

New York State Office of General Services
Office of General Services Procurement Services Group
New York State Strategic Sourcing
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Empire State Plaza
Albany, New York 12242
<http://www.ogs.ny.gov>

PURCHASING MEMORANDUM

BID SOLICITATION UPDATE #1

RFP NUMBER: 22439

DATE: December 23, 2011

GROUP: 73012 – Hourly-Based IT Services (HBITS) RFP

**PLEASE ADDRESS INQUIRIES TO
DESIGNATED CONTACTS:**

Dave Burmaster, Kathy McAuley, and Patricia Billen
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BID OPENING: January 24, 2012– 11:00 a.m. EST

SUBJECT: HBITS RFP Amendments and responses to inquiries

TO PROSPECTIVE BIDDERS:

The above referenced RFP has been amended to include the changes outlined below. Amendments are reflected in both the main RFP document and attachments. The amended RFP can be found at the following link:

<http://ogs.ny.gov/purchase/biddocument/22439BID.ASP>

Additionally, the New York State Strategic Sourcing Team has given careful consideration to the inquiries received in regards to the Hourly-Based IT Services (HBITS) Request for Proposal (#22439) during the inquiry period that ended on December 14, 2011 at 5:00 PM EST.

Responses to all inquiries can be found on the OGS Bid calendar at the link below. Please note that duplicate questions have been omitted.

<http://ogs.ny.gov/purchase/biddocument/22439BID.ASP>

The following summary of amendments is provided as a convenience. A bidder is required to read the modified documents:

1. Section 1.3 of the RFP is amended to read as follows:

<u>Event</u>	<u>Business Day</u>
Closing Date for Initial RFP Questions, Exceptions to Terms/Conditions	December 14, 2011 (by 5:00 PM)

Mandatory Items Due: 1) Intent to Bid 2) Pre-Bid Conference Registration 3) M/WBE Meet and Greet Registration	December 16, 2011 (by 5:00 PM)
Mandatory Pre-Bid Conference	December 21 (9:00 AM to 12:00 PM)
Mandatory SBE and M/WBE Meet and Greet	December 21 (1:30 PM to 4:30 PM)
Release of Answers to Initial RFP Questions	December 23, 2011
Clarifying Questions Due	December 30, 2011 (by 12:00 PM)
Answers to Clarifying Questions Released (Target Date)	January 10, 2012
Bid Due Date and Time	January 24, 2012 (by 11:00 AM)
Bid Opening	January 24, 2012
Evaluation and Selection	February 14, 2012
Tentative Contract Awards	February 15, 2012

2. The definition of “Hourly Wage Rate” in Section 1.6 of the RFP has been amended to read as follows:

“**Hourly Wage Rate**” refers to the hourly rate that the Consultant will receive for services provided under each engagement, regardless of potential sub-contracting layers.

3. The third paragraph of Section 3.2.1 of the RFP has been amended to read as follows:

The Authorized User may request a minimum of one (1) and a maximum of (2) resumes per position from each Active Contractor. Once resumes have been collected, the HBITS MSP team will consider bill rates and technical qualifications to select resumes to be forwarded to agencies for consideration. The HBITS MSP team will review resumes to determine that proposed Candidates meet the qualifications specified in the Requisition Form. Resumes that do not meet minimum position requirements will be rejected. The MSP may perform additional screening of resumes. Upon completion of this screening, suitable resumes (up to 40) shall be passed on to the Authorized User by 5:00PM EST on the second business day after receipt from Contractors (exclusive of receipt date) day. The Authorized User will then be recommended to evaluate the Candidate resumes within five (5) business days and alert the Contractors via the MSP of Candidates selected for interview.

4. The following sentence is hereby added to the end of Section 3.2.1 of the RFP:

In the event that two Active Contractors submit the same candidate for the same requisition, only the Contractor with the lower Hourly Bill Rate shall be considered. In the event a Candidate is submitted for different requisitions with overlapping schedules, only the submission to the earliest announced requisition shall be considered. In neither case will the Contractor that submitted the rejected Candidate resume be permitted to resubmit a new Candidate.

5. Section 3.2.2 of the RFP is amended to read as follows:

Hourly Bill Rates are not negotiated at the time of placement. Rates are pre-determined based on Contractor response to this RFP (see Section 4.3, Financial Proposal). Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for Authorized User consideration.

6. Section 4.2.1 of the RFP was amended to read as follows:

A Bidder is advised that the State's intent in having requirements listed below is to ensure that only qualified and reliable Contractors perform the work of the contract. The Bidders shall have the burden of demonstrating to the Office of General Services' satisfaction that it can in fact perform the work.

OGS retains the right to request any additional information pertaining to the Bidder's ability, qualifications, and procedures used to accomplish all work under this contract as it deems necessary to ensure safe and satisfactory work.

The Bidder should submit with its bid satisfactory evidence that it has had previous experience, adequate financial resources, and organization as herein specified to perform the type, magnitude, and quality of work specified qualifications.

7. The following sentences are hereby added to Section 4.2.1.1 of the RFP

A company must not appear as a bidder (joint venture or not) in more than ONE proposal. Joint ventures should submit one technical proposal in total – the responses can and should be based on combined experience from the companies that comprise the joint venture

A company must bid in ONE of the following ways:

- As a prime bidder with no joint venture;
- As the primary bidder in association with a joint venture; or
- As a joint venture partner with a primary bidder.

8. Section 4.2.5.1 of the RFP is amended as follows:

1. Company Background

The Bidder must have a strong background in providing Hourly-Based IT Services, in the areas described in this RFP. The Bidder must be able to hire, deploy and manage IT Consultant staff in the quantities required by Authorized Users and within a two-week timeframe. This section of the Bidder's proposal should include responses on the following topics:

- Continuous period of operation (How long has the Bidder been in business?)
 - A Bidder's answer to this question should, at a minimum, address Mandatory Qualification #1 in Section 4.2.2
- Relevant experience with governmental entities;
- Bidder's experience in the delivery of Hourly-Based IT Services
 - A Bidder's answer to this question should, at a minimum, address Mandatory Qualification #2 in Section 4.2.2
- Bidder experience in deployment of consultants to multiple locations simultaneously; and
- Bidder's capacity to undertake, manage, and complete assignments promptly and to the satisfaction of OGS.

A Bidder shall be registered with the NYS Department of State as an entity authorized to conduct business in New York State. The Bidder must represent and warrant that, as of the date of submission of its proposal, the Bidder has completed, obtained or performed all registrations, filings, approvals, authorizations, consents and examinations required by any governmental authority for the provision of the services and that Bidder will, in order to perform said services during the term of the Contract, comply with any requirements imposed upon it by law during said Contract term.

9. Section 6.2 of the RFP is amended to read as follows:

Portions of the successful Bidder's proposal and of this RFP shall be incorporated into a final Contract, with a separate document executed by Contractor and OGS. Therefore, the proposal must be signed by a partner, corporate officer, or other person authorized to commit its firm to all provisions of the RFP and its proposal as submitted.

Once the Contracts resulting from this RFP are approved by the Office of the State Comptroller, Contractor's Hourly Bill rates will be posted on the OGS website.

10. The following text is hereby deleted from Section 6.3 of the RFP:

“Pagination: Each page of the Proposal, including Attachments, should be labeled on the upper right with the Section title and Section reference, page number, and date. Pages within each Section and Appendix should be numbered consecutively. “

11. Appendix A description in Section 8.3 of the RFP is amended as follows:

APPENDIX A:

Appendix A, Standard Clauses For New York State Contracts, dated December 2011, attached hereto, is hereby expressly made a part of this Bid Document as fully as if set forth at length herein. **Please retain this document for future reference and do not return to OGS as part of the Bid submission.**

12. Section 8.7 of the RFP is amended to read as follows:

The only liquidated damages in this Contract are set forth in Section 9.5.4 and in Appendix C.

13. Section 8.16 of the RFP is amended to read as follows:

Subcontractor is defined in Appendix B, Clause 5. Contractor agrees that all Contracts between the Contractor and its Subcontractors shall be by bona fide written Contract. Contractor further agrees that such bona fide written Contract shall mandate compliance with the terms and conditions of the resultant HBITS Contract. Contractor further agrees that it shall be fully liable for Subcontractor(s)' performance and compliance with all Contract terms and conditions. **A Contractor is required to identify any and all subcontractors involved with the placement of a consultant with an Authorized User. This includes subcontractors that are directly paying the Hourly Wage Rate to the hired consultant.** A Contractor shall also identify if any subcontractor is a New York State certified M/WBE. A Contractor serving as a Prime Contractor under this procurement is prohibited from also serving as a subcontractor to another Prime Contractor.

14. Section 9.1 of the RFP is amended to read as follows:

9.1.5 Government Mandated Program Price Adjustments

The State may, at its sole discretion, address the issue of Government Mandated Program Price adjustments on a case by case basis if and when such a government mandate comes to pass.

15. Section 9.3.2 of the RFP is amended to read as follows:

Background Check: An industry standard criminal history background check and all sound screening practices must be done prior to a Candidate's official start date. The Authorized User reserves the right to view the contents of a background check prior to approving the Candidate.

1. If the Contractor is unable to determine a Candidate's fitness due to the results of a criminal history/ security background check, as discussed herein, the Contractor shall forward a description of the results to the MSP and/or Authorized User, for review and determination. Such review and determination by the MSP and/or Authorized User shall be conducted in accordance with Correction Law Article 23-A. In conducting a criminal history/security background check, the Contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. If it is later determined that the Contractor knowingly, rendered a false positive determination of a Candidate's fitness, failed to conduct a criminal history/security background check, or failed to reasonably interpret the results in confirming a Candidate's fitness to perform duties under the terms of this Contract, in addition to any other remedies available to the MSP and the Authorized User, the Authorized User may terminate the Candidate placement for cause.

2. The Contractor shall provide immediate written notice to the Authorized User if at any time the Contractor learns that its determination of a Candidate's fitness to perform duties under the terms of this Contract was erroneous or has changed by reason of changed circumstances.

16. Section 9.4.11 of the RFP is amended to read as follows:

Contractor will pay the Hourly Wage Rate to each of its Consultants as specified in Attachment 6. The MSP will account for instances in which it finds that Consultants are not being compensated at wage rates

17. The following sentence is hereby added to the end of Section 9.5.2.3

“An Authorized User shall undertake its best efforts to schedule interviews with identified candidates within five (5) business days of advising the MSP of the candidates the Authorized User intends to interview.”

18. Section 9.5.4.1 of the RFP is amended to read as follows:

In the event it becomes necessary to replace a Consultant prior to the completion of one month (or 160 hours) of work on a particular engagement, the Contractor shall provide the Authorized User with five (5) business days prior written notification describing the circumstances of the need for replacement. The Contractor shall identify a comparable replacement for the Authorized User within ten (10) business days. The Authorized User reserves the right to do one of the following:

- Allow the originally selected Contractor to provide a replacement Consultant if the replacement is necessitated by Consultant termination, sickness, or other similar material change in the employment circumstance of the Consultant. Contractor acknowledges that the failure to provide a consultant for the duration of the engagement constitutes a breach of contract and that as a liquidated damage, the Authorized User has the right to receive up to two working weeks (80 hours) of work from the replacement Consultant, at no cost to the Authorized User, during a transition/ramp-up period. This liquidated damage may be waived in whole or in part if it is determined that the need to replace the Consultant was beyond the control of the Contractor.
- Award the engagement to the next Candidate based on the initial Requisition.
- Terminate the engagement with the Contractor.

19. The last paragraph of Section 9.6.1.1 of the RFP is amended as follows:

All insurance required by the Contract shall name The People of the State of New York, its officers, agents, and employees as additional insured to the extent of the liabilities assumed by Contractor as set forth in the Indemnification Section of this Agreement. The additional insured requirement does not apply to Workers Compensation, Disability or Professional Liability coverage.

20. Appendix A - Standard Clauses for New York State Contracts has been revised by the New York State Procurement Council. The new version (dated 12/11) has been updated in the main RFP document. Clause 11(a) was amended.

Bidders are reminded that OGS will not entertain any exceptions to Appendix A.

21. Attachment 4A – Administrative Proposal has been revised and posted. Possible responses to Statement #2 on the Affirmative Statements tab have been updated. Bidders must ensure usage of the current version.

22. Attachment 5- Technical Proposal has been revised to incorporate the amendments to the RFP and it has been posted on the RFP website. A corresponding change was made to the narrative in the RFP. Bidders must ensure usage of the current version.

23. Attachment 6- Financial Proposal has been revised and posted. Additional skills and technologies have been added to the “Normal Demand” and “High Demand” columns. Also, Oracle has been moved from “Normal Demand” to “High Demand.” Bidders must ensure usage of the current version.

The list of vendors who have submitted an Intent to Bid (Attachment 2) will be published during the week of December 26, 2011.