



Department of Job and Family Services

Ohio Department of Job and Family Services Request for Proposals (RFP) RFP#: JFS-IS-10-08

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) is soliciting bids to identify a vendor who will provide national access to job opportunity data. This Request For Proposal (RFP) document is released by ODJFS, and the subsequent contract expected to result from this RFP process will be a contract between the vendor and ODJFS.

The ODJFS Office of Information Systems (OIS) will designate a staff member as the ODJFS Contract Manager to provide on-going supervision of the contractor selected through this RFP. The contract period for this project is expected to run from approximately January, 2010 to June 2011. Fiscal biennium extensions or renewals are planned for the contract expected to result from this RFP to be in effect, contingent upon satisfactory performance, and all required approvals for the subsequent fiscal biennium year (e.g., from July 2011 through June 2013).

ODJFS will only accept proposals from vendors that demonstrate their capability of providing services as described in this RFP. This RFP document is released by, and the subsequent contract will be with, ODJFS; the ODJFS Office of Information Systems will be responsible for on-going supervision of the selected vendor's services, activities, and performance. For the purpose of this RFP, the term "vendor" shall be defined as an (organization/individual) interested in this opportunity. The term "contractor" is used in reference to the successful vendor selected through this RFP.

ODJFS is under no obligation to enter into a contract 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. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed. Changes in this RFP of a material nature will be provided on the agency website. 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 Standard Time on December 6, 2009**. Faxes will not be accepted. Proposals must be addressed to:

**Office of Management Information Systems
Ohio Department of Job and Family Services
Attn: OMIS Business Services
4200 E. Fifth Ave.
Columbus, Ohio 43219**

For hand delivery on the due date all proposals will be accepted at the Guard Desk at 4200 E. Fifth Ave., Columbus, Ohio 43219. **DAS/OIT WILL NOT ACCEPT PROPOSALS FOR THIS RFP.** ODJFS is not responsible for any proposals delivered to any address other than the address provided above.

All submissions, whether by mail or hand delivery, must be received complete by the above date and time. Materials received after the submission deadline date, or partial submissions received regardless

of the date, will not be added to previous submissions, nor be considered. No confirmations of mailed proposals received can be provided.

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

III. Anticipated Procurement and Project Timetable

11/02/2009	ODJFS Releases RFP to Potential Vendors. Q & A Period Opens - Vendors may submit inquiries for RFP clarification.
11/16/2009	Vendor Q & A Period closes, 8 a.m. for inquiries for RFP clarification - No further inquiries for RFP clarification will be accepted.
12/07/2009	Deadline for Vendors to Submit Proposals (3:00 P.M., Eastern time).
01/15/2010	ODJFS Issues Award Notification Letter (ESTIMATED).
01/29/2010	Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE).
02/01/2010	Work begins with Vendor team onsite at location to be determined.
03/15/2010	Vendor initial site available providing national access to job opportunity data.
06/15/2010	All initial development project work must be completed.
<i>NOTE: Fiscal biennium extensions or renewals are planned for the contract expected to result from this RFP to be in effect, contingent upon satisfactory performance and all required approvals for the subsequent fiscal biennium year.</i>	

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

* According to requirements of ORC 126.07, ODJFS contracts are not valid and enforceable 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 prior to the ODJFS Contract Manager’s providing notice that the requirements of section 126.07 of the Ohio Revised Code have been met.

IV. Question & Answer Period; RFP Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RFP via the **email address:** MIS_RLB_QA@ifs.ohio.gov during the Question and Answer Period as outlined in Section III. The email subject should be RFP# **JFS-IS-10-08**.

Questions about this RFP must reference the relevant part of this RFP, the heading for the provision under question, and the page number (if applicable) and/or section of the RFP where the provision can be found. The potential vendor must also include the name of a representative of the potential vendor, the company name and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RFP provision or location, or which do not include an identification for the originator of the question. ODJFS will not respond to any questions submitted after 08:00 a.m. EDT on the date that the Question and Answer period closes.

ODJFS responses to all questions asked via the Internet will be posted on the Internet web site dedicated to this RFP, for reference by all potential vendors. Potential vendors will not receive personalized or individual e-mail responses. Clarifying questions asked and ODJFS responses to them comprise the "ODJFS Question and Answer Document" for this RFP; when possible, ODJFS may post an interim Q & A Document as well as the final version. Vendor proposals in response to this RFP are to take into account any information communicated by ODJFS in the Final Q & A Document for the RFP. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding any RFP.**

Accessibility to the ODJFS Q & A Document will be clearly identified on the web site dedicated to this RFP, once that document is made available.

IMPORTANT: Requests from potential vendors for copies of previous RFPs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions regarding the present RFP. PRRs, submitted in accordance with directions provided in Section 1.14. Communication Prohibitions, will be honored. The posted time frames for ODJFS responses to Internet or faxed questions for RFP clarification do not apply to PRRs.

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RFP; therefore, vendors are to base their RFP responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RFP and, if applicable, in the Q&A document, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q & A process, ODJFS will use its discretion in deciding whether to provide answers.

ODJFS will only answer those questions submitted within the established time period for the Vendor Q & A process (see Section 1.3., Anticipated Procurement Timetable, above), and which pertain to issues of RFP clarity, and which are not requests for public records. ODJFS is under no obligation to acknowledge questions submitted through the Q & A process if those questions are not in accordance with these instructions.

V. Qualifications

In order to be considered for the project described in this RFP, ODJFS requires that interested vendors **must** meet, at minimum, **all** the following qualification requirements:

A. Mandatory Vendor Qualifications

ODJFS will consider proposals from vendors who only have more than 35,000 Ohio job opportunities, as well as a national job opportunity data bank.

- Must allow open access to Ohio job opportunities in addition to a national job opportunities data bank. Proposals from vendors who do NOT have more than 35,000 Ohio job opportunities, as well as a national job opportunity data bank, will not be accepted.
- Must have a minimum of two years experience providing access to centrally captured electronic job opportunity data.
- Must have the ability to provide data feeds for national job opportunity data.

- Must have the ability to accept data feeds from ODJFS, and present / display data in their national job opportunity data system.
- Must have the ability to allow an “Ohio brand” banner to be displayed while viewing job opportunity data via web interface. This banner will be active with drop downs that will link back to ODJFS functionality.
- Must have the ability to conduct basic and advanced searches of Ohio and national job opportunity data.
- Must have the ability to pull other job opportunities upon request of ODJFS.

Vendors which do not meet all the above experience and qualifications will be disqualified from further consideration for award.

B. Organizational Experience and Capabilities

In order to be considered for the purchase order expected to result from this RFP, ODJFS requires that interested vendors provide the following:

1. Need to get at a minimum two (one of which needs to be the main vendor’s site where the data for the number of Ohio job opportunities was counted from as well as the location for the free posting for national presence) URLs where the vendor has partnered with a public entity in a similar size and scope to what is being requested within the RFP;
2. Background information on the vendor, including subcontractors, if appropriate, indicating sufficient organizational experience and staffing to perform the required work. In the event that the vendor proposes the use of any subcontractors, information on the subcontractor(s) and letters of commitment are required as well;
3. Descriptions of at least two (2) projects completed in the past three (3) years that demonstrate expertise which are similar in size, scope, and effort that is described in Section VI, Scope of Work;
4. Names and contact information from at least two (2) entities for which the vendor has performed similar scale projects in the past five (5) years;
5. Vendor must provide a Technical Point of Contact (POC) who will be accountable for this interface.

C. Staff Experience and Capabilities

The vendor must demonstrate significant expertise by assigning qualified individuals for this project. For each of the individuals a vendor is offering to ODJFS to perform the work, the vendor must, at minimum:

1. Identify the individual to be assigned for the duration of this activity and key to the activity’s success;
2. Include a resume or curriculum vitae for the assigned positions expected to work on the project;

In addition, Vendors may be required to carry a pager and/or cellular phone (to be provided and maintained at the vendor's expense). There are no additional reimbursable expenses, such as meals, travel, uniforms, etc..

VI. Scope of Work

A. The objective of this RFP is to provide ODJFS with national access to job opportunity data. Qualified vendors will be fully capable of providing the below listed services, characterized by the following features and capabilities (the following items are not listed in priority order):

1. Display an "Ohio brand" banners on all screens. This consists of both a header and footer. This banner will be active with drop downs that will link back to ODJFS functionality.
2. Provide at a minimum the following searches to the national job opportunity data, but not limited to:
 - A. Perform the basic search from OhioMeansJobs.com; and the vendor will need to be able to accept the transaction that will consist of any of the following:
 1. Job name
 2. Job description
 3. Job Number
 4. Desired location (City, State, Zip)

NOTE: The search results must be defaulted to Ohio jobs (no other states), but must allow the user to also search by the other 50 states. Display job opportunity data that comes from the ODJFS self-service job posting system first when merged with all the national job opportunity/listings

- B. An advanced job search
 1. ONET code
 2. Company name
 3. Mile radius
 4. Exact words, at least one word, none of the words, all of the words
 5. Web Source: exclude staff, only employer sites, a specific employer site
- C. Ability to search and filter the national job opportunity data by:
 1. Relevance factor
 2. Date (most current)
 3. Company with the most listings
 4. Job Type (some examples: full-time; part-time; temporary; internship, contractor)
 5. Further location breakdown
 6. Salary data
 7. Trend data
 8. Job Title comparisons

NOTE: These filters are initially not selected. Once search results are returned each filter should be annotated with the number of job opportunities that would be viewed if selected.

3. Provide reliable, failsafe posting of the jobs that come directly into the state portal. Jobs must be posted within 60 minutes of the file transfer from the OMJ system. The interface between this service and the state portal has to have a positive confirmation on job loaded to allow for retry and recovery on failures on the interface. The vendor confirmation sent back to OhioMeansJobs.com must include the following: # jobs accepted; #jobs rejected; # successfully uploaded

4. Must be able to 'scrape' 'index' the State of Ohio jobs from careers.ohio.gov on a regular schedule (to be determined).
5. Provide all employers, commercial job board sites, associations, education institutions, and other government entities a simple and efficient way to include their job opportunities in the national job opportunity data source with no/minimal effort. It would be desirable if such indexing activity could be complete within 24 hours. The process for adding new source sites must be documented and regularly scheduled status updates are required whenever such activities are underway. We need to know any requirements for sites that can and cannot be indexed as well as your commitment for timeliness.
6. All job posts must have a salary field. If it is not provided by the employer the service should use industry data to project the target salary. This field would be used for searches, trends, and filtering on other screens. It is desirable to get briefed on the algorithm your site will use to project salary for a position where none is provided by the original job poster.
7. Allow the system user, based upon the search criteria selected, to review all national job opportunities meeting that search criteria and after making a selection, immediately and directly link the user to the exact location where the user can apply for that particular job opportunity. Also provide MORE Info:
 - View All→A link to all postings from the employer and that specific location (required)
 - Salary Search:→Searches the salary trend for that job type in that specified location. (desirable)
 - Job Trends:→Searches the job trends for that specified job type. (desirable)
 - More information about:→A link to additional information about that specific employer (required)
 - Map→Provides a map of the area that the position is located in. (required)
 - Permanent link to this job→Provides the link to the job posting. (desirable)

You can see an example of the current implementation on www.ohiomeansjobs.gov/omj.

8. Service Level Expectations:

Please provide your service availability targets. It is desirable that this is a 7/24 service.

- Please provide information about maintenance activities on your site and their impact on services provided. Specifically are there regularly scheduled backups and business continuity activities? What impact will that have on service availability? What holidays do you observe with what impact on service?
- Specify your trouble ticket process and response time commitments where you start work on a trouble ticket. We need regular status communication on the known problems that are being worked, work-arounds in place and expected resolution time.
- Any unplanned outage and planned outages that will happen less than 48 hours into the future are emergency outages. We need direct telephone escalation when an emergency outage happen. We will provide telephone numbers to call to alert us to such outages.

- Planned down time (outages known more than 48 hours in advance) need to be communicated as well. Please specify your preferred process for this communication.
 - Filter out and reject particular employers, websites and/or a particular job opportunity within 24 hours of a service request from ODJFS
9. Provide a mechanism for a regularly scheduled (to be determined) transfer of all Ohio based job data from the vendor to a State of Ohio based system. This interface definition must have failure recovery strategies addressed to ensure confident delivery of data in a specified format.
 10. Provide a database that must contain appropriate information and be structured to allow for state and local labor market analyses. These analyses should provide insight into the current labor demand situation as well as changes over time. Specific analyses should include but not be limited to analysis by area, occupation, occupational group, industry, industry group, and length of job posting for specific time periods (e.g., month) and over time. The tool providing this analyses shall be user friendly with reporting capabilities. Qualified vendors shall either provide such a tool as part of their proposal or allow a provider of a system, selected by the State of Ohio, for making database queries for labor market analyses.
 11. Provide help tools for users to navigate the options on the system.
 12. Need a job scout capability that can be enabled and disabled. The content and triggers of messages to subscribers need to be able to be configurable and under the control and decisions of JFS staff.

There are also some desirable features that we would like to include in the evaluation. A solid plan to address these features will meet our expectations, availability of these features in the existing product will exceed our expectation.

13. It would be desirable to get information on the next generation developments in your product line. We would like a series of checkpoints to understand new capabilities in your service to have the ability to incorporate them in our end-user offering.
14. We would like to see a proposal on how you are moving into the social networking arena and the smart phone space.

B. Specifications of Deliverables

All interested vendors **MUST** describe how it could achieve the work described in this RFP, and must address and/or acknowledge the following as part of their formal response to this RFP, or risk disqualification:

- What type of Backup, Recovery and Disaster Recovery plans are currently in place?
- What are your current performance metrics (number of hits, response time, etc)?
- What testing support do you provide? We need an environment to test with for interface changes and periodic regression testing. For interface changes, we expect on-line support during the software deployment interval to facilitate smooth transition to the new release.
- Do you support secure sessions (https)?
- At no time while displaying job opportunity data will any advertisement and/or sponsorship be viewable. The only allowable will be some acknowledgement (via logo or phrase) of the vendor's partnership with ODJFS in this initiative.

- ADA compliance.
- Quality of job opportunity data (refresh, duplications, etc)
- Provide number of Ohio job opportunities currently in your job opportunity data source. This figure needs to come from the site that you will list as your main site in the following bullet. **Vendors not currently containing over 35,000 Ohio job opportunities in their job bank will be deemed non-responsive and rejected from any consideration.**
- Need to get at a minimum two (one of which needs to be the main vendor's site where the data for the number of Ohio job opportunities was counted from as well as the location for the free posting for national presence) URLs where the vendor has partnered with a public entity in a similar size and scope to what is being requested within the RFP.
- The job opportunity data source must have described proven abilities to gather job data via authorized means and generally accepted practices from the internet.
- Additionally, vendors may describe other features that would be available at no additional charge should they be selected.

Provide technical support for the project's success for interface integration.

C. Warranty Coverage Definition

The warranty period for the Scope of Work as stated in Section VI. will commence on the date of each deployment. The warranty period will remain in effect for a period of 30 consecutive business days for each deployment. Previously existing conditions within the project that were not created and/or modified will not be covered by the current warranty period.

To determine if a deployment is a warranty issue, ODJFS will investigate each to determine: (1) if the issue is a known existing condition; (2) if the impacted functionality is working in accordance with the associated approved user requirements; or, (3) if the issue is a defect caused by the deployment developed by the vendor's resource. All findings will be documented and shared with all parties. All warranty work will be performed by the vendor at no additional cost to ODJFS.

VII. Format of Submission

Vendors interested in submitting letterhead bids must submit five (5) copies of their response in hard copy and five (5) copies of their response on non-rewritable compact disc (CD) in Microsoft Word, Microsoft Excel, or Adobe Portable Document Format (PDF). If there is any discrepancy between the paper copy and the electronic copy of the Proposal, the paper copy will control, and the Department will base its evaluation of the Vendor's Proposal on the paper copy.

The Technical Proposal must contain all the information as specified and requested for each of the components listed below. A proposal which is incomplete, vague, unjustifiably wordy, unclear, or poorly organized may not be successful. The following outline for the preparation of the Proposal in response to this RFP is intended to assist in the development of effectiveness and clarity.

The vendor's technical proposal must contain the following components (organized in six primary tabs) as described below. Any other information thought to be relevant, but not applicable to a specific RFP section number/letter such as charts, tables, timelines, excerpts of past related projects, etc., must be provided as an appendix to the proposal and so marked as an additional tab. However, the proposal will be scored based on the relevancy to the stated responsibilities as well as the conciseness, clarity,

flow, and professionalism of the information presented. Vendors may add information not called for in the RFP, but ODJFS reserves the right to review or not review any non-required materials. All pages shall be sequentially numbered.

Tab A – Cover Letter

Tab B – Vendor Profile

Tab C – Vendor Qualifications – Organizational and Staff Experience

Tab D – Scope of Work and Specifications of Deliverables

Tab E – Request for Taxpayer ID Form W-9

Tab F – Declaration Regarding Material Assistance / Non-assistance to a Terrorist Organization (DMA) form

Tab G – Workers Compensation & Insurance Verification

Tab H – Required Vendor information and Certifications Document

Tab I – Cost Summary: Indicate your company's quote for this project

Tab A – Cover Letter: The cover letter must provide the following and be signed by an individual authorized to legally bind the vendor.

- A. A statement regarding the vendor's legal structure, federal tax identification number, and principle place of business;
- B. The name, address, phone number, and fax number of a contact person who has authority to answer questions regarding the proposal; and
- C. Vendors are required to submit a copy of their STS cover page as part of their proposals which includes their valid State Term Schedule (STS) number and expiration date.

Tab B – Vendor Profile: The vendor profile must include the type of organization (corporation, partnership, etc.), the type of ownership (corporate officers, partners), number of employees, number of employees engaged in tasks directly related to the work in this request, and any other information that will help the evaluators gauge the ability of the vendor to fulfill the obligations of a subsequent contract.

Vendors should describe how they are qualified to conduct the work described above. Vendors must submit at least two (2) references for work done which is substantially similar to the scope of work described above. Other documents supporting vendor qualifications may also be submitted.

Tab C – Vendor Qualifications: The vendor proposal must include all documents and information as outlined in **Section V.**, Qualifications, demonstrating how the vendor and its staff meet the requirements, specifically:

Sub-Tab C1. Mandatory Vendor Qualifications (Section V., Item A.)

Sub-Tab C2. Organizational Experience & Capabilities (Section V., Item B.)

Sub-Tab C3. Staff Experience and Capabilities (Section V., Item C.)

Additionally, the vendor must provide a synopsis (not to exceed one page per project) of projects performed during the past three (3) years which are similar in size, scope, and effort to that described in this RFP. These synopses must include the following information:

- Customer name and current address;
- Current contact names, telephone numbers and email address;
- URLs of publicly accessible sites allowing free access to job opportunities by the Offeror for these customers. A URL for an Intranet site should be given only if arrangements have been made for the State to gain access to it from the State's workstations.

Tab D – Scope of Work and Specifications of Deliverables:

Sub-Tab D1. Scope of Work for access with a national presence to job opportunity data and posting.

Sub-Tab D2. Specification of Deliverables for the project's success for interface integration.

Additionally, the vendor must demonstrate their understanding of ODJFS' requirements and deliverables; problems to be resolved; and the approach for providing support across all task areas; and the feasibility of the proposed approach. This will include a transition plan to move the State of Ohio website from the current service provider to a go-live of the vendor's solution within 30 days of the award of the contract. This plan can include phasing in of some functionality after the go-live.

Additionally, the vendor is responsible to provide a Technical Point of Contact (POC) who will be accountable for this interface. Provide a one-page narrative that identifies the Technical POC and their experience on projects similar to this one.

Tab E – Request for Taxpayer ID Form W-9: Vendors must complete, sign in Blue ink, and return with their proposal as part of Tab E of vendor proposal.

<http://www.irs.gov/pub/irs-pdf/fw9.pdf>

Tab F – Declaration Regarding Material Assistance / Non-assistance to a Terrorist Organization (DMA) Form:

All bidders are required to complete and attach the signed Ohio Homeland Security form, "Government Business and Funding Contracts". A copy is attached for your convenience or a copy can be obtained at the website below.

http://www.homelandsecurity.ohio.gov/dma/dma_forms.asp

Click on: [DMA for funding and business contracts](#)

Bidders should check the current list of US State Department Terrorist Exclusion list at the Ohio Homeland Security website:

<http://www.homelandsecurity.ohio.gov/dma/dma.asp>

Failure to complete, sign, and return the Government Business and Funding Contracts form and return it with your bid, may result in your bid being rejected as being non-responsive.

Tab G – Workers Compensation & Insurance Verification:

Bidding Vendor must provide proof (copy of current certificate) that the Vendor is covered by Worker's Compensation Insurance. The Bidding Vendor must also provide proof of Employers Liability or Contractor's Insurance. **All** Bidding Vendors are subject to this requirement.

Tab H – Required Vendor Information and Certifications Document: Vendors must complete, sign in Blue ink, and return with their proposal as part of Tab H of vendor proposal.

Tab I – Cost Summary: Vendor's approach must include a detailed description of how the Statement of Work will be met and ability to meet the 06/15/2010 deadline to begin to provide national access to job opportunity data. The contractor must provide a not-to-exceed fixed price quote for any initial development costs with task list, and schedule milestones. In addition, we would like the service fee quoted in monthly payments with any optional or incremental charges noted.

VIII. 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, lack of sufficient detail, poor organization, lack of proofreading, and unnecessary self-promotional claims 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 scoring the proposals, ODJFS will score in two phases: Phase I—Initial Qualifying Criteria and Phase II— Scoring of the Technical Proposal. In addition, the PRT may, at its option, elect to conduct interviews as part of the process. All score criteria are presented in the Technical Proposal Score Sheet, which is provided as Attachment C to this RFP.

During the Phase I evaluation, the Department will rate the Initial Qualifying Criteria based on pass/fail. Any vendor failing to pass any of the Phase I Criteria will be disqualified from any further consideration.

During the Phase II evaluation, the Department will rate the merits of the proposals based upon the responses and acknowledgements from the Scope of Work section of this RFP as well as reviews from the URLs the vendor offered as examples of similar size and scope. Attachment C contains the Scoring Sheet that will be used for the evaluation of the proposals for this RFP. The evaluation factors and their order of importance are as follows:

The features and capabilities will be evaluated in terms of the vendor's understanding of the ODJFS requirements, problems to be resolved, and the timeliness, realism, feasibility, and likely success of the proposed approach. Experience and success with efforts of similar size and scope will be considered.

Experience in similar size and scope engagements for job opportunities and real-time salary and trend data along with the past/current job opportunities in Ohio.

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

As a condition of receiving a contract from 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.

HIPAA compliance requires, at minimum, that the contractor:

- A. Shall not use or disclose PHI except as specifically required under the terms of the contract with ODJFS, or as otherwise required under the HIPAA regulations or other applicable law.
- B. Shall use appropriate safeguards to protect against use or disclosure not provided for by this Agreement.
- C. Shall promptly report to ODJFS any knowledge of uses or disclosures of PHI that are not in accordance with the contract or applicable law. In addition, the CONTRACTOR shall mitigate any adverse effects of such a breach to the extent possible.

- D. Shall ensure that all its agents and subcontractors that receive PHI from or on behalf of the contractor and/or ODJFS agree to the same restrictions and conditions that apply to contractor with respect to the use or disclosure of PHI.
- E. Shall make available to ODJFS such information as ODJFS may require to fulfill its obligations to provide access to, provide a copy of, and account for disclosures with respect to PHI pursuant to HIPAA and related regulations.
- F. Shall make PHI available to ODJFS in order for ODJFS to fulfill its obligations pursuant to HIPAA to amend the information and shall, as directed by ODJFS, incorporate any amendments into the information held by the contractor and ensure incorporation of any such amendments into information held by its agents or subcontractors.
- G. Shall make available its internal practices, books and records relating to the use and disclosure of PHI received from ODJFS, or created and received by the contractor on behalf of ODJFS, to ODJFS and to the Secretary of the U.S. Department of Health and Human Services for the purpose of determining ODJFS compliance with HIPAA and the regulations promulgated by the United States Department of Health & Human Services and any amendment thereto.
- H. Shall, upon termination of this Agreement, at the option of ODJFS, return to ODJFS, or destroy, all PHI in its possession, and keep no copies of the information except as requested by ODJFS or required by law. If the contractor or its agent or subcontractor destroy any PHI, then the contractor will provide ODJFS with documentation evidencing such destruction. Any PHI maintained by the contractor shall continue to be extended the same as required by HIPAA and ODJFS for as long as it is maintained.

In the event of a material breach of contractor obligations under this section, ODJFS may at its option terminate the contract according to provisions within the contract for termination.

X. 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 D**) to report this information, and include the completed document in the vendor's proposal as specified in **Section VII., Instructions for Format of Submissions**, of this RFP.

XI. Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in ORC 1333.61 in their proposals in response to any ODJFS Requests for Proposals (RFP), Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP 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. After the selection of the vendor, any proposals submitted in response to an RFP are deemed to be public records pursuant to R.C. 149.43. The term "proposal" shall mean both the technical and the cost proposals, if opened, submitted by the vendor, 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.

XII. Contractual Requirements

Any purchase order resulting from the issuance of this solicitation is subject to the terms and conditions as provided in the OIT State Term Schedule, which is available upon request. Potential vendors are strongly encouraged to download and read a copy of the Schedule to be fully aware of OIT Schedule requirements.

A. Ethical and Conflict of Interest Requirements

1. No Vendor or individual, company or organization seeking a contract shall promise or give to any ODJFS employee 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 Vendor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees.
3. Any Vendor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or conflicts of interest. Any Vendor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the Ohio Revised Code is subject to termination of the contract or refusal by ODJFS to enter into a contract.
4. ODJFS employees and Vendors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the Ohio Revised Code may be prosecuted for criminal violations.
5. In submitting a bid in response to this solicitation the vendor certifies that it has reviewed, knows, and understands the State of Ohio's ethics and conflict of interest laws and the Governor's Executive Order 2007-01S pertaining to ethics. The vendor further agrees that it will not engage in any action(s) inconsistent with Ohio ethics laws or the aforementioned executive order.

B. Interview

Vendors submitting proposals may be requested 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.

E. Contractual Requirements

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

F. Travel and Parking Expense Reimbursement

No travel or parking expenses, nor any other expenses, will be covered.

G. 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.

H. 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.

XIII. Other Requirements

A. 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 RFP, 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 RFP. 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.

B. 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 RFP, 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.

C. 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 RFP. 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.

D. Vendor Selection Restriction

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

E. 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.

XIV. Caveat

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.

XV. Communications Prohibited

From the issuance date of this RFP until the contract award has been formally announced by the ODJFS Director, there may be no communications concerning the RFP between any vendor which expects to submit a proposal 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 RFP or the selection of the Vendor(s).

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section IV, Internet Question and Answer Period;
2. As necessary in any pre-existing or on-going business relationship between ODJFS and any vendor which could submit a proposal in response to this RFP;
3. As part of an interview or proposal clarification process initiated by ODJFS as necessary to make a final vendor selection;
4. If it becomes necessary to revise any part of this RFP, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RFP;* and

5. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services.

* **Important Note:** Amendments to the RFP or to any documents related to it will be accessible to interested vendors through the original web page established for the RFP. All interested vendors must refer to that web page regularly for amendments or other announcements. ODJFS will not specifically notify any vendor of changes or announcements related to this RFP except through the website posting. It is the affirmative responsibility of interested vendors to be aware of and to fully respond to all updated information posted on this web page.

ODJFS is not responsible for the accuracy of any information regarding this RFP that was obtained or gathered through a source other than the Question and Answer process described in this RFP. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

XVI. Protests

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this solicitation may file a protest of the award of the contract, or 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 purchase order 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 RFP 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 eighth (8th) 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.

XVII. ATTACHMENTS

- A. Request for Taxpayer Identification Form W-9 (*Vendors are to complete, sign in BLUE ink, & return with their proposal as part of TAB E of Vendor Proposal*)
- B. Declaration Regarding Material Assistance/Non-assistance To A Terrorist Organization (DMA) Form (*Vendors are to complete, sign, & return with their proposal as part of TAB F of Vendor Proposal*)
- C. Technical Proposal Score Sheet (*Provided for vendor self-evaluation - not to be returned with the bid*)
- D. Required Vendor Information and Certification Document (*Vendors are to complete, sign, & return with their proposal as part of TAB F of Vendor Proposal*)

Thank you for your interest in this project.