/proprietary information with other proposal documents will nullify the confidential/proprietary status and will remove any restrictions on the use or inspection of the material.

4.6.8. Neither a proposal in its entirety nor the proposal cost/price information will be granted confidential/proprietary status. Any information that will be included in any contract resulting from this solicitation cannot be considered confidential.

4.6.9. After award, the proposals will be open to public inspection pursuant to the Colorado Open Records Act, subject to any continued prohibition on the disclosure of confidential data.

4.7. MODIFICATION OR WITHDRAWAL OF PROPOSALS

4.7.1. Proposals may be modified or withdrawn by the Offeror prior to the Proposal Submission Deadline.

4.8. BINDING OFFER

4.8.1. By submitting a proposal, Offeror confirms that their proposal shall remain a firm offer for 180 days. Acknowledgment of this condition is indicated by submission of the vendor's proposal.

4.9. PROPOSAL MATERIALS OWNERSHIP

4.9.1. All products and materials submitted in response to this solicitation become the property of the State of Colorado at the Proposal Submission Deadline. As such, except as provided regarding confidential or proprietary information above, the State of Colorado has the right to use any or all such information or material. The State of Colorado may retain or dispose of all such information or material as is lawfully deemed appropriate.

4.9.2. All proposals may be reviewed by any person after a Notice of Intent to Award has been issued, subject to the terms of the Colorado Open Records Act ("CORA"), §§24-72-200.1, et seq., as amended, and any confidential/proprietary status granted by the Department. Offeror expressly agrees that the State of Colorado may use the materials for all lawful State purposes and may make the information available to the public in accordance with the provisions of CORA.

4.9.3. This solicitation does not commit the Department to award a contract or to pay any costs incurred in the preparation of a proposal. All costs incurred by an Offeror in responding to this RFP shall be borne by the Offeror.

SECTION 5.0 EVALUATION

5.1. EVALUATION PROCESS

5.1.1. The evaluation of proposals will result in a recommendation for award of the Contract. The award will be made to the Offeror(s) whose proposal, conforming to the solicitation, will be most advantageous to the State of Colorado, price and other factors considered.

5.1.2. The Department will conduct a comprehensive, thorough, complete and impartial evaluation of each proposal received.

5.1.2.1. In the event that the Department hosts oral presentations, the Department may select only the Offerors whose proposals are deemed to be reasonably likely of being considered for award to be invited to Oral demonstrations. The Department reserves the right to not include all Offerors in oral presentations.

5.1.3. The Department will select a vendor in compliance with C.R.S. §24-103-203(7) which states, "The award shall be made to the responsible Offeror whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and evaluation factors set forth in the request for proposal."

- 5.1.4. The evaluation process is designed to award this procurement to the Offeror whose proposal best meets the requirements of this RFP, and is most advantageous to the State, not necessarily to the Offeror with the lowest cost. However, Offerors are encouraged to submit proposals that are consistent with state government efforts to conserve state resources.
- 5.1.5. The Department encourages proposals from Service-Disabled Veteran Owned Small Businesses. Each Offeror that is a Service-Disabled Veteran Owned Small Businesses should submit verification that it is incorporated or organized in Colorado or maintains a place of business or has an office in Colorado and is officially registered and verified as a Service-Disabled Veteran Owned Small Business by the Center for Veteran Enterprise within the U.S. Department of Veterans Affairs. (<https://vetbiz.va.gov/>)

5.2. EVALUATION COMMITTEE

- 5.2.1. An Evaluation Committee will be established utilizing measures to ensure the integrity of the evaluation process. These measures include the following:
 - 5.2.1.1. Selecting committee members who do not have a conflict of interest regarding this solicitation.
 - 5.2.1.2. Facilitating the independent review of proposals.
 - 5.2.1.3. Requiring the evaluation of the proposals to be based strictly on the content of the proposals.
 - 5.2.1.4. Ensuring the fair and impartial treatment of all Offerors.
- 5.2.2. The objective of the Evaluation Committee is to conduct reviews of the proposals that have been submitted, to hold frank and detailed discussions among themselves, and to recommend an Offeror for award.
- 5.2.3. The Evaluation Committee will evaluate proposals to determine if each Offeror met all mandatory qualification requirements. The mandatory qualification requirements are scored on a Met/Not Met basis and only those proposals found by the Evaluation Committee to meet all mandatory requirements can be considered for a Contract resulting from this solicitation.
- 5.2.4. Proposals will be evaluated by the Evaluation Committee using the evaluation criteria in Section 5, Sub-Section 4 below. The evaluators will consider whether all critical elements described in the solicitation have been addressed, the capabilities of the Offeror, the quality of the approach proposed, the price, and any other aspect determined relevant by the Department.
- 5.2.5. The Evaluation Committee will determine which proposal is the most advantageous to the State of Colorado by performing a value analysis.
- 5.2.6. The Evaluation Committee will perform a value analysis by comparing the technical differences among proposals and whether these differences justify paying the cost differential provided in each Offeror's proposal.
- 5.2.7. The evaluation process is designed to award this procurement to the Offeror whose proposal best meets the requirements of this RFP, and is most advantageous to the State, not necessarily to the Offeror with the lowest cost. However, Offerors are encouraged to submit proposals that are consistent with state government efforts to conserve state resources.
- 5.2.8. Based on the Evaluation Committee's value analysis, the Committee will determine which Offeror is most advantageous to the State. The Evaluation Committee will explain its value analysis and the determination in a written document.

- 5.2.9. The Evaluation Committee may, if it deems necessary, request clarifications, conduct discussions or oral presentations, or request best and final offers. The Evaluation Committee may adjust its scoring based on the results of such activities. However, proposals may be reviewed and determinations made without such activities. Offerors should be aware that the opportunity for further explanation might not exist; therefore, it is important that all proposal submissions are complete. Offerors should submit their best possible proposals, including pricing, and should not rely on the possibility of oral presentations, demonstrations, or other direct communication with the State.

5.3. COMPLIANCE

- 5.3.1. It is the Offeror's responsibility to ensure that Offeror's proposal is complete in accordance with the direction provided within all solicitation documents. Failure of an Offeror to provide any required information and/or failure to follow the response format set forth in this RFP and its Exhibits may result in the disqualification of that Offeror's proposal.

5.4. PROPOSAL EVALUATION CRITERIA

- 5.4.1. The evaluation criteria to be used in evaluating the proposals are as follows and are listed in no particular order:

EVALUATION CRITERIA

Accessibility Requirements

Technical Component

Management Capability

Cost Component

Overall Quality and Completeness of Bid Submission

SECTION 6.0 AWARD AND CONTRACT

6.1. NOTICE OF INTENT TO AWARD

- 6.1.1. Upon approval of the Evaluation Committee's recommendation for award, the Department will issue a "Notice of Intent to Award" announcement to all Offerors that will state the Department's intent to make an award to the selected Offeror. The award will also be published on the CORE Web site. The Department reserves the right to award this RFP in part to multiple Offerors, if so determined by the Department to be in the best interests of the State.

6.2. PROTESTED SOLICITATIONS AND AWARDS

- 6.2.1. Any actual or prospective Offeror or contractor who is aggrieved in connection with this solicitation or award of a contract may submit a protest. The protest shall be submitted in writing or via e-mail within 10 business days after such aggrieved person knows, or should have known, of the facts giving rise thereto.
- 6.2.2. To be considered, the protest should be submitted electronically to:
 - 6.2.2.1. Sarah Stoner, Director of Contracts and Procurement
Department of Personnel & Administration
Contracts and Procurement
sarah.stoner@state.co.us

6.3. PROPOSAL CONTENT ACCEPTANCE

- 6.3.1. The contents of the proposal of the successful Offeror, including persons specified to implement the project, will become contractual obligations in the Contract. Failure of the successful Offeror to accept these obligations in a contracting instrument may result in cancellation of the award and such Offeror may be removed from consideration for future solicitations.
- 6.3.2. A contract will be offered to the successful Offeror and, upon successful completion of negotiations, will be signed by both parties.
- 6.3.3. Should the contract not be completed and agreed to by both parties within 30 calendar days following the issuance of a draft contract to the successful Offeror for review, through no fault of the Department, the Department, at its sole discretion, may elect to cancel the existing award announcement and make an award to the next most advantageous Offeror.

6.4. CONTRACT TERMS AND CONDITIONS

- 6.4.1. The draft contract to be executed is included as an exhibit to this solicitation (see Exhibit B). The Special Provisions of the Draft Contract shall not be negotiable. By submitting a proposal, the Offeror confirms its willingness to agree to the language in Section 10. Awarded Offeror shall comply with existing privacy/security standards established by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; 34 CFR Part 99), the Student Data Transparency and Security Act (C.R.S. §§ 22-16-101, et al.), and any other applicable laws, and to the Department's data privacy and security policies. By submitting a proposal, the Offeror confirms its willingness to enter into a contracting document containing the terms and conditions or substantially similar terms and conditions to the draft contract and the requirements of this solicitation without exception, deletion, qualification, or contingency. Should the Department and the awarded Offeror not come to agreement on contract terms and conditions, the Department, at its sole discretion, may elect to cancel the existing award announcement and make an award to the next most advantageous Offeror.

6.5. NEWS RELEASES

- 6.5.1. News releases pertaining to this solicitation or intent to award shall NOT be made prior to execution of the contract or without prior written approval by the Department.

6.6. CONTRACT FUNDING

- 6.6.1. The Contract is subject to and contingent upon the continuing availability of Federal and State funds for the purpose hereof. The Offeror recognizes that it is to be paid, reimbursed or otherwise compensated with Federal and State funds provided to the Department for the purposes of contracting for the services provided herein. The Offeror expressly understands and agrees that all its rights, demands and claims to compensation arising under the Contract are contingent upon receipt of such funds by the Department. In the event that the Department does not receive such funds or any part thereof, the Department may immediately terminate the Contract without liability, including liability for termination cost.

6.7. SERVICE DISABLED VETERAN OWNED SMALL BUSINESS (SDVOSB)

- 6.7.1. SDVOSB Offerors must submit documentation of certification issued through the U.S. Department of veteran's affairs in their proposal. §24-103-905 C.R.S. sets a SDVOSB goal of at least 3% of all contracts by dollar value be awarded to SDVOSBs who must be incorporated or organized in Colorado or they must maintain a place of business or have an office in Colorado and must be officially registered and verified as a SDVOSB by the Center for Verification and Evaluation within the United States department of veteran's affairs. See <https://vetbiz.va.gov/>

6.8. PERFORMANCE OUTSIDE OF COLORADO

- 6.8.1. Awarded Offeror, per Section 24-102-206, C.R.S., prior to contracting shall disclose in a written statement whether it anticipates performing or subcontracting any services under the contract, where such subcontracted services will be performed under the contract, including any subcontracts, and whether any subcontracted services under the contract or any subcontracts are anticipated to be performed outside the United States or the state. If the prospective vendor anticipates services under the contract or any subcontracts will be performed outside the United States or the state, the vendor shall provide in its written statement a provision setting forth why it is necessary or advantageous to go outside the United States or the state to perform the contract or any subcontracts.