

FOOD STAMP QUALITY CONTROL AND IMPROVEMENT

RFP#: R-89-17-0871

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**ODJFS REQUEST FOR PROPOSALS (RFP):
FOOD STAMP QUALITY CONTROL
AND IMPROVEMENT
RFP #: R-89-17-0871**

SECTION I. GENERAL PURPOSE & VENDOR INFORMATION

1.1 Purpose

The Ohio Department of Job and Family Services (ODJFS) releases this Request for Proposals (RFP) for the purpose of securing a vendor to perform an in-depth analysis of Ohio's administration of the food stamp program, to identify areas in which changes can be made to simplify the administration of the program, to assist in implementing necessary changes and selected recommendations, and to assist in training state and county staff in up to six trainings on any changes to ultimately improve payment accuracy. The goal is to obtain a national perspective on how to make the food stamp Quality Control (QC) process as clear, consistent and streamlined as possible; to analyze common errors found during the QC assessments and identify which policies or procedures may be causing these errors; and provide consistency statewide in regard to policies, eligibility determinations and case reviews. ODJFS is seeking vendors who are experienced in performing in-depth program research, evaluation and statistical analyses in the field of state government with experience in the food stamp program both on a state and federal level.

1.2 Background

The food stamp program is designed to raise nutritional levels, to expand buying power and to safeguard the health and well-being of individuals in low income households in Ohio. A household may consist of an individual or a group of individuals who live together and usually purchase, prepare and eat their food together. The food stamp program is a federally regulated, state supervised and county administered program through which ODJFS depends on each of the eighty-eight counties to determine eligibility and to authorize benefits to eligible clients in a timely and accurate manner.

The food stamp program was established in the federal Food Stamp Act at 7 U.S.C. Chapter 51 and in the Code of Federal Regulations in Title 7: Agriculture, Chapter II—Food and Nutrition Services, Department of Agriculture, Part 271 through 282 and implemented at the state level through Ohio Administrative Code Rules 5101:4-1 through 5101:4-8. The Ohio Administrative Code rules set forth the policies and procedures necessary for each of the eighty-eight counties to administer and determine eligibility for the food stamp program. Ohio is one of thirteen county-administered states in the country.

To ensure quality and accountability in the food stamp program the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) has the authority and responsibility to federally monitor each state's food stamp program. Under the Code of Federal Regulations in Title 7: Agriculture, Chapter II—Food and Nutrition Services, Department of Agriculture, Part 275, the states' and federal government's roles and responsibilities are outlined. FNS is required by federal law to review each state's administration/operation of the food stamp program, review each state's management evaluation system, validate each state's error rates (which include payment error rate, negative case error rate and arbitration) and assess each state's corrective action plans where necessary.

Once the federal government establishes each state's error rate it then compares that error rate to the national performance measure for the federal fiscal year. If the state error rate surpasses the national performance measure the state is then assessed a liability. The state is subject to pay or have its share of administrative funding reduced by an amount computed, by an established FNS formula set in federal regulations. Once the liability amount is computed the state has two options: 1.) pay the liability amount or 2.) reinvest the liability amount to improve program accuracy and efficiency.

Two consecutive years, Federal Fiscal Year (FFY) 04 and FFY 05, of excessive error rates resulted in the USDA establishing a sizeable financial liability amount for Ohio. ODJFS has commenced the first tasks outlined in the federally approved reinvestment plan. Through both technical assistance and programmatic changes, the State of Ohio has succeeded in reducing the error rate to 7.10 percent in FFY 06; while this rate removed the state from sanction status, the State of Ohio will continue in its program improvement process to further reduce the error rate to a more reasonable level.

1.3 Overview of the Project

The ODJFS goal through this RFP is to select a vendor that is able to take a national view of the current policies and procedures surrounding Ohio's food stamp QC process, analyze the common errors found, develop practical and understandable recommendations within the parameters of state and federal regulations to further reduce the error rate, recommend the most practical and understandable recommendations for implementation and assist with implementation and the training of staff where necessary. Although the primary focus will be on Ohio's QC process it is also necessary that a review and analysis of policy regulations and guidelines occur as a result of the outcome of the QC review process. Through the RFP and implementation process it is crucial for the ODJFS to withstand and uphold all federal and state policies and regulations when making changes and implementations.

QC Policy Review

As required by federal regulation, currently the Office of Research Assessment and Accountability conducts both active and negative case reviews. The active case review is a comprehensive review of all food stamp eligibility elements and includes a review of case records, CRIS-E (Client Registry Information System – Enhanced), and a field review. The negative review process examines the correctness of food stamp case denials and terminations. Through this RFP, the ODJFS will have sound analysis on whether these review processes are consistent statewide, and whether all state QC reviewers are following the same policies. The selected vendor will formulate this analysis based on their review of the FFY 2007 errors (approximately 400) and the year-to-date FFY 2008 errors.

QC Policy Implementation

As QC policy issues are identified and recommendations are formulated the selected vendor will then be expected to work with ODJFS to select the most practical and efficient methods to correct these areas and assist with implementing such changes. Along with implementation the selected vendor will also be required to develop and conduct up to six trainings for state and county staff on the selected changes.

Policy Review

According to past QC reviews and findings, there are questions concerning County Departments of Job and Family Services (CDJFS) implementation of several program policies especially in the areas of wages and salaries, shelter and utility costs and household composition, when determining eligibility. Through the selected vendor's in-depth review of Ohio's current QC policies, procedures, and administrative decisions, the policies and practices that may contribute to QC errors will be identified. For each identified practice, the selected vendor must recommend strategies for improvement and whether the department's policies and rules as contained in the Food Stamp Certification Handbook (FSCH) are clear, understandable, and not more restrictive than federally required.

Policy Implementation

As the policy issues are identified the selected vendor will be expected to provide recommendations for improvement. ODJFS will select the most practical and understandable recommendation. The selected vendor will then assist ODJFS with the implementation. The selected vendor will be expected to provide draft language to improve the FSCH if needed and the relevant federal code of regulations sections supporting such changes.

1.4 Objectives of the Project

The selected vendor for this project will need to provide reviews, assessments and recommendations to improve the state's food stamp payment accuracy active and negative error rates and assist with the implementation and training of the approved recommendations. The selected vendor will be expected to provide an in-depth analysis, both electronic and hard copy, which includes recommendations for change, the reasons why change is necessary, draft language for change implementation and the code of federal regulations and FNS Handbook 310, Food Stamp Quality Control Review Handbook section allowing the change for both the QC division and the food stamp policy section. The selected vendor will also be expected to examine and recommend any needed revisions to the FSCH. Once the analysis is complete and recommendations are formulated the selected vendor will work with ODJFS to select the most practical and understandable solution and assist in implementing the necessary changes.

(continues next page)

1.5 Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
Jan. 22, 2008	ODJFS Releases RFP to Potential Vendors on ODJFS Web Site; Q&A Period Opens - RFP becomes active - Vendors may submit inquiries for RFP clarification
Feb. 4, 2008	Vendor Q&A Period Closes, 10 a.m. (for inquiries for RFP Clarification) - No further inquiries for RFP clarification will be accepted
Feb. 7, 2008	ODJFS provides Final Vendor Question & Answer Document (estimated)
Feb. 21, 2008	Deadline for Vendors to Submit Proposals to ODJFS (3 p.m.) - This is the proposal opening date, beginning the ODJFS process of proposal review
March 4, 2008	ODJFS Issues Contract Award Notification Letters (estimated) - Vendors that submitted proposals in response to this RFP will be sent letters stating whether their proposal was accepted for award of the contract
April 21, 2008	Controlling Board Review of Contract (estimated—if applicable). -Contract with the selected vendor requires review and approval
June 30, 2009	Project Completion** - All work must be completed and approved by ODJFS Contract Manager

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.

* * Subject to approval by the Controlling Board, the contract period is expected to run from approximately March 24, 2008 through June 30, 2009, with a renewal contract to be in effect, contingent upon satisfactory performance, continued availability of funding, and all required approvals, from July 1, 2009 through June 30, 2010. Since state law prohibits ODJFS from making financial commitments beyond the fiscal biennium (e.g., 7/01/07 through 6/30/09), the contract with

the selected vendor will be subject to renewal for the final (12 months) period of the project. Renewal may be subject to approval by the Controlling Board.

1.6 Vendors' Library

ODJFS recognizes that interested vendors may not be familiar with some of the documents referenced in this RFP. The necessary documents and helpful links can be accessed:

FNS Handbook 310, Food Stamp Quality Control Review Handbook:

http://www.fns.usda.gov/fsp/qc/pdfs/310_Handbook_2004.pdf

Food Stamp Certification Handbook – Go to the ODJFS website at <http://jfs.ohio.gov>. Once on the website find the “Site Index” at the bottom of the page, go to “H” and find “Handbooks”. Then under “Manuals and Handbooks” locate the “Food Stamp Certification Handbook”.

Code of Federal Regulation:

Food Stamp Policy: http://www.access.gpo.gov/nara/cfr/waisidx_07/7cfr273_07.html

Federal Monitoring: http://www.access.gpo.gov/nara/cfr/waisidx_07/7cfr275_07.html

Food and Nutrition Services Homepage - <http://www.fns.usda.gov/fsp/>

SECTION II. VENDOR EXPERIENCE AND QUALIFICATIONS

2.1 Mandatory Vendor Qualifications

In order to be considered for the contract expected to result from this RFP, ODJFS requires that interested vendors **must** meet, at minimum, the following qualification requirement:

ODJFS will consider proposals from vendors that (as an organization or as individuals) have completed at least five different government entity (i.e. state or county) assessments of the food stamp program.

Proposals from vendors that do not demonstrate to the satisfaction of ODJFS that they meet the above criterion will be disqualified.

2.2 Organizational Experience and Capabilities

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

1. Documentation of at least two, but no more than four, similar sized projects completed by lead project staff in the past five years that demonstrate expertise in increasing payment accuracy rates within the food stamp program and which demonstrate experience in analyzing and recommending changes resulting from QC analysis.
2. Names and contact information for at least two entities for which lead project staff have performed similar large scale projects in the past three years.

2.3 Staff Experience and Capabilities

The vendor must demonstrate significant expertise by assigning staff to key leadership roles for this project. Key positions will require profiles and/or curriculum vitae. The vendor must, at minimum:

1. Identify, by position and by name, those staff considered key to the project's success, at minimum, key staff identified must have project management and policy consultation experience.
2. Include resume(s) of key staff expected to work on the project. Staff identified for project management must possess at least five years of project management experience in the field of improving active and negative payment accuracy. Staff identified for policy consultation must possess at least two years of policy consultation experience with the food stamp program either at the state or federal level. One person may fulfill both roles.
3. ODJFS will consider proposals from vendors with lead project staff who have experience conducting reviews of QC food stamp errors; knowledge of the FNS Handbook 310, Food Stamp Quality Control Review Handbook and other QC requirements; and the ability to select and apply those methods that are best suited to improve Ohio's food stamp program. (To demonstrate knowledge and experience in the above areas documentation may be but is not limited to: previous assessments, copies of executive summaries, etc.)
4. ODJFS will consider proposals from vendors with lead project staff who have technical expertise in guiding innovative state specific "error review teams" who have documented success in improving payment accuracy. (To demonstrate knowledge and experience with error review teams documentation may be but is not be limited to: previous assessments, copies of executive summaries, etc.)

SECTION III. SCOPE OF WORK & SPECIFICATIONS OF DELIVERABLES

3.1 Scope of Work

The selected vendor for this project will be required to review the current QC process and review past QC cases to provide information on where the state's error prone polices and procedures may be. The selected vendor will be required to review the current QC process and make recommendations to update the existing process to ensure the internal review process is consistent across county and regions, to assess our process compared to other states and to compare our process with the national standards. As part of the QC process the selected vendor will be required to participate in the error review team monthly meetings where QC and food stamp policy staff discuss errors that have been found and highlight the differing interpretations in policy. The selected vendor will participate via teleconferencing to control costs.

As the selected vendor participates in these meetings they may identify changes to the team that need to take place for the most effective results. As these changes are identified the selected vendor will assist with implementing the necessary changes, and will continue to participate in the meetings to ensure policy consistency and correct interpretation.

As error prone policies and procedures are identified the selected vendor will be expected to find ways to assist the state in reducing the food stamp payment accuracy error rate through

recommendations for policy and procedure changes which ease food stamp administration, maximize use of federal options and improve clarity of written policies and procedures as identified through a review of QC errors. The selected vendor will then be expected to assist ODJFS with the implementation of the approved recommendations, which may include training curriculum to be created and provided to staff.

Additionally, vendor proposals submitted in response to this RFP must reflect the vendor's understanding of, and commitment to, perform this Scope of Work fully. The selected vendor will be responsible for the deliverables as described in Section 3.3, including all preparatory and intervening steps, whether or not ODJFS has explicitly specified or delineated them within the RFP. In developing their proposals, all vendors must fully and appropriately plan and cost out their proposed projects, including all necessary preparatory and intervening steps.

3.2 Administrative Structures—Proposed Work Plan

In addition to a detailed description of the proposed project plan, as described in Section 3.1, above, applicant proposals must include, at minimum, the following administrative structures and technical approach for the proposed work plan. The applicant shall:

- A. Identify and explain the key objectives of the proposed project. [NOTE: Vendors are advised to refrain from simply restating the objectives as identified in Section 1.4 of this RFP.];
- B. Provide a status reporting procedure for reporting work completed and resolution of unanticipated problems;
- C. Provide a current organizational chart (including any subcontractors and all organizational partnerships and collaborations) and specify the key management and administrative personnel who will be assigned to this project, supply credentials of personnel, background checks; and,
- D. Provide a timeline for each component of the scope of work and the project overall including the staff hours for personnel involved. Include a Table of Organization (including other paid and volunteer staff), and a chart showing the number of hours devoted to the program. The applicant must provide the percentage of time each key management person will devote to the project.

3.3 Specifications of Deliverables

A. Quality Control (QC) Review

Review the current QC process and identify recommendations for improvement:

1. Conduct a review of all QC active and negative error findings from FFY 2007 (approximately 400) and to date in FFY 2008, and provide a critique and analysis of common errors (both electronically and hard copy). This analysis should include any relevant arbitration decisions, federal

regulation, or FNS 310 references supporting reviews found to be in error incorrectly and should be compiled by FFY.

2. Participate in the state error review team meetings. This committee reviews each QC finding before they are confirmed as errors. This group meets at least once a month for approximately two to three hours. (The selected vendor could participate by phone if necessary.) If necessary, the selected vendor would be expected to establish and train the error review team to ensure correct interpretation of policies and procedures, and to assist in maintaining consistency statewide. This work will continue throughout the contract period.
3. Review and assess Ohio's application of the FNS Handbook 310, Food Stamp Quality Control Review Handbook procedures and assist in the implementation of approved changes.
4. Ongoing consultation and technical assistance on an as needed basis during and upon conclusion of the project for the following twelve months at no charge. (Consultation after conclusion of the project will consist of no more than two thirty minute phone calls, emails, etc. per month.)

B. QC Implementation

Train QC case management analysts and supervision in any newly developed procedures (up to two trainings).

C. Policy Review

Provide an in-depth review and assessment of the state's current food stamp policies and procedures and identify areas of complexity and confusion as identified through a review of QC findings. Once issues and areas of concern are identified the selected vendor should provide recommendations to resolve the issues. Recommendations should include:

1. Language explaining the issues the current policy is causing or identify areas where the state has taken a more strict or complex route in interpreting the federal policy.
2. Draft language to improve the policy when necessary.
3. Draft rule language or statute language where necessary for change.
4. Statistical analysis of the improvements the change will make to the state's error rate.
5. Review and assess benefit issuance timeliness in accordance with both state and federal regulations, specifically expedited processing.

D. Policy Implementation

1. Assist ODJFS with the implementation of the selected recommendations and suggestions. This implementation may include assistance with training the state staff on the new policies (up to two trainings).
2. Provide policy or QC procedural change training to county staff (up to two regional trainings) if needed.

SECTION IV. CONDITIONS AND OTHER REQUIREMENTS

Through this section of the RFP, ODJFS notifies vendors seeking award of a contract of certain conditions and requirements which may affect their eligibility or willingness to participate in any procurement (RFP, RLB, etc.) process; or their eligibility to be awarded a contract; and of requirements that would be in effect should they be awarded a contract.

4.1 State Contracts

Proposals 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 percentage 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 5.2 B., 1** of this RFP.

4.2 Interview

Vendors submitting proposals may be required to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and/or other state or county agency staff or other representatives it may appoint, as appropriate. 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.

4.3 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 project manager when work may begin. **Any work begun by the vendor prior to this notification will NOT be reimbursable by ODJFS.**

4.4 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 4.2, above).

4.5 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 RFP, RLB or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP (or etc.) 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 this RFP shall become the property of ODJFS. This RFP and, after formal announcement by ODJFS of the results of this RFP project (e.g., notices provided to responding vendors regarding vendor selection, notice of project cancellation, etc.), any proposals submitted in response to the RFP are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, “proposal” shall mean both the technical and the cost proposals (if opened by ODJFS) submitted by the vendor, any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to this or any ODJFS RFP which make claims of trade secret information shall be disqualified from consideration immediately upon determination that such unallowable claim has been made.

4.6 Contractual Requirements

- A. Any contract resulting from the issuance of this RFP is subject to the terms and conditions as provided in the model contract, which is included as **Attachment D.** of this RFP;
- B. Many of the terms and conditions contained in the model contract (See **Attachment D.**) are required by state and federal law; however, the vendor may propose changes to the model contract by annotating the model, and returning it with the vendor’s proposal submission. Any changes are subject to ODJFS review and approval;
- C. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state and federal funds;
- D. All aspects of the contract apply equally to work performed by any and all subcontractors;
- E. The contractor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RFP. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of ODJFS and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
- F. As a condition of receiving a contract from ODJFS, the contractor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The contractor, and any subcontractor(s), must also agree to cooperate with ODJFS and any Ohio Child Support Enforcement Agency in ensuring that the contractor or employees of the contractor meet child support obligations established under state law;

- G. By signing a contract with ODJFS, a vendor agrees that all necessary insurance is in effect; and
- H. The selected contractor shall be required to comply with prevailing wage standards, as established in ORC 4115.03 to 4115.16.

4.7 Travel Reimbursement

Travel should be folded into the overhead, per diem, or the hourly rates which are built into the cost of the deliverables. Travel is not to be listed separately unless otherwise specified in Section 5.2 C. (Proposal Format and Submission – Cost Proposal) of this RFP.

4.8 Minority Business Enterprise

ODJFS is required by Section 125.081(B) and 123.151 of the ORC to award fifteen percent (15%) of its total procurements to vendors certified as Minority Business Enterprises (MBE). Ohio certified MBE is defined in ORC Section 122.71. If the proposal is not submitted by a certified MBE, the vendor is strongly encouraged to subcontract a minimum of fifteen percent (15%) of the total contract price to an Ohio certified MBE.

The proposal must clearly indicate the name of the proposed Ohio MBE vendor and the exact nature of the work to be performed under the proposed subcontract. The proposal must include a letter from the proposed MBE, signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;
3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;
5. A statement that the subcontractor has and understands the RFP, the nature of the work, and the requirements of the RFP; and
6. A copy of the Ohio MBE certificate.

There may be no dollar amounts of any kind included with the MBE information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.

A listing of Ohio certified MBEs can be accessed through the Ohio Department of Administrative Services (DAS) Web Site at: <http://das.ohio.gov/Eod/MBESearch/index.asp>.

While ODJFS strongly encourages the use of MBE subcontractors, the vendor's use of an MBE subcontractor will have no effect on vendors' technical scores or on final contractor selection for this RFP, **unless** Section VI, Criteria for Proposal Evaluation and Selection of this RFP (and/or the Technical Proposal Score Sheet for this RFP) affirmatively establish an MBE participation criterion.

4.9 Subcontractor Identification and Participation Information

Any vendors proposing to use a subcontractor for any part of the work described in this RFP must clearly identify the subcontractor(s) and their tasks in their proposals. The proposal must include a letter from the proposed subcontractor(s), signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;
3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;
5. A statement that the subcontractor has read and understands the RFP, the nature of the work, and the requirements of the RFP.

There may be no dollar amounts of any kind included with sub-contractor information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.

4.10 Public Release of Records

Public release of any evaluation or monitoring reports funded under this agreement 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.

4.11 Confidentiality

All contracts 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.

4.12 Key Personnel

ODJFS will require a clause in the resulting contract regarding key personnel in that any person identified as critical to the success of the project may not be removed without reasonable notice to ODJFS, and replacements will not be made without ODJFS approval.

4.13 Ethical & Conflict of Interest Requirements

- A. No contractor or individual, company or organization seeking a contract 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;
- B. No contractor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
- C. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or 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 refusal by ODJFS to enter into a contract; and

- D. 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.

4.14 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 CFR 164.501 and any amendments thereto. The selected vendor can reasonably anticipate HIPAA language in the contract that results from this RFP.

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.

4.15 Waiver of Minor Proposal Errors

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Cost proposals/forms when those errors do not unreasonably obscure the meaning of the content.

4.16 Proposal Clarifications

ODJFS reserves the right to request clarifications from vendors of any information in their Technical and/or Cost proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process.

4.17 Contractual Requirements and Prevailing Wage 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 D**, to this RFP. Potential vendors are strongly encouraged to read the model contract and to be fully aware of ODJFS' contractual requirements. Additionally, the selected contractor will be required to comply with prevailing wage standards, as established in ORC 4115.03-4115.16.

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

ORC 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 arising out of this RFP, without notifying ODJFS of such finding. ODJFS will review the Auditor of State's website prior to completion of evaluations of proposals submitted pursuant to this RFP. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the

subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.

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

4.20 Mandatory Disclosures of Governmental Investigations

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

4.21 Mandatory Disclosures of Work Location

Proposals must explicitly state the location(s) (city, state/province, country) where work described in this RFP would be performed, whether by the vendor or by any subcontractors.

4.22 Vendor Selection Restriction

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RFP, shall not be awarded the resulting contract.

4.23 Declaration of Material Assistance Requirements

Any vendor responding to any ODJFS RFP, RLB, or any other procurement opportunity is required to provide certification that the vendor has not provided material support or resources to any organization listed on the “Terrorist Exclusion List” (TEL) maintained by the U.S. Department of State. The Declaration of Material Assistance Form, provided as **Attachment C**, to this RFP, must

be printed, completed, and signed by the interested vendors' authorized representative, and returned to ODJFS as a component of the vendor technical proposal/bid. Failure to properly complete the form or to provide it as part of the proposal submitted to ODJFS may result in the disqualification of the vendor's proposal from consideration.

Vendors may access the TEL from the Ohio Homeland Security Office website, located at www.homelandsecurity.ohio.gov.dma.asp or via e-mail to dma-info@dps.state.oh.us for the current list of excluded organizations and additional information.

4.24 Ohio Presence Consideration

Each vendor responding to this RFP is encouraged to demonstrate in its proposal that it currently has a physical presence in Ohio or has plans for establishing a physical presence, to include the actual or proposed location of the vendor's presence, through out the term of the contract. Vendor proposals should identify the work to be performed for this project at that location and identify vendor personnel, either by staff name or function that will operate from the Ohio location. Additional scoring consideration will be made (see attachment E Technical Proposal Score Sheet) for vendors' compliance with this.

SECTION V. PROPOSAL FORMAT & SUBMISSION

5.1 Proposal Submission Information

ODJFS requires proposal submissions in both paper and electronic format. The proposal must be prepared and submitted in accordance with instructions found in this Section. The proposal submission must be comprised of:

- **5** paper copies (**one signed original** and **4** copies) and one CD-ROM copy of the Technical Proposal;

AND

- in a sealed, separate envelope, **three** paper copies (**one signed original** and **two** copies) and one CD-ROM copy of the Cost Proposal.

The vendors' total proposal submissions (both the technical and cost proposals in all required copies) must be received by ODJFS complete no later than 3:00 p.m. on **Thursday, February 21, 2008**. Faxes or e-mailed submissions will not be accepted. **Proposals 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**

Vendors' original technical and cost proposals must contain all the information and documents specified in Section 5.2, "Format for Organization of the Proposal." All copies (both paper and CD-ROM) of the original proposal must include copies of ALL information, documents, and pages in the original proposal.

Along with the Technical proposal, the vendor must submit the Cost Proposal in a separate, sealed envelope/package labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR FOOD STAMP QUALITY CONTROL AND IMPROVEMENT, RFP #: R-89-17-0871 SUBMITTED BY [VENDOR’S NAME HERE].”**

The CD-ROM copy of the Technical Proposal must include all components of the technical proposal, including any required or voluntary attachments to it. The CD-ROM copy of the Cost Proposal must include all cost proposal components, including any required or voluntary attachments. **The CD-ROM containing the Cost Proposal must be submitted in the sealed envelope containing the hardcopy Cost Proposal.** Both CD-ROMs must be labeled with the vendor’s name, the RFP number, and the proposal submission date or proposal due-date, at minimum. The requested CDs will be used by ODJFS for archiving purposes and for fulfillment of Public Records Requests, and failure to include them or to properly label them may, at ODJFS discretion, result in the rejection of the vendor from any consideration.

All proposal submissions must be received, complete, at the above address, via mail or hand delivery by the above date and time. Materials received separately from a vendor’s proposal submission (e.g., letters of recommendation from past customers of the vendor’s services) will not be added to the proposal nor considered in the review and scoring process. Materials received after the date and time as stated above will not be included in any previous submissions, nor will they be considered. ODJFS is not responsible for proposals incorrectly addressed or for proposals delivered to any ODJFS location other than the address specified above. No confirmation of mailed proposals can be provided.

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 proposals received on the due date by the Office of Contracts & Acquisitions, on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any proposals delivered to any address other than the address provided above.**

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

5.2 Format for Organization of the Proposal

A. Overall Proposal Organization

A sample Technical Proposal Score Sheet is provided as **Attachment E** of this RFP. **Vendors are strongly encouraged to use the Score Sheet to check their proposals for quality, compliance, and completeness prior to submission.**

The vendor’s Technical Proposal must contain the following components (organized in five (5) primary tabs and divided into sub-tabs) as described below. Any other information thought to be relevant, but not applicable to a specific RFP 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 includes information/materials not required in the RFP. All pages beyond Tab 1 shall be sequentially numbered.

Vendors must organize their Technical Proposals in the following order:

Tab 1 Required Vendor Information and Certifications Document
Request for Taxpayer Identification Number (W-9) Form
Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Org.

Tab 2 Vendor Experience & Qualifications
Sub-Tab 2a. Mandatory Vendor Qualifications (Section 2.1)
Sub-Tab 2b. Organizational Experience & Capabilities (Section 2.2)
Sub-Tab 2c. Staff Experience and Capabilities (Section 2.3)

Tab 3 Scope of Work and Specifications of Deliverables (Section 3.1 and 3.3)
Sub-Tab 3a. Deliverable A
Sub-Tab 3b. Deliverable B
Sub-Tab 3c. Deliverable C
Sub-Tab 3d. Deliverable D

Tab 4 Administrative Structures—Proposed Work Plan (Section 3.2)

Tab 5 Vendor Attachments or Appendices

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

NOTE: Vendors are required to submit **one additional CD-ROM copy** (using TWO CD-ROMs) of their entire proposal package in non-rewriteable CD format. One CD-ROM is to contain the complete Technical Proposal, including any required or voluntary attachments to it, and the other CD-ROM is to contain the Cost Proposal including any required or voluntary attachments to it. One document may, at vendor option, be excepted from the electronic technical proposal version: the "Request for Taxpayer Identification Number (W-9) Form" (**provided as RFP Attachment B.**), which is to be signed by the vendor and submitted with the paper copies of the technical proposal. **The CD-ROM containing the Cost Form must be submitted in the sealed envelope containing the hardcopy Cost Form.**

B. Technical Proposal Details

The vendor's Technical Proposal must contain the following components, at minimum. It is mandatory that vendor proposals be organized in the following order, and that wherever appropriate, sections/portions of the vendor proposal make reference by section number/letter to those RFP requirements to which they correspond.

IMPORTANT: Any vendor Technical Proposals found to contain any prohibited cost information shall be disqualified from consideration. Prohibited cost information is defined as any dollar amounts which ODJFS might find indicative of the relative cost or economy of the proposed project. However, 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. Any

prohibited cost information must be submitted with the separate, sealed project budget/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 project budget/Cost Proposal. Should a vendor feel it is important to include any documents containing such prohibited cost information in the technical proposal, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS.

1. (Tab 1)

Required Vendor Information & Certifications

Request for Taxpayer Identification Number (W-9) Form

Declaration Regarding Material Assistance / Non-Assistance to a Terrorist Organization

In this section, the vendor is required to provide required information and certifications of eligibility for state contract awards, as described in **Attachment A.** to this RFP, entitled "Required Vendor Information & Certifications Document." Vendors may, at their discretion, either print **Attachment A.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1; or they may provide all the required information and certifications (each fully re-stated from **Attachment A.**) on their own letterhead, properly signed (in blue ink), and use that document as the content of their Proposal Tab 1. Vendors who fail to provide all information and certifications as described in **Attachment A.** in their Proposal Tab 1 risk disqualification.

The vendor must attach the **Request for Taxpayer Identification Number (W-9) Form**, which is provided as **Attachment B.** to this RFP, completed with an original signature in blue ink.

Vendors are required to provide a declaration regarding material assistance to a terrorist organization or an organization that supports terrorism as identified by the U.S. Department of State Terrorist Exclusion List and described in **Attachment C, Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization.** Vendors MUST print **Attachment C.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1. 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>.

The signed originals of the above referenced forms (**RFP Attachments A., B., and C.**) are to be provided in the vendor's original proposal; photocopies of the completed and signed forms must also be provided with each of the required copies.

In the event that the vendor proposes the use of any subcontractors, information on the subcontractor(s) and letters of commitment as required by Section 4.8, Minority Business Enterprise or 4.9, Subcontractor Identification and Participation Information should also be provided in Tab 1.

In order to be acknowledged as a vendor with an Ohio presence (as described in RFP Section 4.24, Ohio Presence Consideration) for additional scoring consideration, the vendor must demonstrate in this Tab1 section of its proposal either that it currently has a physical presence in Ohio or has concrete plans for establishing a physical presence. Information to be presented includes the actual or proposed location of the vendor's presence, a description of the work to be performed at that location, and the number of its personnel to operate from the Ohio location. If the Ohio location is planned but not yet operational, an estimated implementation schedule should be provided.

**2. (Tab 2)
Vendor Experience & Qualifications**

a. Mandatory Vendor Qualifications (Sub-Tab 2 a.)

The vendor must include information on the mandatory experience of the vendor, as described in **Section 2.1**, of this RFP.

b. Organizational Experience and Capabilities (Sub-Tab 2 b.)

The vendor should include information on the relevant experience of the vendor including any subcontractors; and any prior experience relevant to this RFP, as described in **Section 2.2**, of this RFP.

c. Staff Experience and Capabilities (Sub-Tab 2 c.)

Under this section the vendor is required to include resumes, education, experience, and list of related published works of all key personnel for this project, and describe any appropriate supplemental and support staff (including any subcontractors) to be involved, as described in **Section 2.3**, of this RFP.

**3. (Tab 3)
Scope of Work & Specifications of Deliverables**

This section should describe in detail how the vendor proposes to perform each tasks of the scope of work identified in Sections 3.1, Scope of Work and in Section 3.3, Specifications of Deliverables, of this RFP. The responses must address each element separately. Vendors should place their responses for each Deliverable identified in Section 3.3 behind separate sub-tabs as described above.

4. (Tab 4)
Administrative Structures—Proposed Work Plan

This section should describe in detail (in the order as outlined) the vendor's administrative structures as specified in Section 3.2, Administrative Structures—Proposed Work Plan of this RFP.

5. (Tab 5)
Vendor Attachments or Appendices

This section should, at a minimum, include excerpts/samples of work products described in RFP Section 2.2.

C. Cost Proposal

Three (one signed original and two copies) copies of the Cost Proposal must be submitted in a separate, sealed envelope, and labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR FOOD STAMP QUALITY CONTROL AND IMPROVEMENT, RFP #: R-89-17-0871 SUBMITTED BY [VENDOR’S NAME HERE].”**

This envelope/package must also contain the labeled Cost Proposal CD-ROM. The Proposal must include a statement that the prices quoted are firm.

Vendors are to complete the Cost Proposal Form, provided as Attachment F. to this RFP according to instructions, sign it, and submit it fully completed as the separate sealed cost proposal. The Cost Proposal Form requires interested vendors to provide a group of individual fixed, all-inclusive prices for those services defined in Section 3.3 Specifications of Deliverables. Vendors are to use their professional comprehension of the effort required to perform those services and to offer to ODJFS its flat, all-inclusive fee for performing each. The prices offered in the vendor's Cost Proposal will be the prices in effect throughout the contract period, including any renewal contracts, as described in Section 1.10, Time Frames & Funding Source, of this RFP.

Vendors are to use the format in Attachment F, Cost Proposal Form, to submit their cost proposal covering SFYs 08, 09, & 10. At the vendor's discretion, additional documentation may also be included with the completed Attachment F., as explanatory information, but when making the vendor selections and when executing the contract, ODJFS will consider only the dollar amounts displayed on the Cost Proposal Form.

In calculating their total proposed cost, vendors must consider cost resulting from each deliverable listed in Section 3.3 of this RFP, as well as all program costs, primary and incidental, necessary to complete all program activities (whether explicitly identified by ODJFS in this RFP or not). ODJFS may negotiate a payment schedule with the selected vendor to permit payments of representative portions of a given deliverable's total cost, upon satisfactory evidence to ODJFS of completion of certain phases or key steps toward full completion of the deliverable. The sum total of any such partial payments will not under any circumstances exceed the selected vendor's proposed total cost for that deliverable.

D. IMPORTANT – VENDOR 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 4.5 of this RFP) found anywhere in a vendor's proposal shall result in immediate disqualification of that vendor's proposal.

SECTION VI. CRITERIA FOR PROPOSAL EVALUATION & SELECTION

6.1 Scoring of Proposals

ODJFS will contract with a vendor that best demonstrates the ability to meet requirements as specified in this RFP. Vendors submitting a response will be evaluated based on the capacity and experience demonstrated in their Technical and Cost Proposal. All proposals will be reviewed and scored by a Proposal Review Team (PRT), comprised of staff from ODJFS, Office of Office of Family Stability and their designees. 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 use of self-promotional claims will be evaluated accordingly. PRT members will be 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.

Selection of the vendor will be based upon the criteria specified in Sections II., III., IV., and V. of this RFP. Any proposals not meeting the requirements contained in those sections of this RFP will not be scored or may be held pending receipt of required clarifications. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The review team 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:

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 Sections 1.5 and 5.1?
2. Did the vendor submit five paper copies and one electronic copy of their Technical Proposal, as well as their Cost Proposal (in a separate sealed envelope labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR THE FOOD STAMP QUALITY CONTROL AND IMPROVEMENT RFP #: R-89-17-0871 SUBMITTED BY [VENDOR’S NAME HERE].”**)
3. Does the vendor’s proposal include all required affirmative statements and certifications, signed by the vendor’s responsible representative, as described in **Attachments B., and C.** to the RFP?
4. According to those certifications, does the vendor affirmatively indicate 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. 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.)?
6. Did the review team (in its initial/cursory review of the vendor’s proposal) determine that the proposal was free of trade secret/proprietary information as specified/restricted in the RFP?
7. Vendors proposal indicates that (as an organization or as individuals) the vendor has completed at least five different government entity (*i.e.* state or county) assessments of the food stamp program.

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 II, III, IV, V, and VI. of this RFP. Using the score sheet for Phase II scoring (see **Attachment E.** of this RFP 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 **638** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **512** points (a score which represents that the

vendor can successfully perform the resulting contractual duties) out of the possible **638** 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.

All Phase II technical proposal evaluation criteria will be scored according to the following scale, based on a proposed plan’s ability to meet ODJFS needs. The Technical Proposal Score Sheet (see **Attachment E.**) uses the following point values for rating each requirement.

0	6	8	10
Does Not Meet Requirement	Partially Meets	Meets Requirement	Exceeds Requirement

Technical Performance Scoring Definitions:

“Does Not Meet Requirement”- A particular RFP requirement was not addressed in the vendor’s proposal, **Score: 0**

“Partially Meets Requirement”-Vendor proposal demonstrates some attempt at meeting a particular RFP requirement, but that attempt falls below acceptable level, **Score: 6**

“Meets Requirement”-Vendor proposal fulfills a particular RFP requirement in all material respects, potentially with only minor, non-substantial deviation, **Score: 8**

“Exceeds Requirement”-Vendor proposal fulfills a particular RFP requirement in all material respects, and offers some additional level of quality in excess of ODJFS expectations, **Score: 10**

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

All the remaining qualified Technical Proposals will proceed to the next level of review, which is consideration of the Cost Proposal. Any other proposals will be disqualified from further consideration, and the corresponding Cost Proposals will neither be opened nor will be scored.

For those technically qualified vendors with an Ohio presence, their final technical score will be the sum of the score they earned according to the Phase II review described above plus the additional ten points. That sum will be used for those vendors in Phase III, as described below.

C. Phase III.—Criteria for Considering the Cost Proposal

The Cost Proposal will be reviewed by ODJFS. The grand total of each technically qualified vendor's Cost Proposal is divided by that vendor's final Technical Proposal score. This compares the cost with the quality of the Technical Proposal, which will provide an average cost-per-quality point earned on the Technical Proposal.

If the cost proposals of all technically qualifying vendors (as determined by the scoring process described in this section and by the Technical Proposal Score Sheet, **Attachment E.** to this RFP) are in excess of the available funding for this project, ODJFS may, at its sole discretion, negotiate with all technically qualifying vendors for a revised cost proposal. Vendors may then submit one last and best offer, or may request that ODJFS view its original cost proposal as its last and best offer, or may formally withdraw from further consideration, and shall formally indicate its choice according to directions provided by ODJFS at that time. Upon receipt of all last and best offers, and assuming that one or more have submitted a cost proposal that is within project budget, ODJFS will then consider those vendors' revised cost proposals which are within the budget according to the cost-point assignment process described in this section, above, and in the Technical Proposal Score Sheet, **Attachment E.**, for calculation of the winning score.

6.2 Review Process Caveats

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Cost proposals/forms when those errors do not unreasonably obscure the meaning of the content.

ODJFS reserves the right to request clarifications from vendors to any information in their Technical and/or Cost proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process. Such communications are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Should ODJFS determine a need for interviewing vendors prior to making a final selection, results to interview questions shall be scored in a manner similar to the process described in Section 6.1, Scoring of Proposals, above. Such scored results may be either added to those vendors' proposal scores, or will replace certain criteria scores, at the discretion of ODJFS. The standards for scoring the interviews and the method used for considering the results of the interviews shall be applied consistently for all vendors participating in the interview process for that RFP.

ODJFS reserves the right to negotiate with vendors for adjustments to their proposals should ODJFS determine, for any reason, to adjust the scope of the project for which this RFP is released. Such communications are not violations of any communications prohibition, and are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Any vendor deemed not responsible, or any submitting a proposal deemed not to be responsive to the terms of this RFP, shall not be awarded the contract.

6.3 Final Vendor Recommendation

The PRT will recommend to the Director of ODJFS the technically qualified vendor offering the proposal most advantageous to ODJFS, as determined by the processes and requirements established in this RFP.

6.4 Tie Breaker

In the event that two or more of the proposals have a score which is tied after final calculation of both the technical proposal and the cost proposal, the proposal with the higher score in the technical proposal will prevail.

SECTION VII. PROTEST PROCEDURE

7.1 Protests

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RFP 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:

- A. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this RFP. The protest shall be in writing and shall contain the following information:
 1. The name, address, and telephone number of the protestor;
 2. The name and number of the RFP being protested;
 3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 4. A request for a ruling by ODJFS;
 5. A statement as to the form of relief requested from ODJFS; and
 6. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.
- B. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
 1. A protest based on alleged improprieties in the issuance of the RFP or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. the closing date for receipt of proposals, as specified in Section 1.5, Anticipated Procurement Time Table, of this RFP.
 2. 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.
- C. 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 B. of this section.

- D. All protests must be filed at the following location:

Chief Legal Counsel
ODJFS Office of Legal Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-0423

- E. 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.
- F. 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.

7.2 Caveats

ODJFS is under no obligation to issue a contract 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. Changes in this RFP of a material nature will be provided via the agency website. All vendors are responsible for obtaining any such changes without further notice by ODJFS.

SECTION VIII. ATTACHMENTS AND APPENDICES AND THEIR USES

- A. **Required Vendor Information and Certifications** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- B. **Request for Taxpayer Identification Number (W-9) Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- C. **Declaration of Material Assistance Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- D. **ODJFS Model Contract** (*For vendor reference purposes*)
- E. **Technical Proposal Score Sheet** (*For vendor self-evaluation purposes...do not submit*)
- F. **Cost Proposal Form** (*To be completed & included in cost proposal packet as specified in Sec. 5.2, C.*)

Thank you for your interest in this project.