

**Ohio Department of Job and Family Services
Request for Letterhead Bids (RLB)
Workforce Development Consultants
RLB#: JFS-IS-10-09**

I. Purpose

The Ohio Department of Job & Family Services through the Office of Information Services (IS) is soliciting proposals from vendors with approved Office of Information Technology (OIT) State Term Schedules (STS), or listed as an authorized dealer on an approved STS, that are authorized to provide IT/Data related services under their STS to support the ODJFS/OIS Bureau of Application Development.

The intent of this request is to obtain fifteen (15) IT professionals. These resources will provide services to the Office of Information Services. Specific duties of the IT professionals include, but are not limited, to:

- A. In concert with business users, collect, refine requirements and do high level design and planning in response to stimulus legislative initiatives and performance needs in the Workforce Development area. These features will be built on the Ohio Means Jobs (OMJ) and Sharing Career and Opportunity Training Information (SCOTI) systems.
- B. Design, develop and test algorithms and screens using JAVA code, WAS workspace, and Oracle database. This would include building on the current application interfaces for the OMJ system as well as conforming to the industry standard interfaces.
- C. Design, develop and test algorithms and screens using Oracle forms code, Oracle Application Server workspace, and Oracle database. This would include building on the current application interfaces for the SCOTI system as well as conforming to the industry standard interfaces.

The request seeks five (5) Senior JAVA Systems Analysts and/or Programmer Analysts; five (5) Senior Oracle Forms Systems Analysts and/or Programmer Analysts; three (3) Senior Software Systems Project Managers; and two (2) Senior System Testing Analysts. Vendors may choose to submit candidates for all or any of the requested positions.

The normal work schedule for the State of Ohio is Monday through Friday 8:00 am to 5:00 pm. Each independent contractor position selected under this contract will have a maximum of 1200 hours commencing on or about **January 11, 2010** and continuing until all the hours have been expended or by June 30, 2010. This resource may not require the use of all **1200** hours of service. This resource can be released by ODJFS thirty (30) working days after the vendor is notified in writing that their services will no longer be required or at any time due to lack of expected performance.

The vendor's State Term Schedule must be approved by OIT by the time vendor bids are due on this project, in order to qualify for consideration. State law will not allow a services contract to span fiscal years, therefore all services and billing for this RLB must be completed by June 30, 2010. Failure of a Contractor to submit the final invoice by this deadline shall be deemed forfeiture by Contractor of all remaining compensation pursuant to the Contract.

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 4, 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 RLB.** 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 RLB, 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

11/16/2009	ODJFS Releases RLB to Potential Vendors. Q & A Period Opens - Vendors may submit inquiries for RLB clarification.
11/23/2009	Vendor Q & A Period closes, 8 a.m. for inquiries for RLB clarification - No further inquiries for RLB clarification will be accepted.
12/04/2009	Deadline for Vendors to Submit Proposals (3:00 P.M., Eastern time).
12/18/2010	ODJFS Issues Award Notification Letter (ESTIMATED).
01/08/2010	Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE).
01/11/2010	Work begins with Vendor team onsite at location to be determined.
06/30/2010	All initial development project work must be completed.

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; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the **email address: MIS_RLB_QA@jfs.ohio.gov** during the Question and Answer Period as outlined in Section III. The email subject should be RLB# **JFS-IS-10-09**.

Questions about this RLB must reference the relevant part of this RLB, the heading for the provision under question, and the page number (if applicable) and/or section of the RLB 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 RLB 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 RLB, 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 RLB; when possible, ODJFS may post an interim Q & A Document as well as the final version. Vendor proposals in response to this RLB are to take into account any information communicated by ODJFS in the Final Q & A Document for the RLB. **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 RLB.**

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

IMPORTANT: Requests from potential vendors for copies of previous RLBs, 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 RLB. 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 RLB 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 RLB; therefore, vendors are to base their RLB responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RLB 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 RLB 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 RLB, ODJFS requires that interested vendors **must** meet, at minimum, **all** the following qualification requirements:

A. Required Vendor Qualifications

In order to be considered for the purchase order expected to result from this RLB, ODJFS requires that interested vendors **must** be a Office of Information Technology (OIT) State Term Schedule (STS) authorized vendor. Vendors are required to submit a copy of their current STS cover page as part of their proposals. Proposals submitted from any other entity or individuals will be rejected.

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 RLB, ODJFS requires that interested vendors provide the following:

1. 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;
2. Descriptions of at least two (2), but no more than four (4) 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;
3. Names and contact information from at least two (2) entities for which the vendor has performed similar scale projects in the past three (3) years; and

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 specify why this individual is key to the activity's success;
2. Include a resume or curriculum vitae for the assigned positions expected to work on the project;
3. Depending on the background of the candidates submitted, we may choose to select multiple candidates with the same skill set. For example, depending on the submitted candidates we might choose 3 Senior JAVA programmers and make internal job assignment changes to cover the other needs.
4. Although experience with the OMJ or SCOTI application system is not a requirement, this experience is extremely valuable. Therefore, this experience will be weighted substantially higher than other desirable qualifications.

D. Required Qualifications

Position classification and job experience qualifications for the candidates are as follows:

Up to 5 Senior JAVA Systems Analysts and/or Programmer Analysts

- a. Six (6) years experience as a Senior JAVA programmer/analyst;
- b. Three (3) years experience WAS 6 JAVA programming using Oracle databases;
- c. Three years experience developing JAVA in a J2EE environment;
- d. Three (3) years experience writing WebSphere Studio Application Developer Version 6 applications - OR - Five (5) years experience writing WebSphere Studio Application Developer Version 5+ applications;
- e. Three (3) years experience with WebSphere and J2EE, Struts and JAVA programming Oracle, SQL, Stored Procedures;
- f. Must have experience using office automation and project planning tools such as Microsoft Project, Microsoft Office Visio, Microsoft Office and other tool sets; and
- g. Must have proven software design and development programming background.

FOR

Up to 5 Senior Oracle Forms Systems and/or Programmer Analysts

- a. A minimum of 48 months experience writing scripts (UNIX/PLSQL/Shell);
- b. A minimum of 36 months experience working against Oracle databases within an AIX 5.3 operating system environment;
- c. A minimum of 36 months working with Oracle 10g database, Oracle Application Server, Report Server, and Oracle database servers;
- d. A minimum of 60 months experience in developing applications with the Oracle Developer Suite (including Oracle Forms & Reports) in Oracle 9i or 10g;
- e. A minimum of 60 months experience in developing applications using Oracle Discoverer;
- f. A minimum of 48 months experience doing detail application analysis and design with 36 months of that time designing Oracle forms applications; and
- g. Experience or knowledge in the following tools: Toad & SQL Loader.

FOR

Up to 3 Senior Software Systems Project Managers

- a. Six (6) years experience as a Senior project manager in the software development area;
- b. Four (4) years experience in planning and delivery of JAVA on-line systems and related batch reporting for large scale distributed systems/projects;
- c. Three (3) experience conducting JAD sessions for requirements gathering and definition;
- d. Two (2) years experience leading large multi-discipline team toward the delivery goal;
- e. Previous experience in unemployment or DOL projects; and
- f. Must have experience using office automation and project planning tools such as Microsoft Project, Microsoft Office Visio, Microsoft Office and other tool sets; and
- g. Must have proven software design and development programming planning and delivery background.

FOR

Up to 2 Senior System Testing Analysts

- a. Three (3) years experience testing experience to include test planning, test development (test cases, test scripts and test scenarios), and test execution for large, complex multi-platform applications;
- b. Three (3) years experience using HP MERCURY Quality Center;
- c. Must have excellent communication skills with experience using office automation and project planning tools such as Microsoft Project, Microsoft Office Visio, Microsoft Office and other tool sets;

- d. Must have two (2) years experience performing system testing of JAVA applications;
- e. Must have three (3) years experience performing system testing of large Oracle applications;
- f. Knowledge of ADA compliance testing methods; and
- g. Must have strong analytical skills with the ability to work independently with or without formalized requirements documents.

E. Desirable Qualifications:

- a. Previous experience in OMJ or SCOTI development roles;
- b. Previous experience in OMJ or SCOTI Testing roles;
- c. Basic knowledge of Job Placement and government service offerings; and
- d. Previous experience in OMJ or SCOTI System Analyst roles.

Please Note: 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 Contractors must complete the following Services by June 30, 2010.

1. In concert with business users, collect, refine requirements and do high level design in response to legislative initiatives and performance needs in the Unemployment Compensation area. These features will be built on the Ohio Job Insurance (OJI) System.
2. Design, develop and test algorithms and screens using JAVA code, COBOL code, WAS workspace, and DB2 database. This would include building on the current application interfaces for the OJI system as well as conforming to the industry standard interfaces.
3. Design, develop and test algorithms and screens using Oracle forms code, Oracle Application Server workspace, and Oracle database. This would include building on the current application interfaces for the SCOTI system as well as conforming to the industry standard interfaces.
4. Ongoing support for these features to ensure performance and conformance to requirements

B. 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 two (2) copies of their response in hard copy and two (2) 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 RLB 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 RLB 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 RLB, 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 – Request for Taxpayer ID Form W-9

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

Tab F – Workers Compensation & Insurance Verification

Tab G – Required Vendor information and Certifications Document

Tab H – 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.

1. A statement regarding the vendor's legal structure, federal tax identification number, and principle place of business;
2. The name, address, phone number, and fax number of a contact person who has authority to answer questions regarding the proposal; and
3. 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: In this section the vendor must describe their organizational experience and capabilities as found in V., B, and the Staff Experience and Capabilities as outlined in Section V.,C.

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

Tab H – Cost Summary: Indicate your company’s quote for this project as indicated accordingly:

Resource	STS Product / Job Title	STS Rate	Discount Rate	Total Cost

VIII. **Selection Process**

Vendors submitting a response will be evaluated based on the capacity and experience demonstrated in their Technical Proposal. All proposals will be reviewed and scored by a Proposal Review Team (PRT), comprised of staff from ODJFS. Vendors should not assume that the review members are familiar with their current work activities with ODJFS. Proposals containing assumptions, lack of sufficient detail, poor organization, lack of proofreading and unnecessary use of self-promotional claims will be evaluated accordingly. Final selection of the vendor will be based upon the criteria specified in Sections V., and VI., of this RLB. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The review committee may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public. ODJFS reserves the right to require clarification of any information provided in vendors’ proposals. In scoring the proposals, ODJFS will score in three phases:

A. **Phase I. Review—Initial Qualifying Criteria:**

In order to be fully reviewed and scored, proposals submitted must pass the following Phase I. Review. **Any “no” for the listed Phase I. criteria will eliminate a proposal from further consideration.**

1. Was the proposal received by the deadline as specified in Section II., of this RLB?
2. Did the vendor submit their proposals in the format described in Section VII., of this RLB?
3. Does ODJFS' review of the Auditor of State website verify that the vendor is not excluded from contracting with ODJFS by ORC Section 9.24 for an unresolved finding for recovery (*i.e.*, the proposal of any vendor whose name appears on the Auditor's website as having an unresolved finding for recovery will be eliminated from further consideration.)?
4. Does the vendor have a current STS which is appropriate for the work described in this RLB?

B. Phase II. Review—Criteria for Scoring the Technical Proposal:

The PRT will then score those qualifying technical proposals, not eliminated in Phase I. Review, by assessing how well the vendor meets the requirements as specified in Sections V., and VI., of this RLB. Using the score sheet for Phase II scoring (see **Attachment C.** of this RLB for specific evaluation criteria), the PRT will read, review, discuss and reach consensus on the final technical score for each qualifying technical proposal.

A maximum of 80 points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least 48 points (indicating that the vendor is capable of successfully performing contractual duties) out of the possible 80 points to qualify for continued consideration. Any proposal which does not meet the minimum required technical proposal points will be disqualified from any further consideration and its cost proposal will neither be opened nor considered.

Technical Performance Scoring Definitions:

“Does Not Meet Requirement”-a particular RLB requirement was not addressed in the vendor's proposal, **Score: 0**

“Meets Requirement”-Vendor proposal fulfills a particular RLB requirement in all material respects, potentially with only minor, non-substantial deviation, **Score: 5**

“Exceeds Requirement”-Vendor proposal fulfills a particular RLB requirement in all material respects, and offers some additional level of quality in excess of ODJFS expectations, **Score: 7**

“Greatly Exceeds Requirement”-Vendor proposal fulfills a particular RLB requirement in all material respects, and offers some additional level of quality which surpasses ODJFS expectations, **Score: 9**

The evaluation team will rate the Proposals based on the following criteria and respective weights:

<i>Criteria</i>	<i>Percentage</i>
Technical Proposal	70%
Cost Summary	30%

All categories in the Technical Proposal section of the RFQ will be scored on a “Does Not Meet”, “Meets”, “Exceeds” and “Greatly Exceeds” basis.

To ensure the scoring ratio is maintained, the State will use the following formulas to adjust the points awarded to each vendor.

The vendor candidate(s) with the highest point total for the Technical Proposal will receive 80 points. The remaining vendor candidates will receive a percentage of the maximum points available based upon the following formula.

Technical Proposal Points = (Vendor’s Technical Proposal Points/Highest Number of Technical Proposal Points Obtained By The Highest Rated Candidate(s)) x 80

The vendor candidate with the lowest proposed Hourly Bid Price will receive 40 points. The remaining vendor’s candidate(s) will receive a percentage of the maximum cost points available based upon the following formula.

Cost Summary Points = (Lowest Candidate’s Hourly Bid Price Per Hour/Vendor’s Candidate’s Bid Price Per Hour) x 40

Total Points Score: The total points score is calculated using the following formula:

Total Points = Technical Proposal Points + Cost Summary Points

Maximum Available Points = 120

(It is important to note that the Vendor’s candidates will be grouped by Position Classification for scoring purposes. All Senior JAVA System Analysts and/or Programmer Analysts will be grouped together. The same grouping strategy will apply to the Senior COBOL System/Analysts and/or Programmer Analysts, Senior Employment Services System Analysts, and Senior System Testing Analysts position classifications. Each group will be independently scored using the 120 point maximum scoring methodology detailed above.)

Costs Scoring

Cost will be scored by ranking the vendors on total cost submitted with the proposal. The vendor offering the lowest rate will earn a score of forty (40) points for the Phase III cost score. Vendors offering rates no more than 10% above the lowest rate will earn a score of thirty (30) points; those whose rates are more than 10% above but less than 20% above will earn twenty (20) points; those whose rates are more than 20% above but less than 30% above will earn ten (10) points; and those offering rates more than 30% above but less than 40% above will earn only five (5) points. Vendors offering rates in excess of 40% over the lowest rate offered will earn no points in the Phase III cost consideration. The points earned through this process are the vendor’s Phase III score.

The final grand total score for each qualified candidate will be the sum of the Phase II Total Technical Score plus the offering vendor’s Phase III Cost Score.

IMPORTANT: Before submitting a proposal to ODJFS in response to this RLB, vendors are strongly encouraged to use the Technical Proposal Score Sheet (**Attachment C.**) and the above technical performance scoring information to review their proposals for completeness, compliance, and quality.

C. Final Selection

The PRT will recommend for selection the technically qualified vendor with the highest Final Total Score. At its sole discretion, ODJFS may choose to conduct interviews prior to final vendor selection. Interview question responses will then be considered according to a process comparable to the Technical Proposal Scoring described in Section VIII., Selection Process of this RLB.

The state reserves the right to interview up to 30 candidates prior to final selection.

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 RLB.

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 RLB 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 RLB 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 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.

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 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.

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 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.

D. 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.

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 RLB until the contract award has been formally announced by the ODJFS Director, there may be no communications concerning the RLB 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 RLB 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 RLB;
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 RLB, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RLB;* and
5. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services.

*** Important Note:** Amendments to the RLB or to any documents related to it will be accessible to interested vendors through the original web page established for the RLB. 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 RLB 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 RLB that was obtained or gathered through a source other than the Question and Answer process described in this RLB. 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 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 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 D 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 E 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 G of Vendor Proposal*)**

Thank you for your interest in this project.