



**Ohio Department of Job and Family Services
Request for Letterhead Bids (RLB)**

**Technical Assistance to Counties
RLB#: R-89-01-0488**

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) issues this Request for Letterhead Bids (RLB) to solicit responses from vendors qualified to provide members of the agency's Director's Office with professional consultation and technical assistance for its efforts at enhancing the effectiveness of the functional and administrative interfaces between ODJFS and its county agency partners. As a result of this RLB process, ODJFS anticipates offering contracts to up to three persons qualified and experienced in public service administration, fiscal administration, program development and implementation, professional communications, and training needs analysis.

Each of the selected consultants may be assigned various tasks related to the overall goals of this RLB, such as: 1) analyzing, designing, and implementing training programs for new county agency directors and/or county agency staff; 2) assessing the needs of county agency staff for information on state-level operations, and developing strategies for filling those needs, and; 3) analyzing existing ODJFS structures, practices, and conventions for providing support to, and communicating with, the county agencies, and identifying possible opportunities to enhance their effectiveness. Additionally, some work assignments may be issue-specific, such as examining procedural and administrative interaction points between ODJFS and the county agencies on specific programs, such as Food Stamps, in order to develop strategies for performance improvements. The selected consultants will be responsible for regularly meeting with and reporting to assigned ODJFS executive staff on progress, suggestions, and any problems encountered.

Interested vendors are to submit bids, or "proposals," describing their qualifications and capabilities in accordance with the instructions provided in this RLB. The term "vendors" is used in this document to refer to individuals interested in submitting proposals in response to this RLB; the terms "contractors" and "consultants" are used to refer to those qualified vendors selected through this RLB process to perform the work described in this RLB. While ODJFS expects to receive proposals only from individuals, each offering their own services, if some partnership, firm, or other business entity offers to provide the services of such qualified individuals, ODJFS may at its sole discretion, consider that proposal if all RLB requirements are met and all expected qualifications are presented for each individual offered by that firm.

This RLB is released by ODJFS, and the subsequent contracts expected to result from this process will be agreements between the Department and the selected vendors. ODJFS will designate an executive staff member to act as Contract Manager to provide the consultants selected through this RLB with direction, on-going supervision and evaluation of the consultant's services, activities, and performance. The contract period for this project is expected to run from approximately September 2007 through June 30, 2009. No extensions or renewals beyond that date are planned for the contracts expected to result from this RLB.

ODJFS is under no obligation to enter into any contracts with any vendor as a result of this solicitation, if, in the opinion of ODJFS, none of the proposals are responsive to the objectives and needs of the Department; additionally, ODJFS reserves the right to not select any vendors should ODJFS decide not to proceed. Changes in this RLB of a material nature will be provided on the agency website for procurement opportunities. All vendors are responsible for obtaining any such changes without further notice by ODJFS.

II. Time and Date of Submission

Organizations, companies, firms, or individuals who are interested in submitting letterhead bids must make their submission not later than **3:00 p.m. Eastern (local) Time on Wednesday, August 8, 2007**. Faxes will not be accepted. Bids must be addressed to:

**Office of Contracts & Acquisitions
Ohio Department of Job and Family Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-3414
ATTN: RFP/RLB Unit**

For hand delivery on the due date, vendors are to allow sufficient time for downtown parking considerations, as well as for security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31st Floor. All bids received on the due date will be accepted by the Office of Contracts and Acquisitions on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any bids delivered to any address other than the address provided above.**

All submissions must be received, complete, by mail or hand delivery by the above date and time. Materials received after the submission deadline date will not be added to previous submissions, nor be considered. No confirmations of mailed bids received can be provided.

Submission of a bid indicates acceptance by the vendor of the conditions contained in this RLB, unless clearly and specifically noted in the bid submitted and confirmed in the contract between ODJFS and the vendor selected.

III. Anticipated Procurement and Project Timetable

June 27, 2007	ODJFS Releases RLB to Potential Vendors on the ODJFS Websites.
Wednesday, August 8, 2007	Deadline for Vendors to Submit Proposals to ODJFS (3:00 P.M., local time)
Aug. 14 - Aug. 20	Interviews to be scheduled with qualifying vendors. (Estimated - Interested vendors must be available for an interview in Columbus, Ohio during the interview time period designated by ODJFS or they may forfeit their opportunity for selection.)
Aug. 24, 2007	ODJFS Issues Vendor Selection Notification Letter (estimated)
October 15, 2007	Controlling Board Review of Contracts with Selected Vendors (estimated)
Nov. 1, 2007*	Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE)
June 30, 2009	All project work must be completed.

ODJFS reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations and after providing reasonable notice.

* According to requirements of Ohio Revised Code (ORC) 126.07, contracts with ODJFS are not valid and enforceable, and work may not begin, until all required contractual and funding approvals are obtained. No work may be performed until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, which is indicated by the approval of the Purchase Order (P.O.). The selected vendor may neither perform work nor submit an invoice for payment for work performed for this project for any time period before the ODJFS Contract Manager provides notice that the requirements of section 126.07 of the Ohio Revised Code have been met.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

There will be no Question & Answer Period for this project. See also Section, XIV., Communications Prohibitions.

V. Qualifications

ODJFS seeks consultants will a solid core of experience and professional qualifications, and with established and proven skill sets necessary to the development and administration of human services, family assistance, and workforce development programs within the public sector. While individual tasks and assignments may vary, and may be based on individuals' particular strengths and program

experience, all will require these core qualifications and skill-sets, and all tasks will be aimed at achieving the overarching goals as expressed in this RLB.

In order to be considered in this RLB process, ODJFS requires that interested vendors' proposals demonstrate how the vendor meets the following minimum mandatory qualifications, and must address the extent to which the vendor possesses the additional experience and capabilities described in this section.

A. Mandatory Vendor Qualifications

In order to be considered for the project described in this RLB, ODJFS requires that interested vendors **must** meet and demonstrate, at minimum, **both** the following requirements:

1. Have ten or more years (cumulative) of county, state, or federal experience in development, evaluation, and/or administration of at least one of the major program areas for which ODJFS holds responsibility (*e.g.*, child support enforcement; child protective services, foster care, or adoption; food stamp programs; workforce and/or employer services; Medicaid or other public-payer health plans), *and*,
2. Hold a bachelor's or graduate degree in public administration, social work, education, communications, or in financial management or a related degree.

Vendor proposals which do not demonstrate the above qualifications and experience will be disqualified from further consideration for award. Satisfactory demonstration of these required qualifications must include, *at minimum*, a resume or curriculum vitae, and references (including contact person, organization, address, phone number or e-mail address) from three or more persons who, through their professional positions, have knowledge of the interested vendor's professional experience. Any additional, relevant, supportive documentation should also be provided, such as copies (or other independently verifiable indications) of certification in professional organizations, lists of professional awards received, lists of published professional articles, etc.

B. Additional Experience and Capabilities

In narrative format of not more than seven pages, vendors are to describe in detail their professional experiences which would be important to the successful performance of the work which is the subject of this RLB.

1. Administrative Functions Experience - Specifically, proposals should describe in detail the vendor's experience in relevant administrative functions such as:
 - Training, training needs assessment, or curriculum development,
 - County-to-state, and/or state-to-federal administrative interactions,
 - Public program development, implementation, and/or evaluation,
 - Development or implementation of public program policy or rules, and/or interpretation and implementation of local, state, and/or federal rules, guidance, or directives,
 - Program or agency administration,
 - Needs assessments and analysis,

- Financial management, and,
- Report writing and written communications skills.

2. Program Experience - Proposals must also describe in detail the vendor's experience in one or more specific public programs such as Food Stamps, Medicaid, Child Support Enforcement, etc., particularly emphasizing experience in problem mediation, training, and- rule or policy implementation within those programs.
3. Problem Solving and Technical Assistance - The narrative must describe the type and extent of experience providing technical assistance to public service entities, with identifiable or measurable results.
4. Planning and Project Management Experience - Vendors should describe their experience and qualifications for project planning, development, implementation, and management.
5. Facilitation Experience - Vendors should describe their experience with group or process facilitation involving diverse stakeholders of differing viewpoints, histories, or interests who have been successful in arriving at common approaches with positive results and returns on investments.

Any additional, relevant, supportive documentation regarding the vendor's additional experience and capabilities should also be provided.

VI. Scope of Work

The consultants selected for this project will assist ODJFS in examining current procedures and business processes regarding various administrative, functional, and programmatic intersections between the state and county agencies, in comparing county information needs with information accessibility, and in strategizing with ODJFS on where and how any enhancements could be made, or on any training that could be developed to enhance agency success. To optimize program and operational efficiency and effectiveness, ODJFS and the county agencies should each understand the requisites, resources, demands, and strengths of the other.

ODJFS and its county agency partners operate within a state-supervised, county-administered model. The county partner agencies include County Departments of Job and Family Services (CDJFSs), Child Support Enforcement Agencies (CSEAs), Public Children Services Agencies (PCSAs), Workforce Investment Areas, and local employment services offices, which the selected consultants will engage for input, as well. At county discretion, these program agencies may be free-standing or operated in combined-purpose agency locations. ODJFS receives program direction, funding, and requirements from various federal agencies, establishes state-wide program implementation requirements and guidelines, and holds federally assigned responsibilities for administration, reporting, and oversight. In addition to operating within their own county governmental structure and requirements, county agencies must meet various state and federal reporting requirements, and they look to ODJFS for guidance and support on their implementation of state- or federally-funded programs.

Consultants' work assignments may include proposing, designing, and implementing training programs for new directors of county agencies and/or county agency staff; examining needs of county agency staff for information on state-level operations, and proposing orientation programs or other strategies for

filling those needs; and, analyzing current ODJFS communications structures and conventions, and suggesting enhancements to expand their effectiveness as means for ODJFS to support and communicate with the county agencies. Some work assignments may be to develop strategies for performance improvements in a specific program area, such as Food Stamps or child care services, by examining dependent and interacting responsibilities between ODJFS and the county agencies. Selected consultants may be assigned multiple projects, and those assignments may be either sequential or simultaneous.

Contractors will frequently be required to attend designated state or county meetings and work sessions, and to the greatest extent possible, will be provided with on-site work-place accommodations at those times; however, the contractors will be expected to primarily utilize their own work spaces, computers, and to provide any needed administrative support for the completion of their assignments. ODJFS will provide access to state and/or county IT systems, records, administrative rules and policy, state plans, and other documentation, as appropriate for the contractors' assigned work projects.

The selected contractors may be required to travel to county agency locations and/or remote ODJFS locations, however, every reasonable attempt will be made to minimize travel requirements through alternate communications media such as teleconferencing or videoconferencing. The actual amount of travel that may be required cannot be predicted at this writing as such determinations will be directly related to the actual work assignments given to an individual consultant. Any time spent in travel status is not billable to ODJFS, but travel expenses may be reimbursed upon proper documentation and invoicing, in accordance with currently effective OBM rules and standards for state employee travel expenses.

Proposals must discuss how the vendors could, if awarded a contract, draw upon their own professional experiences, skill-sets, and strengths, and apply them in a general approach to the scope of work described in this RLB that would result in the achievement of the overall project goals.

VII. Specifications of Deliverables

The consultants selected for this work will be assigned projects based on the individual's skills, experience, and expertise. All assignments will be designed to assist ODJFS in fulfilling the general goal of expanding and enhancing the interactions between ODJFS and the county agencies in order to more effectively fulfill our programmatic objectives and mandates. General deliverables that will be included in each consultant's contract will include, but may not be limited to:

- regular meetings with and reports to ODJFS executive staff on progress, suggestions, and any problems encountered with the specific assignment;
- programmatic or operational assessments and needs analysis;
- group and process facilitation services;
- project planning and project management;
- training needs assessment and development of training plans; and
- report writing.

VIII. Vendor Compensation

The selected vendors' services will be compensated by ODJFS at a rate of \$125.00 per hour, for up to a maximum of six hundred (600) hours per contractor for SFY 2008 (from contract execution date through

June 30, 2008) and up to twelve hundred (1,200) hours for SFY 2009 (*i.e.*, July 1, 2008 through June 30, 2009).

Contractors may submit invoices for the number of hours actually worked, in accordance with approved assignments, at the hourly rate defined in this RLB. Invoices must be submitted *bi-weekly or monthly, as agreed upon between ODJFS and the selected vendors.*

Time spent in travel status is not billable, but travel expenses for assigned trips between ODJFS and county agency locations or other remote locations may be billed to ODJFS in accordance with OBM standards in effect at that time for state employee travel expenses.

The number of hours provided in this section are not to be construed as a guarantee of the number of hours any selected contractor may actually be assigned. Actual work assigned to each selected contractor shall be at the sole discretion of ODJFS.

IX. Format of Submission

To be accepted and forwarded to the ODJFS Proposal Review Team (PRT), the vendor's proposal must include a signed original and **four** copies of a technical proposal, and a non-rewritable CD-ROM copy of the entire original technical proposal, according to the format and composition details provided below.

- Technical Proposal. One original and four (4) copies of the Technical Proposal labeled: **“TECHNICAL PROPOSAL ENCLOSED FOR TECHNICAL ASSISTANCE TO COUNTIES PROJECT, RLB#: R-89-01-0488 SUBMITTED BY (vendor name and date of submission).”**
- One non-rewritable CD-ROM containing a copy of the entire Technical Proposal labeled: **“CD-ROM FOR TECHNICAL ASSISTANCE TO COUNTIES PROJECT, RLB#: R-89-01-0488 SUBMITTED BY (vendor name and date of submission).”** The requested CD will be used by ODJFS for storage/archiving purposes and for fulfillment of Public Records Requests.

The vendor's Technical Proposal shall contain all the information as specified for each component listed below. It is mandatory that vendor proposals be organized in the following order. Any other information thought to be relevant, but not applicable to a specific RLB section number/letter may be provided as an appendix to the proposal and so marked as an additional tab. ODJFS reserves the right not to review submitted appendices which include information or materials that were not required in the RLB. However, the proposal will be scored on the relevancy to the stated responsibilities as well as the conciseness, clarity, flow, and neatness of the information presented. A proposal which is incomplete, vague, unjustifiably wordy, unclear, or poorly organized may not be successful. All pages in the Technical Proposal shall be sequentially numbered either per tab or for the document as a whole.

Tab 1: Forms and Certifications

Vendors submitting proposals must include a completed “Required Vendor Information and Certifications” form (provided as **Attachment A.** to this RLB), a completed “Request for Taxpayer Identification Form W-9” (provided as **Attachment B.** to this RLB) and the

Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (DMA) Form (provided as **Attachment C.**, and which may also be accessed and printed at the Ohio Department of Public Safety, Division of Homeland Security's Website at <http://www.homelandsecurity.ohio.gov>.)

The vendor must provide originals of these **three documents**, signed in blue ink by a qualified vendor representative, in this part of the technical proposal packet (*i.e.*, one set of originals in the vendor's original proposal and copies of the documents in each of the proposal copies). Vendors who fail to sign, complete, and provide any of these documents risk disqualification.

Tab 2: Vendor Qualifications.

The vendor proposal must include all documents and information as outlined in Section V., Qualifications, demonstrating how the vendor meets the requirements, specifically:

Sub-Tab 2A. Mandatory Vendor Qualifications (Sub-section A, 1. and 2.)

Sub-Tab 2B. Additional Experience & Capabilities (Sub-section B, 1. through B, 5.)

Tab 3: Scope of Work and Proposed Approach

Regardless of the specific work topics that may be assigned to the contractors, all vendors interested in this RLB must demonstrate their capabilities in basic administrative functions such as programmatic or administrative assessments and needs analysis, group facilitation, planning, training, and report writing. In narrative format of not more than three pages, vendors are to discuss how, if awarded a contract, their professional experiences, skill-sets, and strengths could be applied to a general approach to the project's scope of work so that the project goals would be successfully achieved.

Tab 4: Vendor Attachments or Appendices

Optional - To be used for any non-required information vendors choose to include, such as excerpts or samples of work products or copies of published professional articles authored or co-authored by the vendor.

All pages in the Technical Proposal must be sequentially numbered, with the exception of Tab 1 contents.

X. Selection Process

All proposals will be reviewed and scored by a Proposal Review Team (PRT) comprised of ODJFS staff. Vendors should not assume that the review team members are familiar with any current or past work activities with ODJFS. Proposals containing assumptions or unnecessary self-promotional claims, or which are poorly organized, inadequately proofread, or lacking sufficient detail, will be evaluated accordingly. PRT members are required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the proposal review and contractor selection process. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The PRT may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public.

In evaluating the proposals, ODJFS expects to score in three phases: **Phase I—Proposal Acceptance**

Criteria, Phase II—Scoring of the Technical Proposal, and Phase III—Interviews. Any proposal which does not meet any of the initial **Proposal Acceptance Criteria** listed as the Phase I review of the Technical Proposal Score Sheet will be disqualified from any further consideration. Each proposal which passes all Phase I criteria is then advanced to Phase II for detailed evaluation by the PRT on the **Criteria for Scoring of Technical Quality**. Proposals which earn at least the Phase II minimum technical quality score of **154 points** (out of the possible maximum of 200 points) is eligible for Phase III review, vendor interviews. Vendor interviews will consist of one set of questions or discussion topics presented to qualifying vendors prior to the interview; vendors' scores earned in the interview phase will be added to their total Phase II Technical Quality scores. Those vendors earning the highest total scores in the review process will be recommended for award of the contracts.

The scoring procedure and all proposal scoring criteria for this RLB are presented in the Technical Proposal Score Sheet, which is provided as Attachment E. to this RLB. All vendor proposal scores are achieved through a process of team consensus.

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' technical proposals (including forms) when those errors do not unreasonably obscure the meaning of the content. ODJFS reserves the right to request clarifications from vendors of any information in their technical proposals or forms, and may request such clarification as it deems necessary at any point in the proposal review process.

Caveats: ODJFS may, at its option, elect not to conduct interviews as part of the process and to make selections based on scores earned on vendor proposal information alone (*i.e.*, Phase II) if the PRT determines that the quality of proposals provides ample satisfactory information, or if administrative concerns, such as time constraints, make interviews impractical. Also at its discretion, ODJFS may conduct telephone interviews instead of in-person interviews. If ODJFS requires vendor interviews before making its vendor selections, only those vendors earning a satisfactory Phase II score will be included. Any vendor invited for an interview, but who is unavailable during the timeframe ODJFS establishes for interviews, or who misses an appointment for an interview without prior notification to ODJFS, may be disqualified from any further consideration.

XI. RLB Process Information and Other Contractual Requirements:

A. State Contracts

Responses must list any current contracts the vendor has with State of Ohio agencies. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percent of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment A**) to report this information, and include the completed document in the vendor's proposal as specified in **Section IX, Format of Submissions**, of this RLB.

B. Interview

Vendors submitting proposals may be required to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and any representatives it may appoint. ODJFS reserves the right to select from responding vendors

for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.

C. Start Work Date

The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODJFS contract manager when work may begin. **Any work begun by a contractor prior to this notification will NOT be reimbursable by ODJFS.**

D. Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODJFS' responsibility (see Section XI, B.).

E. Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in Ohio Revised Code (ORC) 1333.61 in their proposals in response to any ODJFS RFP, Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals or similar responses voluntarily submitted in response to any ODJFS RFP, RFA, RLB, or other procurement document, to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODJFS in response to any RFP, RLB, etc., shall become the property of ODJFS. This RLB and, after the selection of a vendor for award, any proposals submitted in response to an RFP/RLB are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, the term "proposal" shall mean both the technical proposal (or application or other response documentation) and the cost proposal, if opened, submitted by the selected vendor/applicant, and any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to any ODJFS RFP, RLB, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

F. Contractual Requirements

Any contract resulting from the issuance of this solicitation is subject to the terms and conditions as provided in the **ODJFS model contract**, which is provided as Attachment D. to this RLB. Potential vendors are strongly encouraged to read the model contract to be fully aware of all ODJFS contractual requirements.

G. Travel and Parking Expense Reimbursement

No travel or parking expenses, nor any other expenses, will be covered unless specifically and affirmatively stated in this RLB.

H. Public Release of Records

Public release of any evaluation or monitoring reports funded under this contract will be made only by ODJFS. Prior to public release of such reports, ODJFS must have at least a 30-day period for review and comment.

I. Confidentiality

All contracts or other business agreements will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.

J. Ethical & Conflict of Interest Requirements

1. No contractor or individual, company or organization seeking a contract or other business agreement shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
2. No contractor or individual, company or organization seeking a contract or other business agreement shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
3. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or other agreement or refusal by ODJFS to enter into a one; and
4. ODJFS employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

K. Unresolved Findings for Recovery (R.C. 9.24)

Ohio Revised Code Section 9.24 prohibits ODJFS from awarding a contract to any entity against whom the Auditor of State has issued a finding for recovery if the finding for recovery is “unresolved” at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an “unresolved” finding for recovery under R.C. 9.24 prior to the award of any contract or business agreement arising out of this RLB, without notifying ODJFS of such finding. ODJFS will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RLB. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.

L. Mandatory Contract Performance Disclosure

Each proposal must disclose whether the vendor's performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RLB, has resulted in any "formal claims" for breach of those contracts. For purposes of this disclosure, "formal claims" means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODJFS, such claims and a review of the background details may result in a rejection of the vendor's proposal. ODJFS will make this decision based on its determination of the seriousness of the claims, the potential that the behavior that led to the claims could negatively impact vendor's performance of the work, and the best interests of ODJFS.

M. Mandatory Disclosures of Governmental Investigations

Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor's performance of services similar to those described in this RLB. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency. While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection of the vendor's proposal at the sole discretion of ODJFS. The decision by ODJFS on this issue will be based on a determination of the seriousness of the matter, the matter's potential impact on the vendor's performance of the work, and the best interests of ODJFS.

N. Vendor Selection Restriction

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RLB, shall not be selected for this project.

O. Waiver of Minor Proposal Errors

ODJFS may, at its sole discretion, waive minor errors or omissions in proposals, bids, and/or forms when those errors do not unreasonably obscure the meaning of the content. Additionally, ODJFS reserves the right to request clarifications or completions from vendors to any information in their proposals, bids, and/or forms, and may request such clarification as it deems necessary at any point in the proposal/bid review process.

XII. Health Insurance Portability & Accessibility Act (HIPAA) Requirements

As a condition of doing business with ODJFS, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the contractor from or on behalf of ODJFS that meets the definition of PHI as defined by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR164.501 and any amendments thereto.

In the event of a material breach of vendor obligations under this section, ODJFS may at its option terminate the contract.

XIII. Caveats

ODJFS is under no obligation to select a vendor as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed with the project.

XIV. Communications Prohibitions

From the issuance date of the RLB, until a contract is in effect, there may be no communications concerning the RLB between any interested potential vendor and any employee of ODJFS in the issuing office, or any other ODJFS employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RLB or the decision with a formal procurement.

The only exceptions to this prohibition are as follows:

- A. As necessary in the case of any pre-existing business relationship between ODJFS and a vendor which could potentially respond to this RLB, in order to conduct that business;
- B. As part of an interview necessary for ODJFS to make a vendor selection decision;
- C. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page established for this RLB; and
- D. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page: <http://www.state.oh.us/odjfs> and notices of such will be sent to vendors on the original mailing list; and
- E. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services:

Requests from potential vendors or contractors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Information Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with

directions provided in this Section XIII, Communications Prohibited, will be honored. The posted time frames for ODJFS responses to Internet questions for RLB clarification do not apply to PRRs.

* Important Note: Amendments to the RLB or to any documents related to it will be accessible to interested vendors through the original ODJFS website established for the RLB. All interested vendors are strongly encouraged to refer to the appropriate website regularly for amendments or other announcements. Failure on the part of ODJFS to notify any vendors of any possible changes or announcements related to this RLB does not absolve the vendors from their responsibility to look for updated information through the web page.

Proposals submitted by a vendor who attempts any communications prohibited by this Section may be disqualified by ODJFS from consideration for this project. ODJFS is not responsible for the accuracy of any information regarding this RLB that was obtained or gathered through a source other than the Question and Answer process described in this RLB.

XV. Vendor Selection Restriction

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RLB, shall not be awarded a contract for the work described in this RLB.

XVI. Protests

Any potential, or actual, vendor objecting to the award of a contract or a vendor selection resulting from the issuance of this solicitation may file a protest of the award or selection, or of any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

1. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this solicitation. The protest shall be in writing and shall contain the following information:
 - a. The name, address, and telephone number of the protestor;
 - b. The name and number of the solicitation being protested;
 - c. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 - d. A request for a ruling by ODJFS;
 - e. A statement as to the form of relief requested from ODJFS; and
 - f. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.
2. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
 - a. A protest based on alleged improprieties in the issuance of the RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed

no later than 3:00 p.m. of the closing date for receipt of proposals as specified in Section II., Time and Date of Submission.

- b. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 p.m. of the *tenth (10th) calendar day* after the issuance of the Letter of Intent to Award the contract.
3. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by ODJFS' Office of Legal Services after the time periods set forth in Item #2 of this section.
4. All protests must be filed at the following location:

Chief Legal Counsel, Office of Legal Services
Ohio Department of Job and Family Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-3414
5. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODJFS determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.
6. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

SECTION XVII. ATTACHMENTS

- A. Required Vendor Information and Certifications** (To be completed & included in proposal packet as specified in Sec. IX)
- B. Request for Taxpayer Identification Number (W-9) Form** (To be completed & included in proposal packet as specified in Sec. IX.) (**Attachment B. is also available at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>**)
- C. Declaration of Material Assistance Form** (To be completed & included in proposal packet as specified in Sec. IX.) (**Attachment C. is also available at: <http://www.homelandsecurity.ohio.gov/dma/dma.asp>**)
- D. ODJFS Model Contract** (For reference only. Vendors need not submit with proposal, but *may* their discretion include it marked with any changes they might request. All requests for contract changes are subject to ODJFS approval.)
- E. Technical Proposal Score Sheet** (For vendor self-evaluation purposes...do not submit)

Thank you for your interest in this project.

