



Ohio Department of Job and Family Services  
Request for Letterhead Bids (RLB)  
Child Care Project Manager  
RLB#: JFS-IS-10-11

I. Purpose

The Ohio Department of Job & Family Services (JFS) through the Office of Information Services (OIS) 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 Project Manager related services under their STS to support JFS/IS.

The successful development and implementation of the Child Care Eligibility / Authorization, Centralized Payments, Provider Portal and Time & Attendance projects is essential to the administration of the Child Care program in Ohio. These projects are currently managed by a collaborative Project Management Team (PMT) consisting of project managers from the state's Child Care program area, and Information Systems, and project vendor(s). In order to better manage these Child Care projects and any associated risks, and to facilitate coordination of State, county and vendor activities, and to ensure a timely and complete implementation, additional Child Care program area project management support is necessary. This position will function as a member of the PMT and will work under the general direction of the ODJFS Deputy Chief of Staff for Human Services.

**Please Note: This RLB is a Minority Set-Aside. Only certified MBEs can submit a proposal.**

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 30, 2009**. Faxes will not be accepted. Proposals must be addressed to:

**Office of Legal and Acquisition Services  
Ohio Department of Job and Family Services  
Attn: Contracts and Acquisitions  
30 E. Broad Street, 31<sup>st</sup> Floor  
Columbus, Ohio 43215-3414**

For hand delivery on the due date all proposals will be accepted at the Front Desk at 30 E. Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215. **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

<b>12/18/2009</b>	ODJFS Releases RLB to Potential Vendors. Q & A Period Opens - Vendors may submit inquiries for RLB clarification.
<b>12/23/2009</b>	Vendor Q & A Period closes, 8:00 a.m. for inquiries for RLB clarification - No further inquiries for RLB clarification will be accepted.
<b>12/30/2009</b>	Deadline for Vendors to Submit Proposals (3:00 P.M., Eastern time).
<b>01/04/2010</b>	ODJFS Issues Award Notification Letter (ESTIMATED).
<b>01/15/2010</b>	Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE).
<b>01/19/2010</b>	Work begins with Vendor onsite at location to be determined.
<b>06/30/2010</b>	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@ifs.ohio.gov](mailto:MIS_RLB_QA@ifs.ohio.gov) during the Question and Answer Period as outlined in Section III. The email subject should be RLB# **JFS-IS-10-11**.

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 XV., 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 III., 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; and

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;

**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; and
2. Include a resume or curriculum vitae for the assigned positions expected to work on the project;

**D. Required Qualifications**

1. References: Vendor must include references for each staff requirement and must include the following information:
  - a. Name of the organization;
  - b. Project details; and
  - c. Contact/project manager name, phone number and email address.

Each reference must be willing to discuss the staff person's performance with the evaluation committee.

2. Resumes: Vendor must provide resume for candidate who will be available and work on the project. In addition the resume must include three (3) project references where successful completion of a similar project is demonstrated. Resumes must demonstrate the staff person's ability to perform duties described in this RLB.
  - a. Experience as the project manager in at least three (3) projects with similar size and scope who will serve as the project manager for this project;
  - b. Experience in child care system acquisitions of similar size and scope in other state human services agencies;
  - c. Experience in human services programs and/or systems such as child care, licensing, certification or payment modules;

Vendor's proposal must contain the name of the proposed individual who will work on the project. The quality and professional credentials are material factors in the State's decision to enter into this agreement. Therefore, the vendor must use all commercially reasonable efforts to ensure the continued availability of those people.

3. Experience Requirements:
  - a. Experience with at least three (3) similar requirements definition project;
  - b. Minimum of three (3) years experience with developing Business Requirements within the last ten (10) years; and
  - c. Must demonstrate experience with change leadership analysis.

The project management methodology used by the vendor should include industry best practices and the functions of the 9 Project Management Knowledge Areas contained in the Project Management Institute's Project Management Body of Knowledge (PMBOK). Throughout the project, the vendor must employ on-going project management techniques to ensure a comprehensive project plan is developed, executed, monitored, reported on, and maintained.

## VI. Scope of Work

A. The successful development and implementation of the Child Care Eligibility / Authorization, Centralized Payments, Provider Portal and Time & Attendance projects is essential to the administration of the Child Care program in Ohio. These projects are currently managed by a collaborative Project Management Team (PMT) consisting of project managers from the state's Child Care program area, Information Systems and project vendor(s). In order to better manage these Child Care projects, any associated risks, facilitate coordination of State, county, customer and vendor activities, and to ensure a timely and complete implementation, additional Child Care program area project management support is necessary. This position will function as a member of the PMT and will work under the general direction of the ODJFS Deputy Chief of Staff for Human Services. This program project management support position will:

1. Work collaboratively with and in support of the State project managers and PMT to provide general project management support within the Child Care program area.
2. Review, **from a program area perspective**, available project documentation, work components, and project deliverables such as: project schedule, budget and costs, proposed changes in scope, project staffing, project procurement, project communication plans, solution designs and testing results as available (not an exclusive list) to ensure projects complete successfully and meet Child Care program area strategic objectives and anticipated outcomes.
3. Support the program area in the creation, review, tracking, maintaining and completion of project deliverables to include (not an exclusive list): implementation task planning, workflows, help desk materials, training materials and communication tools.
4. Facilitate and participate in approved project planning, implementation sessions, readiness assessments, execution, cut over in a rolled out schedule, post implementation and closing activities.
5. Ensure timely identification and documentation of issues and risks following accepted project standards and actively engage in issue resolution activities. Support the **program area** project management team and various project teams in identifying project risks, contingencies and mitigation opportunities. Ensure **program area** issues and risks which cannot be resolved by the project teams or the PMT are documented and communicated to the ODJFS Deputy Chief of Staff for Human Services.
6. Provide project management support functions to the program areas with responsibility associated with the Child Care Systems projects. This will include planning, documenting, coordinating, completing (as specified in #3) and integrating program area project requirements and tasks into the over-arching project plans and schedules.
7. Responsible for documenting **program area** status in weekly status reports in a format to be provided by JFS.

8. Facilitate business activities necessary to ensure a successful conversion to the new Child Care systems with emphasis on: Go/No Go readiness assessments for manual and automated counties, county workflow readiness, development and execution of the roll-out schedule, development and execution of the training materials and plan, problem identification and resolution during the conversion and post conversion activities.

**Please Note:** This position will work under the direction of the ODJFS Deputy Chief of Staff for Human Services or their designee. The primary objectives are to maximize efficiency, assist with analytical tasks necessary for the program office to complete project goals on time and to ensure adequate support to Ohio's eighty eight (88) counties. **Tasks that fall within the responsibility of the Office of Information Services will be managed by that Office's assigned project manager.**

## **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 three (3) copies of their response in hard copy and three (3) 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 eight (8) 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.

- 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:** In this section the vendor must describe their Organizational Experience and Capabilities as found in Section 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. **A copy can be obtained at the website below.**

<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 can be obtained at the website below.**

[http://www.homelandsecurity.ohio.gov/dma/dma\\_forms.asp](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 H of vendor proposal. **A copy accompanies this RLB.**

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 **48** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **24** points (indicating that the vendor is capable of successfully performing contractual duties) out of the possible **48** 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: 2**

**“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: 4**

**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.

Costs Scoring

Cost will 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 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.

**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.

**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. ACCOMPANIMENTS / 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.