Ohio | Department of Job and Family Services

Ted Strickland, Governor
Douglas E. Lumpkin, Director

Ohio Department of Job and Family Services
Request for Letterhead Bids (RLB)
Unemployment Compensation Court Reporting Services
RLB#: R-89-14-8019

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) is soliciting bids to identify one vendor who will provide court reporting services. This Request for Letterhead Bids (RLB) document is released by ODJFS, and the subsequent contract expected to result from this RLB process will be a contract between the vendor and ODJFS.

Section 4141.283 of the Ohio Revised Code (ORC), states in part that, "Whenever the director of job and family services has reason to believe that the unemployment of twenty-five or more individuals relates to a labor dispute, the director shall schedule a hearing concerning the reason for unemployment." The above section of the law also requires that a transcript of the hearing be provided to the Unemployment Compensation Review Commission (UCRC) when an application of appeal is filed with the UCRC. Therefore, in order to comply with the ORC, ODJFS is seeking to contract with a vendor to perform court reporting services. The selected vendor will be required to travel to hearing sites around the State of Ohio, transcribe the hearing, and provide a transcript of the hearing within seventy-two hours (three days) of the hearing conclusion.

The ODJFS Office of Unemployment Compensation (U.C.), Bureau of U.C. Program Services, will designate a staff member as the ODJFS Contract Manager to provide on-going supervision of the vendor selected through this RLB. The initial contract period for this project is expected to run from approximately July 1, 2009 to June 30, 2010 (SFY 10), with a renewal contract to be in effect contingent upon satisfactory performance and continued availability of funding from July 1, 2010 through June 30, 2011 (SFY 11).

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

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

II. Time and Date of Submission

Organizations, companies, firms, or individuals who are interested in submitting letterhead bids must make their submission not later than **3:00 p.m. Eastern (local) Time on Friday, May 15, 2009.** Faxes will not be accepted. Bids must be addressed to:

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

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

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

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

III. Anticipated Procurement and Project Timetable

April 22, 2009	ODJFS Releases RLB to Potential Vendors on the DAS and ODJFS Websites; Q & A Period Opens - Vendors may submit inquiries for RLB clarification
May 1, 2009	Vendor Q & A Period closes, 8 a.m. for inquiries for RLB clarification - No further inquiries for RLB clarification will be accepted
May 8, 2009	ODJFS posts Final Vendor Question & Answer Document on ODJFS website
May 15, 2009	**Deadline for Vendors to Submit Proposals to ODJFS (3:00 P.M., local time)**
June 1, 2009	**ODJFS Issues Vendor Selection Notification Letter (estimated)**
July 1, 2009	**Contract effective date/Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE)**
June 30, 2009	All project work must be completed.

June 30, 2009	Contract terminates no later than the end of the State Fiscal Year, or 6-30-09.

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

* According to requirements of Ohio Revised Code (ORC) 126.07, ODJFS contracts are not valid and enforceable until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, as 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 P.O. approval date. The ODJFS Contract Manager will notify the selected vendor when the requirements of ORC Section 126.07 have been met.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the Internet during the Question and Answer (Q & A) Period as outlined in Section III. Anticipated Procurement Timetable. To ask a question, potential vendors must use the following Internet process:

*** Access the ODJFS Web Page at http://jfs.ohio.gov;**
*** Select "About ODJFS" on the front page;**
*** Select "Doing Business with ODJFS" listed on the left column of the page;**
*** Select "Requests for Proposals, Letterhead Solicitations, and Other Invitations;"**
*** Select RLB Number *R-89-14-8019;***
*** Select the** R89148019@odjfs.state.oh.us **" link; and**
*** Follow the instructions and guidelines as follows to send an e-mail question.**

Questions to this RLB must reference the relevant part of this RLB, the heading for the provision under question, and the number and/or section of the RLB where the provision can be found. The potential vendor must also include his or her name, 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 **10:00 a.m.** on the date that the Q & A 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 XIV. 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 resulting contract, ODJFS requires that interested vendors must address all the following minimum qualifications as well as organizational and staff experience and capabilities as described in this Section:

A. Mandatory Vendor Qualifications

In order to be considered for the project described in this RLB, ODJFS requires that interested vendors **must** meet, at minimum, **all** of the following mandatory qualifications requirements. ODJFS will **only** consider proposals from vendors who have, at minimum:

1. Submitted their proposal to ODJFS by the deadline and location as specified in Section III of this RLB;

2. Submitted **three** (one signed original and two copies) copies of the Cost Proposal in a separate, sealed envelope, and labeled: **"NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR U.C. COURT REPORTING SERVICES PROJECT, RLB#: R-89-14-8019 SUBMITTED BY (VENDOR NAME AND DATE OF SUBMISSION),";**

3. Included all required affirmative statements and certifications, signed by the vendor's responsible representative, as described in **Attachment A., and C.** to the RLB;

4. According to those certifications, the vendor has affirmatively indicated that it is not on the federal debarment list; that there are no unfair labor findings against it; and it is not in violation of ORC Section 9.24, and therefore may enter into a contract with ODJFS;

5. Been verified by ODJFS' review of the Auditor of State website 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.);

6. Demonstrated at least five (5) years experience in recording and transcription of public hearings and/or other legal proceedings. Vendor staffing of the proposed project must be employees of the vendor and include persons certified and/or licensed as a recording stenographer and/or transcriber.

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 project expected to result from this RFP, ODJFS requires that interested vendors provide the following:

1. Provided background information on the vendor, indicating sufficient organizational experience and staffing to perform the required procured functions of the project proposed in this RLB. Vendors must include descriptions of at least two, but no more than four, similar-sized projects completed in the past two (2) years that demonstrate expertise in providing stenographic and court reporting services;

2. Provided names and contact information for at least two (2) entities, other than ODJFS, for which the vendor has performed similar scale projects for in the past two (2) years. The vendor must provide the following information about each project:

    a. Company name and address;

    b. Contact person and phone number;

    c. Project name and time span; and,

    d. A detailed description of the scope of services provided that relate to the requirements of this RLB.

C. Staff Experience and Capabilities

Interested vendors must demonstrate significant expertise by assigning qualified individuals for this project.

The vendor must, at minimum:

1. Identify, at minimum, the individual(s) to be assigned for the duration of this project and key to the project's success has at least five (5) years experience recording and transcribing public hearings and/or other legal proceedings;

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

3. Include information confirming the vendor will be responsible for furnishing all equipment and supplies to record and transcribe the hearing;

4. Include a statement confirming all staff members can provide and/or secure reliable transportation to attend hearings in any county in Ohio;

5. Include a statement confirming all staff members have the ability to work anytime during ODJFS normal business day (8:00 A.M. to 8:00 P.M.); and

6. Include a sample transcript typed on 20# bond paper with 25 numbered lines per page.

Sensitive Personal Information:
Important: It is the affirmative responsibility of the vendor submitting a proposal to remove all personal confidential information (such as home addresses and social security numbers) of vendor staff and/or of any subcontractor and subcontractor staff from resumes or any other part of the proposal package. Following submission to ODJFS, all proposals submitted become part of the public record. ODJFS reserves the right to disqualify any vendor whose proposal is found to contain such prohibited personal information.

VI. Scope of Work

The selected vendor will be required under the contract to travel to any county in Ohio and provide stenographic and/or court reporting services to transcribe labor dispute hearings in accordance with section 4141.283 of the Ohio Revised Code. The vendor will be responsible for furnishing all equipment and supplies to record and transcribe the hearings. ODJFS will require one (1) original transcript and one (1) diskette of each hearing. The transcripts and diskette must be received by ODJFS within three (3) working days of each labor dispute hearing. The documents can be mailed or delivered to: **ODJFS – UC Programs Services, 4020 E. Fifth Avenue, Columbus, Ohio 43219-1811.**

All transcripts shall be prepared using the same format used by the courts of general jurisdiction in Ohio. The transcripts shall be typed on 20# bond paper with 25 numbered lines per page. Labor dispute hearings are usually held in the late morning hours and last about four (4) or five (5) hours, however the selected vendor will be required to work anytime during our normal business day (8 a.m. to 8 p.m.). Historically, court reporting services have been required once a month. ODJFS will require that the stenographer/court reporter arrive one-half hour prior to the scheduled hearing start time and remain until the conclusion of the hearing. In the event that a hearing is begun but not concluded on the same business day, ODJFS will require that the same vendor staff be utilized for that hearing through its conclusion.

The contract expected to result from this RLB would be for the State Fiscal Year (SFY) 2010 with optional renewal for (SFY) 2011. Any renewal contract would be subject to the availability of necessary funds, continued programmatic need, satisfactory performance of the contractor, and would be at the sole discretion of ODJFS.

VII. Vendor Compensation

On the Cost Proposal Form, Attachment E, vendors are to propose their firm, fixed, all-inclusive cost for each deliverable. The proposed prices for each deliverable are to represent the entire cost the vendor offers for the full and successful completion of that deliverable. The sum of the proposed cost of all deliverables to be performed under the resulting contract (including any renewal periods), will the vendor's total cost for successful completion of the work described in this RLB.

Vendors are to use their business expertise in pricing the work described in this RLB, taking into consideration any intervening steps or activities that must be performed in order to complete the work, and offer their costs accordingly, even if ODJFS does not explicitly identify those intervening costs in this RLB. No separate travel expenses or any other type of expenses will be paid under the contract to result from this RLB.

A separate, sealed cost proposal **(labeled, "DO NOT OPEN, Cost Proposal from {vendor's name} for U.C. Court Reporting Services, RLB#: R-89-14-8019")** must also be provided, containing the following cost break-down:

1. Cost per hour for appearance in each of the SFY listed (i.e., 09/10);
2. Cost per page for transcript;
3. Cost per / diskette; and
4. Cost for document delivery

Travel to and form the appearance must be included in the hourly rates and is not to be listed separately.

VIII. Format of Submission

To be accepted and forwarded to the ODJFS Proposal Review Team (PRT), the vendor's proposal must include a signed original and five (5) copies of a technical proposal, and a non-rewritable CD-ROM copy of the entire original technical proposal, according to the format and composition details provided below.

- Technical Proposal. One original and five (5) copies of the Technical Proposal labeled: "**TECHNICAL PROPOSAL ENCLOSED FOR U.C. COURT REPORTING SERVICES PROJECT, RLB#: R-89-14-8019 SUBMITTED BY (VENDOR NAME AND DATE OF SUBMISSION)."**

- One non-rewritable CD-ROM containing a copy of the entire Technical Proposal labeled: **"CD-ROM FOR U.C. COURT REPORTING SERVICES PROJECT, RLB#: R-89-14-8019 SUBMITTED BY (VENDOR NAME AND DATE OF SUBMISSION)."**The requested CD will be used by ODJFS for storage/archiving purposes and for Public Records Requests only.

  The vendor's Technical Proposal shall contain all the information as specified for each component listed below. It is mandatory that vendor proposals be organized in the following order. Any other information thought to be relevant, but not applicable to a specific RLB section number/letter must

be provided as an appendix to the proposal and so marked as an additional tab. ODJFS reserves the right not to review submitted appendices which include information or materials that were not required in the RLB. However, the proposal will be scored on the relevancy to the stated responsibilities as well as the conciseness, clarity, flow, and neatness of the information presented. A proposal which is incomplete, vague, unjustifiably wordy, unclear, or poorly organized may not be successful. All pages in The Technical Proposal shall be sequentially numbered either per tab or for the document as a whole.

Tab 1: Forms and Certifications

Vendors submitting proposals must include a completed "Required Vendor Information and Certifications" form (provided as Attachment A to this RLB), a completed "Request for Taxpayer Identification Form W-9" (provided as Attachment B to this RLB) and the DMA form (provided as Attachment C). The vendor must provide originals of these three documents, signed in blue ink by a qualified vendor representative, in this part of the technical proposal packet.

Vendors are required to provide a declaration regarding material assistance to terrorist organizations or organizations that support terrorism as identified by the U.S. Department of State Terrorist Exclusion List, and as described in **Attachment C, Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization.** Vendors who fail to provide a signed and completed **Attachment C**. risk disqualification. This form may also be accessed and printed at the Ohio Department of Public Safety, Division of Homeland Security's Website at http://www.homelandsecurity.ohio.gov.

Tab 2: Vendor Qualifications. The vendor proposal must include all documents and information as outlined in Section V., Qualifications, demonstrating how the vendor and its staff meet the requirements, specifically:

Sub-Tab 2a. Mandatory Vendor Qualifications (Section 1 through 7)
Sub-Tab 2b. Organizational Experience & Capabilities (Section 1 and 2a. through 2d.)
Sub-Tab 2c. Staff Experience and Capabilities (Section 1 through 6)

Tab 3: Scope of Work. The vendor proposal must, at minimum, describe in detail on company letterhead how the proposes to address the Scope of Work as specified in Section VI.

Sub-Tab 3a.

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

IX. Selection Process

All proposals will be reviewed and scored by a Proposal Review Team (PRT) comprised of ODJFS staff from the Office of Unemployment Compensation (U.C.). Vendors should not assume that the review team members are familiar with any current or past work activities with ODJFS. Proposals containing assumptions, lack of sufficient detail, poor organization, lack of proofreading, and unnecessary self-promotional claims will be evaluated accordingly. PRT members are required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the proposal review and

contractor selection process. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The PRT may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public.

In scoring the proposals, ODJFS will score in three phases: Phase I—Initial Qualifying Criteria, Phase II—Scoring of the Technical Proposal, and Phase III—Consideration of Proposed Cost. In addition, the PRT may, at its option, elect to conduct interviews as part of the process. All score criteria are presented in the Technical Proposal Score Sheet, which is provided as Attachment D to this RLB.

DISQUALIFIERS FOR PROPOSAL ERRORS:

- Any vendor's Technical Proposal found to contain any cost information shall be disqualified from consideration. Cost information is defined as any dollar amounts which might be deemed to be indicative of the relative cost or economy of the proposed project. Information on the assets, value, or historical business volume of the vendor is NOT considered to be such prohibited cost information, and MAY be included in any vendor's technical proposal as information on business capacity and stability. All prohibited cost information must be submitted with the separate, sealed Cost Proposal. The Technical Proposal is defined as any part of the vendor's proposal (either as required by ODJFS or sent at vendor's discretion), such as work plan, resumes, letters of recommendation, letters of cooperation from any subcontractors, etc., which is not specifically identified by ODJFS as a required component of the separate, sealed Cost Proposal. Should a vendor determine to include in the technical proposal any documents which contain such cost information, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS. Failure to follow these instructions will result in disqualification.

- Any trade secret, proprietary, or confidential information (as defined in Section X., E. of this RLB) found anywhere in a vendor's proposal shall result in immediate disqualification of that vendor's proposal.

- Any sensitive personal information on vendor or sub-contract staff (*e.g.*, social security numbers, addresses) must be omitted from vendor proposals, or rendered fully unreadable, or ODJFS may at its option disqualify the vendor from any consideration.

X. RLB Process Information and Other Contractual Requirements:

A. State Contracts

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

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 (see Section X, B.).

E. Trade Secrets Prohibition; Public Information Disclaimer

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

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

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

F. Contractual Requirements

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

G. Travel and Parking Expense Reimbursement

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

H. Public Release of Records

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

I. Confidentiality

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

J. Ethical & Conflict of Interest Requirements

1. No contractor or individual, company or organization seeking a contract or other business agreement shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;

2. No contractor or individual, company or organization seeking a contract or other business agreement shall solicit any ODJFS employee to violate any of the conduct requirements for employees;

3. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or other agreement or refusal by ODJFS to enter into a one; and

4. ODJFS employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

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

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

L. Mandatory Contract Performance Disclosure

Each proposal must disclose whether the vendor's performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RLB, has resulted in any "formal claims" for breach of those contracts.

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

M. Mandatory Disclosures of Governmental Investigations

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

N. Vendor Selection Restriction

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

O. Waiver of Minor Proposal Errors

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

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

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

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

XII. State Contracts

Proposals must list any current contracts the vendor has with State of Ohio agencies and universities/colleges. 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 the **"Required Vendor Information and Certifications"** (provided as **Attachment A)** and include the completed document in the vendor's proposal as specified in Section X, Format of Submissions.

XIII. 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.

XIV. Communications Prohibitions

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

The only exceptions to this prohibition are as follows:

A. As necessary in the case of any pre-existing business relationship between ODJFS and a vendor which could potentially respond to this RLB, in order to conduct that business;

B. As part of an interview necessary for ODJFS to make a vendor selection decision;

C. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page established for this RLB; and

D. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page: http://www.state.oh.us/odjfs and notices of such will be sent to vendors on the original mailing list and to anyone participating in the clarification process conducted pursuant to Section IV. above; and

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

Requests from potential vendors or contractors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Information Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with directions provided in this Section XIV, Communications Prohibited, will be honored. The posted time frames for ODJFS responses to Internet questions for RLB clarification do not apply to PRRs.

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

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

XV. Protests

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

1. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this solicitation. The protest shall be in writing and shall contain the following information:

    a. The name, address, and telephone number of the protestor;
    b. The name and number of the solicitation being protested;
    c. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
    d. A request for a ruling by ODJFS;
    e. A statement as to the form of relief requested from ODJFS; and
    f. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.

2. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:

    a. A protest based on alleged improprieties in the issuance of the RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. of the closing date for receipt of proposals as specified in Section II., Time and Date of Submission.

    b. If the protest relates to the announced intent to award the grant(s), the protest shall be filed no later than 3:00 p.m. of the seventh (7th) calendar day after the issuance of formal letters sent to all responding applicants regarding the State's intent to make the awards. The date on these ODJFS letters to responding applicants is the date used to determine if a protest regarding the intent to award is submitted by the end of the protest period.

3. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is

one received by ODJFS' Office of Legal Services after the time periods set forth in Item #2 of this section.

4. All protests must be filed at the following location:

   Chief Legal Counsel, Office of Legal Services
   Ohio Department of Job and Family Services
   30 East Broad Street, 31st Floor
   Columbus, Ohio 43215-3414

5. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODJFS determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.

6. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

SECTION XVI. ATTACHMENTS AND APPENDICES

Attachments

A. **Required Vendor Information and Certifications** (To be completed & included in proposal packet as specified in Sec. X., A.)
B. **Request for Taxpayer Identification Number (W-9) Form** (To be completed & included in proposal packet as specified in Sec. X., A.)
C. **Declaration of Material Assistance Form** (To be completed & included in proposal packet as specified in Sec. X., A.)
D. **Technical Proposal Score Sheet** (For vendor self-evaluation purposes…do not submit)
E. **Cost Proposal Form** (To be completed & included in cost proposal packet as specified in Sec. X., D.)
F. **ODJFS Model Contract** (For vendor reference purposes)

Thank you for your interest in this project.

>>> <<<