

**REQUEST FOR PROPOSALS FOR**

**Case Management Platform**

**ISSUING OFFICE**

**For the Office of Attorney General in  
the Commonwealth of Pennsylvania**

**RFP NUMBER**

**6100045962**

**DATE OF ISSUANCE**

**June 15, 2018**

**(Revised July 24, 2018)**

# REQUEST FOR PROPOSALS FOR

## Case Management Platform RFP Number 6100045962

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## CALENDAR OF EVENTS

The Commonwealth will make every effort to adhere to the following schedule:

Activity	Responsibility	Date
Deadline to submit Questions via email to: Alecia Peddigree: <a href="mailto:apeddigree@attorneygeneral.gov">apeddigree@attorneygeneral.gov</a>	Potential Offerors	<u>June 28, 2018</u> 3:00 p.m.
Answers to Potential Offeror questions posted to the PAOAG website at <a href="http://www.attorneygeneral.gov/Procurement/">www.attorneygeneral.gov/Procurement/</a> no later than this date.	Issuing Office	<u>July 24, 2018</u> 3:00 p.m.
Please monitor website for all communications regarding the RFP. <a href="http://www.attorneygeneral.gov/Procurement/">www.attorneygeneral.gov/Procurement/</a>	Potential Offerors	ONGOING
Sealed proposal must be received by the Issuing Office at: <b>Mrs. Alecia D. Peddigree</b> <b>Office of Attorney General</b> <b>14<sup>th</sup> Floor, Strawberry Square</b> <b>Harrisburg, PA 17120</b>	Offerors	<u>August 23, 2018</u> 3:00 p.m.

## PART I

### GENERAL INFORMATION

**I-1. Purpose.** This request for proposals (“RFP”) provides to those interested in submitting proposals for the subject procurement (“Offerors”) sufficient information to enable them to prepare and submit proposals for the Pennsylvania Office of the Attorney General’s (“PAOAG”) to satisfy a need for Case Management software. This RFP contains instructions governing the requested proposals, including the requirements for the information and material to be included; a description of the service to be provided; requirements which Offerors must meet to be eligible for consideration; general evaluation criteria; and other requirements specific to this RFP.

**I-2. Issuing Office.** The PAOAG (“Issuing Office”) has issued this RFP on behalf of the PAOAG. The sole point of contact in the PAOAG for this RFP shall be:

**Alecia D. Peddigree, Issuing Officer**  
**Office of Attorney General**  
**14<sup>th</sup> Floor Strawberry Square**  
**Harrisburg, PA 17120**  
[apeddigree@attorneygeneral.gov](mailto:apeddigree@attorneygeneral.gov)

Please refer all inquiries to the Issuing Officer.

**I-3. Overview of Project.** The PAOAG initiates this Request for Proposal (RFP) to solicit responses from qualified vendors for full replacement of its Case Management software platform.

**I-4. Objectives.**

**A. General.** The PAOAG seeks an Integrated Case Management System (ICMS) to support its operations.

**B. Specific.** The ICMS should address four main areas of functional requirement (as defined in Part III), which include:

1. Core Case Management
2. Document and File Management
3. Collaboration and Correspondence Management
4. Financial Tracking and Accountability Management.

**I-5. Type of Contract.** It is proposed that if the Issuing Office enters into a contract as a result of this RFP, it will be a Firm, Fixed Price Contract containing the Standard Contract Terms and Conditions as shown in **Part VI**. The Issuing Office, in its sole discretion, may undertake negotiations with Offerors whose proposals, in the judgment of the Issuing Office, show them to be qualified, responsible and capable of performing the Project.

**I-6. Rejection of Proposals.** The Issuing Office reserves the right, in its sole and complete discretion, to reject any proposal received as a result of this RFP.

- I-7. Incurring Costs.** The Issuing Office is not liable for any costs the Offeror incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of award of the contract.
- I-8. Pre-proposal Conference.** There will be no Pre-proposal conference for this RFP. If there are any questions, please forward them to the Issuing Officer in accordance with **Section I-9**.
- I-9. Questions & Answers.** If an Offeror has any questions regarding this RFP, the Offeror must submit the questions by email (**with the subject line “RFP 6100045962 Question”**) to the Issuing Officer named in **Part I, Section I-2** of the RFP. If the Offeror has questions, they must be submitted via email **no later than** the date indicated on the Calendar of Events. The Offeror shall not attempt to contact the Issuing Officer by any other means. The Issuing Officer shall post the answers to the questions on the PAOAG website by the date stated on the Calendar of Events. An Offeror who submits a question *after* the deadline date for receipt of questions indicated on the Calendar of Events assumes the risk that its proposal will not be responsive or competitive because the PAOAG is not able to respond before the proposal receipt date or in sufficient time for the Offeror to prepare a responsive or competitive proposal. When submitted after the deadline date for receipt of questions indicated on the Calendar of Events, the Issuing Officer *may* respond to questions of an administrative nature by directing the questioning Offeror to specific provisions in the RFP. To the extent that the Issuing Office decides to respond to a non-administrative question *after* the deadline date for receipt of questions indicated on the Calendar of Events, the answer must be provided to all Offerors through an addendum.

All questions and responses as posted on the PAOAG website are considered as an addendum to, and part of, this RFP in accordance with RFP **Part I, Section I-10**. Each Offeror shall be responsible to monitor the PAOAG website for new or revised RFP information. The Issuing Office shall not be bound by any verbal information nor shall it be bound by any written information that is not either contained within the RFP or formally issued as an addendum by the Issuing Office. The Issuing Office does not consider questions to be a protest of the specifications or of the solicitation. The required protest process is governed by **Part I, Section I-27**.

- I-10. Addenda to the RFP.** If the Issuing Office deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the PAOAG website. It is the Offeror’s responsibility to periodically check the website for any new information or addenda to the RFP. Answers to the questions asked during the Questions & Answers period also will be posted to the website as an addendum to the RFP.
- I-11. Response Date.** To be considered for selection, hard copies of proposals must arrive at the Issuing Office on or before the time and date specified in the RFP Calendar of Events. The Issuing Office will **not** accept proposals via email or facsimile transmission. Offerors who send proposals by mail or other delivery service should allow sufficient delivery time to ensure timely receipt of their proposals. If, due to inclement weather, natural disaster, or any other cause, the PAOAG office location to which proposals are to be returned is closed on the proposal response date, the deadline for submission will be automatically extended until the next PAOAG business day on which the office is open, unless the Issuing Office otherwise notifies Offerors. The hour for submission of proposals shall remain the same. The Issuing Office will reject any late proposals.

## I-12. Proposal Requirements.

**A. Proposal Submission:** To be considered, Offerors should submit a complete response to this RFP to the Issuing Office, using the format provided in **Section I-12B**, providing **Ten (10) paper copies [one marked “ORIGINAL”] of the Technical Submittal and one (1) paper copy of the Cost Submittal and two (2) paper copies of the Small Diverse Business and Small Business (SDB/SB) Participation Submittal and related Letter(s) of Intent.** In addition to the paper copies of the proposal, Offerors shall submit one **complete and exact** copy of the entire proposal (Technical, Cost and SDB/SB submittals, along with all requested documents) on a Flash drive in Microsoft Office or Microsoft Office-compatible format. The electronic copy must be a mirror image of the paper copy and any spreadsheets must be in Microsoft Excel. The Offerors may not lock or protect any cells or tabs. The Flash drive should clearly identify the Offeror and include the name and version number of the virus scanning software that was used to scan the Flash drive before it was submitted. The Offeror shall make no other distribution of its proposal to any other Offeror or Commonwealth official or Commonwealth consultant. Each proposal page should be numbered for ease of reference. An official authorized to bind the Offeror to its provisions must sign the proposal. If the official signs the **Proposal Cover Sheet (Appendix A** to this RFP) and the Proposal Cover Sheet is attached to the Offeror’s proposal, the requirement will be met. For this RFP, the proposal must remain valid for 120 days or until a contract is fully executed. If the Issuing Office selects the Offeror’s proposal for award, the contents of the selected Offeror’s proposal will become, except to the extent the contents are changed through Best and Final Offers or negotiations, contractual obligations.

Each Offeror submitting a proposal specifically waives any right to withdraw or modify it, except that the Offeror may withdraw its proposal by written notice received at the Issuing Office’s address for proposal delivery prior to the exact hour and date specified for proposal receipt. An Offeror or its authorized representative may withdraw its proposal in person prior to the exact hour and date set for proposal receipt, provided the withdrawing person provides appropriate identification and signs a receipt for the proposal. An Offeror may modify its submitted proposal prior to the exact hour and date set for proposal receipt only by submitting a new sealed proposal or sealed modification which complies with the RFP requirements.

**B. Proposal Format:** Offerors must submit their proposals in the format, including heading descriptions, outlined below. To be considered, the proposal must respond to all proposal requirements. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal. All cost data relating to this proposal and all Small Diverse Business and Small Business cost data should be kept separate from and not included in the Technical Submittal. Offerors should not reiterate technical information in the cost submittal. Each Proposal shall consist of the following **three** separately sealed submittals:

**1. Technical Submittal, in response to Part III:**

- a. Complete, sign and include Appendix B – Mandatory Requirements;**
- b. Complete, sign and include Appendix E – Domestic Workforce Utilization Certification; and**
- c. Complete, sign and include Appendix F – Iran Free Procurement Certification;**

2. Cost Submittal, in response to RFP **Part IV**;
  - a. Complete and include **Appendix C – Cost Matrix Submittal Worksheet**; and
3. Small Diverse Business and Small Business (SDB/SB) Participation Submittal, in response to RFP **Part V**:
  - a. Complete and include **Appendix H - SDB/SB Participation Submittal Form** and **SDB/SB Letter of Intent**. Offeror must provide a Letter of Intent for each SDB and SB listed on the SDB/SB Participation Submittal Form.

The Issuing Office reserves the right to request additional information which, in the Issuing Office's opinion, is necessary to assure that the Offeror's competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the RFP.

The Issuing Office may make investigations as deemed necessary to determine the ability of the Offeror to perform the Project, and the Offeror shall furnish to the Issuing Office all requested information and data. The Issuing Office reserves the right to reject any proposal if the evidence submitted by, or investigation of, such Offeror fails to satisfy the Issuing Office that such Offeror is properly qualified to carry out the obligations of the RFP and to complete the Project as specified.

- I-13. Economy of Preparation.** Offerors should prepare proposals simply and economically, providing a straightforward, concise description of the Offeror's ability to meet the requirements of the RFP.
- I-14. Alternate Proposals.** The Issuing Office has identified the basic approach to meeting its requirements, allowing Offerors to be creative and propose their best solution to meeting these requirements. The Issuing Office will not accept alternate proposals.
- I-15. Discussions for Clarification.** Offerors may be required to make an oral or written clarification of their proposals to the Issuing Office to ensure thorough mutual understanding and Offeror responsiveness to the solicitation requirements. The Issuing Office will initiate requests for clarification. Clarifications may occur at any stage of the evaluation and selection process prior to contract execution.
- I-16. Oral Presentations.** All Offerors which submitted responsive proposals will be required to participate in oral presentations of their proposed solutions. Dates, times, and specific agenda will be communicated by the Issuing Officer. The Issuing Office will entertain requests from Offerors to conduct the presentation through telepresence options.
- I-17. Prime Contractor Responsibilities.** The selected Offeror must perform at least Fifty Percent (50%) of the Contract value. Nevertheless, the contract will require the selected Offeror to assume responsibility for all services offered in its proposal whether it produces them itself or by subcontract. Further, the Issuing Office will consider the selected Offeror to be the sole point of contact with regard to all contractual matters.
- I-18. Proposal Contents.**
  - A. Confidential Information.** The PAOAG is not requesting, and does not require, confidential proprietary information or trade secrets to be included as part of Offerors' submissions in order to evaluate proposals submitted in response to this RFP. Accordingly, except as provided herein,

Offerors should not label proposal submissions as confidential or proprietary or trade secret protected. Any Offeror who determines that it must divulge such information as part of its proposal must submit the signed written statement described in subsection C. below and must additionally provide a redacted version of its proposal, which removes only the confidential proprietary information and trade secrets, for required public disclosure purposes.

- B. PAOAG Use.** All material submitted with the proposal shall be considered the property of the PAOAG and may be returned only at the Issuing Office’s option. The PAOAG has the right to use any or all ideas not protected by intellectual property rights that are presented in any proposal regardless of whether the proposal becomes part of a contract. Notwithstanding any Offeror copyright designations contained on proposals, the PAOAG shall have the right to make copies and distribute proposals internally and to comply with public record or other disclosure requirements under the provisions of any Commonwealth or United States statute or regulation, or rule or order of any court of competent jurisdiction.
- C. Public Disclosure.** After the award of a contract pursuant to this RFP, all proposal submissions are subject to disclosure in response to a request for public records made under the Pennsylvania Right-to-Know-Law, 65 P.S. § 67.101, et seq. If a proposal submission contains confidential proprietary information or trade secrets, a signed written statement to this effect must be provided with the submission in accordance with 65 P.S. § 67.707(b) for the information to be considered exempt under 65 P.S. § 67.708(b)(11) from public records requests. Refer to **Appendix G** of the RFP for a **Trade Secret Confidential Proprietary Information Notice Form** that may be utilized as the signed written statement, if applicable. If financial capability information is submitted in response to **Part III** of this RFP such financial capability information is exempt from public records disclosure under 65 P.S. § 67.708(b)(26).

#### **I-19. Best and Final Offers.**

- A.** The Issuing Office reserves the right to conduct discussions with Offerors for the purpose of obtaining “best and final offers.” As part of these discussions, The Issuing Office may choose, at its sole discretion, to:
  - 1.** Schedule Operational Capabilities Demonstrations (OCD);
    - a.** The demonstrations will be controlled by using OCD scenarios provided by the PAOAG. The scenarios will be issued to the selected Offerors two weeks in advance of their scheduled demonstration date. A core set of scenarios will be issued to all selected Offerors and a custom set of scenarios may be issued to Offeror’s based on unique functionality in their proposed solutions
  - 2.** Request revised proposals;
  - 3.** Enter into pre-selection negotiations.
- B.** The following Offerors will **not** be invited by the Issuing Office to submit a Best and Final Offer:
  - 1.** Those Offerors, which the Issuing Office has determined to be not responsible or whose proposals the Issuing Office has determined to be not responsive.

2. Those Offerors, which the Issuing Office has determined in accordance with **Part II, Section II-5**, from the submitted and gathered financial and other information, who do not possess the financial capability, experience or qualifications to assure good faith performance of the contract.
3. Those Offerors whose score for their technical submittal of the proposal is less than 75% of the total amount of technical points allotted to the technical criterion.
4. Those Offerors who were not invited to give an Oral Presentation.

The issuing office may further limit participation in the best and final offers process to those remaining responsible Offerors which the Issuing Office has, within its discretion, determined to be within the top competitive range of responsive proposals.

- C. The Evaluation Criteria found in **Part II, Section II-4**, shall also be used to evaluate the Best and Final offers.
- D. Any reduction to commitments to Small Diverse Businesses and Small Businesses must be proportional to the reduction in the total price offered through any BAFO process or contract negotiations unless approved by the Bureau of Diversity, Inclusion & Small Business Opportunities (BDISBO).

- I-20. News Releases.** Offerors shall not issue news releases, Internet postings, advertisements or any other public communications pertaining to this Project without prior written approval of the Issuing Office, and then only in coordination with the Issuing Office.
- I-21. Restriction of Contact.** From the issue date of this RFP until the Issuing Office selects a proposal for award, the Issuing Officer is the sole point of contact concerning this RFP. Any violation of this condition may be cause for the Issuing Office to reject the offending Offeror's proposal. If the Issuing Office later discovers that the Offeror has engaged in any violations of this condition, the Issuing Office may reject the offending Offeror's proposal or rescind its contract award. Offerors must agree not to distribute any part of their proposals beyond the Issuing Office. An Offeror who shares information contained in its proposal with other PAOAG personnel and/or competing Offeror personnel may be disqualified.
- I-22. Issuing Office Participation.** Offerors shall provide all services, supplies, facilities, and other support necessary to complete the identified work.
- I-23. Term of Contract.** The term of the contract will commence on the Effective Date and will end three (3) years after the Effective Date, with options for the Issuing Office to extend the contract for two (2) additional one (1) year terms. The Issuing Office will fix the Effective Date after the contract has been fully executed by the selected Offeror and by the PAOAG and all approvals required by Commonwealth contracting procedures have been obtained. The selected Offeror shall not start the performance of any work prior to the Effective Date of the contract and the PAOAG shall not be liable to pay the selected Offeror for any service or work performed or expenses incurred before the Effective Date of the contract.
- I-24. Offeror's Representations and Authorizations.** By submitting its proposal, each Offeror understands, represents, and acknowledges that:

- A. All of the Offeror's information and representations in the proposal are material and important, and the Issuing Office may rely upon the contents of the proposal in awarding the contract. The PAOAG shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts relating to the Proposal submission, punishable pursuant to 18 Pa. C.S. § 4904.
- B. The Offeror has arrived at the price(s) and amounts in its proposal independently and without consultation, communication, or agreement with any other Offeror or potential Offeror.
- C. The Offeror has not disclosed the price(s), the amount of the proposal, nor the approximate price(s) or amount(s) of its proposal to any other firm or person who is an Offeror or potential Offeror for this RFP, and the Offeror shall not disclose any of these items on or before the proposal submission deadline specified in the Calendar of Events of this RFP.
- D. The Offeror has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a proposal on this contract, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.
- E. The Offeror makes its proposal in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.
- F. To the best knowledge of the person signing the proposal for the Offeror, the Offeror, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last **four (4)** years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as the Offeror has disclosed in its proposal.
- G. To the best of the knowledge of the person signing the proposal for the Offeror and except as the Offeror has otherwise disclosed in its proposal, the Offeror has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Offeror that is owed to the Commonwealth.
- H. The Offeror is not currently under suspension or debarment by the Commonwealth, any other state or the federal government, and if the Offeror cannot so certify, then it shall submit along with its proposal a written explanation of why it cannot make such certification.
- I. The Offeror has not made, under separate contract with the Issuing Office, any recommendations to the Issuing Office concerning the need for the services described in its proposal or the specifications for the services described in the proposal.
- J. Each Offeror, by submitting its proposal, authorizes Commonwealth agencies to release to the PAOAG information concerning the Offeror's Pennsylvania taxes, unemployment compensation and workers' compensation liabilities.
- K. Until the selected Offeror receives a fully executed and approved written contract from the Issuing Office, there is no legal and valid contract, in law or in equity, and the Offeror shall not begin to perform.

- L. The Offeror is not currently engaged, and will not during the duration of the contract engage, in a boycott of a person or an entity based in or doing business with a jurisdiction which the PAOAG is not prohibited by Congressional statute from engaging in trade or commerce.

**I-25. Notification of Selection.**

- A. **Contract Negotiations.** The Issuing Office will notify all Offerors in writing of the Offeror selected for contract negotiations after the Issuing Office has determined, taking into consideration all of the evaluation factors, the proposal that is the most advantageous to the Issuing Office.
- B. **Award.** Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Issuing Office has received the final negotiated contract signed by the selected Offeror.

- I-26. Debriefing Conferences.** Upon notification of award, Offerors whose proposals were not selected will be given the opportunity to be debriefed. The Issuing Office will schedule the debriefing at a mutually agreeable time. The debriefing will not compare the Offeror with other Offerors, other than the position of the Offeror's proposal in relation to all other Offeror proposals. An Offeror's exercise of the opportunity to be debriefed does not constitute nor toll the time for filing a protest (See **Section I-27** of this RFP).

- I-27. RFP Protest Procedure.** The RFP Protest Procedure is on the PAOAG website at <https://www.attorneygeneral.gov/procurement/>. A protest by a party not submitting a proposal must be filed within **seven** days after the protesting party knew or should have known of the facts giving rise to the protest, but no later than the proposal submission deadline specified in the Calendar of Events of the RFP. Offerors may file a protest within **seven** days after the protesting Offeror knew or should have known of the facts giving rise to the protest, but in no event may an Offeror file a protest later than **seven** days after the date the notice of non-selection. The date of filing is the date of receipt of the protest. A protest must be filed in writing with the Issuing Office. To be timely, the protest must be received by 4:00 p.m. on the seventh day.

- I-28. Use of Electronic Versions of this RFP.** This RFP is being made available by electronic means. If an Offeror electronically accepts the RFP, the Offeror acknowledges and accepts full responsibility to ensure that no changes are made to the RFP. In the event of a conflict between a version of the RFP in the Offeror's possession and the Issuing Office's version of the RFP, the Issuing Office's version shall govern.

## PART II

### CRITERIA FOR SELECTION

**II-1. Mandatory Responsiveness Requirements.** To be eligible for selection, a proposal must:

- A. Be timely received from an Offeror (see **Part I, Section I-11**);
- B. Be properly signed by the Offeror (see **Part I, Section I-12A**); and
- C. Complete and attach **Appendix B – Mandatory Requirements**;

**Offeror's solution must meet the following mandatory requirements in order to be responsive:**

- 1. Be built with and be supported by a Microsoft development platform;
- 2. Uses a MS SQL Server DBMS; 2012 to 2016<sup>1</sup>;
- 3. Operate seamlessly with the Windows 10 (64-bit) desktop OS and Office 10;
- 4. Operate with Internet Explorer 11, Chrome and Firefox;
- 5. Interface with MS Exchange 2010 to 2016;
- 6. Interface and be integrated with MS Outlook 2010 to 2016;
- 7. Interface and be integrated with MS SharePoint;
- 8. Integrate with MS Active Directory and provide a single sign-in solution for users within the PAOAG operating environment;
- 9. Be compatible with Citrix Zen App 7.6 and higher;
- 10. Provide interface to read into the database and generate custom reports using SQL Server Reporting Services (SSRS);
- 11. Provide integration with MS Office 365; and

**II-2. Technical Nonconforming Proposals.** The three (3) Mandatory Responsiveness Requirements set forth in **Section II-1** above (A-C) are the only RFP requirements that the PAOAG will consider to be *non-waivable*. The Issuing Office reserves the right, in its sole discretion, to (1) waive any other technical or immaterial nonconformities in an Offeror's proposal, (2) allow the Offeror to cure the nonconformity, or (3) consider the nonconformity in the scoring of the Offeror's proposal.

**II-3. Evaluation.** The Issuing Office has selected a committee of qualified personnel to review and evaluate timely submitted proposals. Independent of the committee, BDISBO will evaluate the Small Diverse Business and Small Business Participation Submittal and provide the Issuing Office with a rating for this component of each proposal. The Issuing Office will notify in writing of its selection for negotiation the responsible Offeror whose proposal is determined to be the most advantageous to the PAOAG as determined by the Issuing Office after taking into consideration all of the evaluation factors.

**II-4. Evaluation Criteria.** The following criteria will be used in evaluating each proposal:

- A. **Technical:** The Issuing Office has established the weight for the Technical criterion for this RFP as **60%** of the total points. The evaluation will be based upon the functional capabilities described in **Part III - Technical Submittal**.

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<sup>1</sup> Please note that MS SQL Server 2016 is preferred.

**B. Cost:** The Issuing Office has established the weight for the Cost criterion for this RFP as **20%** of the total points. The cost criterion is rated by giving the proposal with the lowest total cost the maximum number of Cost points available. The remaining proposals are rated by applying the Cost Formula set forth at the following webpage:  
<http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Procurement-Resources/Pages/default.aspx>.

**C. Small Diverse Business and Small Business Participation**

BDISBO has established the minimum evaluation weight for the Small Diverse Business and Small Business Participation criterion for this RFP as 20% of the total points.

1. The Small Diverse and Small Business point allocation is based entirely on the percentage of the contract cost committed to Small Diverse Businesses and Small Businesses. If the Offeror is a Small Diverse Business, 100% of the contract cost is allocated to Small Diverse Business participation. If the Offeror is a Small Business, 100% of the contract cost is allocated to Small Business participation.
2. A total combined SDB/SB commitment less than one percent (1%) of the total contract cost is considered de minimis and will receive no Small Diverse Business or Small Business points.
3. Based on a maximum total of 200 available points for the Small Diverse Business and Small Business Participation Submittal, the scoring mechanism is as follows:

<p style="text-align: center;"><b>Small Diverse Business and Small Business Raw Score =</b></p> <p style="text-align: center;"><b>200 (SDB% + (1/3 * SB %))</b></p>
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4. The Small Diverse Business and Small Business Raw Score is capped at 200.
5. The Offeror with the highest raw score will receive 200 points. Each Offeror's raw score will be pro-rated against the Highest Offeror's raw score by applying the formula set forth on the following webpage:  
[http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Procurement-Resources/Pages/RFP\\_SCORING\\_FORMULA.aspx](http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Procurement-Resources/Pages/RFP_SCORING_FORMULA.aspx).
6. The Offeror's prior performance in meeting its contractual obligations to Small Diverse Businesses and Small Businesses will be considered by BDISBO during the scoring process. To the extent the Offeror has failed to meet prior contractual commitments, BDISBO may recommend to the Issuing Office that the Offeror be determined non-responsible for the limited purpose of eligibility to receive Small Diverse Business and Small Business points.

**D. Domestic Workforce Utilization:** Any points received for the Domestic Workforce Utilization criterion are bonus points in addition to the total points for this RFP. The maximum amount of bonus points available for this criterion is 3% of the total points for this RFP.

To the extent permitted by the laws and treaties of the United States, each proposal will be scored for its commitment to use domestic workforce in the fulfillment of the contract. Maximum consideration will be given to those Offerors who will perform the contracted direct labor exclusively within the geographical boundaries of the United States or within the geographical boundaries of a country that is a party to the World Trade Organization Government Procurement Agreement. Those who propose to perform a portion of the direct labor outside of the United States and not within the geographical boundaries of a party to the World Trade Organization Government Procurement Agreement will receive a correspondingly smaller score for this criterion. See the following webpage for the Domestic Workforce Utilization Formula:

<http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Procurement-Resources/Pages/default.aspx>.

**E. Iran Free Procurement Certification and Disclosure.** Prior to entering a contract worth at least \$1,000,000 or more with a Commonwealth entity, an Offeror must: a) certify it is not on the current list of persons engaged in investment activities in Iran created by the Pennsylvania Department of General Services (“DGS”) pursuant to Section 3503 of the Procurement Code and is eligible to contract with the Commonwealth under Sections 3501-3506 of the Procurement Code; or b) demonstrate it has received an exception from the certification requirement for that solicitation or contract pursuant to Section 3503(e). All Offerors must complete and return the Iran Free Procurement Certification form, (**Appendix F, Iran Free Procurement Certification Form**), which is attached hereto and made part of this RFP. The completed and signed Iran Free Procurement Certification form must be submitted as part of the Technical Submittal.

See the following web page for current Iran Free Procurement list:

<http://www.dgs.pa.gov/businesses/materials%20and%20services%20procurement/procurement-resources/pages/default.aspx#.WDNfJJgo6Ht>

**II-5. Offeror Responsibility.** To be responsible, an Offeror must submit a responsive proposal and possess the capability to fully perform the contract requirements in all respects and the integrity and reliability to assure good faith performance of the contract.

In order for an Offeror to be considered responsible for this RFP and therefore eligible to proceed to the Oral Presentation stage and the Operational Capabilities Demonstration, the Offeror must propose a solution that achieves the following:

- A.** The total score for the technical submittal of the Offeror’s proposal must be greater than or equal to **75%** of the **available technical points**;
- B.** The Offeror’s financial information must demonstrate that the Offeror possesses the financial capability to assure good faith performance of the contract. The Issuing Office will review the Offeror’s previous three financial statements, any additional information received from the Offeror, and any other publicly-available financial information concerning the Offeror, and assess each Offeror’s financial capacity based on calculating and analyzing various financial ratios, and comparison with industry standards and trends; **AND**

C. Demonstrates adherence to the following technical requirements:

1. Be built with and be supported by a Microsoft development platform;
2. Uses a MS SQL Server DBMS; 2012 to 2016<sup>2</sup>;
3. Operate seamlessly with the Windows 10 (64-bit) desktop OS and Office 10;
4. Operate with Internet Explorer 11, Chrome and Firefox
5. Interface with MS Exchange 2010 to 2016;
6. Interface and be integrated with MS Outlook 2010 to 2016;
7. Interface and be integrated with MS SharePoint;
8. Integrate with MS Active Directory and provide a single sign in solution for users within the PAOAG operating environment;
9. Be compatible with Citrix Zen App 7.6 and higher;
10. Provide interface to read into the database and generate custom reports using SQL Server Reporting Services (SSRS); and,
11. Provide integration with MS Office 365.

An Offeror which fails to demonstrate sufficient financial capability to assure good faith performance of the contract as specified herein may be considered by the Issuing Office, in its sole discretion, for Best and Final Offers or contract negotiation contingent upon such Offeror providing contract performance security for the first contract year cost proposed by the Offeror in a form acceptable to the Issuing Office. Based on the financial condition of the Offeror, the Issuing Office may require a certified or bank (cashier's) check, letter of credit, or a performance bond conditioned upon the faithful performance of the contract by the Offeror. The required performance security must be issued or executed by a bank or surety company authorized to do business in the Commonwealth. The cost of the required performance security will be the sole responsibility of the Offeror and cannot increase the Offeror's cost proposal or the contract cost to the PAOAG.

Further, the Issuing Office will award a contract only to an Offeror determined to be responsible in accordance with Part VI, Section 35.

**II-6. Final Ranking and Award.**

- A. After any best and final offer process conducted, the Issuing Office will combine the evaluation committee's final technical scores, BDISBO's final Small Diverse Business and Small Business Participation Submittal scores, the final cost scores, and (when applicable) the domestic workforce utilization scores, in accordance with the relative weights assigned to these areas as set forth in this **Part II**.
- B. The Issuing Office will rank responsible Offerors according to the total overall score assigned to each, in descending order.
- C. The Issuing Office must select for contract negotiations the Offeror with the highest overall score.
- D. The Issuing Office has the discretion to reject all proposals or cancel the request for proposals, at any time prior to the time a contract is fully executed, when it is in the best interests of the PAOAG. The reasons for the rejection or cancellation shall be made part of the contract file.

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<sup>2</sup> Please note that MS SQL Server 2016 is preferred.

## PART III

### TECHNICAL SUBMITTAL

#### III-1. Overview.

The PAOAG is the Commonwealth's chief law enforcement officer and conducts its responsibilities across all 67 counties. The PAOAG's mission is to serve the citizens of the Commonwealth by adhering to the highest standards of excellence, ethics and effectiveness while delivering quality legal services to public officials, agencies, boards and commissions. The PAOAG is comprised of more than 600 attorneys and professional staff. Headquartered in Harrisburg, the PAOAG also operates from strategic regional and field offices located in 38 cities across the Commonwealth.

Along with other organizational entities the PAOAG contains three (3) legal divisions; Criminal Law Division, Civil Law Division and Public Protection Division. Each division collects, processes, and reports on data that is qualified as being complaint or case related. The data is handled through the employment of a case management system. Because the divisions conduct services under specific legal guidelines, their specific operational requirements necessitate the use of different case management systems, in this case there are three (3). The case management systems feature a core application supported by functionally specific ancillary applications and in most situations each collection is not adequately integrated.

The three divisions' case management systems were implemented during different timeframes in the past and were constructed with various software development technologies and database management systems. Two of the case management systems are customized Commercial Off-The-Shelf (COTS) products and one system was custom built by a vendor following PAOAG supplied requirements and specifications.

The PAOAG seeks to replace all of these systems with a single integrated platform.

The ICMS project is expected to implement an industry "best of breed" and "battle tested" system that includes the core case management functionality required by the PAOAG's three divisions and offer significant added value functionality which will allow the PAOAG to sunset the current ancillary applications. The result will be a centralized system used by the three divisions, allowing data to be shared or leveraged, increasing user productivity and improving office credibility.

The PAOAG's requirements for a robust and integrated case management solution fall into these functional categories.

**Core Case Management:** This functional category consists of the core data gathering and manipulation processes and procedures necessary for building the complete record for a case. This entails inputting the data that supports the case as well as executing processes that will change the state or status of the case. Some processes are automatically triggered by dates, timing or data value changes while others are triggered manually. No matter the cause for the process execution the case and its data follow a process flow or flows to an end point. At certain points there is cause for data to be reported based on certain criteria under specific circumstances and with expected results.

**Document and File Management:** This functional category consists of processes and procedures used to capture and store electronic files related to a case or anything that is in support of a case. This includes but is not limited to; the scanning of images, conducting optical character recognition (OCR) on digital content, providing search capabilities on file content and managing file retention and, threading documents and files together for the case they support. This functional category must accommodate the data entry, tracking of physical documents and their disposition with reporting capabilities that assist the user with locating folders, boxes, etc.

**Collaboration and Correspondence Management:** This functional category contains data gathering and manipulation processes and procedures related to interactions between PAOAG personnel or PAOAG personnel and external constituents. Interactions include a variety of communications; e.g. complaints and acknowledgements, notes and responses, or memo text for cases or case related entities. Management of the collaboration or correspondence will include event triggered actions. Some actions are dealt with by individuals while others require coordination across organizations which will be internal and external.

**Financial Tracking and Accountability Management:** This functional category contains processes and procedures that relate to the management of funds or assets. The funds or assets relate to a case or an entity directly related to a case such as an individual or a service. The funds management actions can be revenue or expense in nature. It is the desire of the PAOAG to have all financial actions centralized for single point auditing.

An overarching requirement of the ICMS is data visualization. The Offeror must provide details of how their solution will present essential information to the PAOAG staff – such as case related documents, workflow relating to cases, and global metrics regarding case administration – utilizing dashboards and other graphical and text presentation methods. The output should be customizable by the user, offering a personalized user experience.

The functional categories were gleaned from the PAOAG’s understanding of the solutions in the current Case Management marketplace and from an analysis performed on the current application portfolio that supports the PAOAG’s legal divisions. These functional categories are described below and followed by PAOAG’s base and broad requirements which are in the categories considered best suited for providing a solution. Some requirements are listed in multiple categories because PAOAG anticipates that the complete solution of a requirement will be provided using aspects in each of the functional categories.

When the Offeror explains their solution, provide details of how their solutions may interface across the categories to provide seamless data grouping for the user experience. For example, case data may be coupled with financial data and document management data and presented in a single view or visual presentation.

In order to provide further context for the user experience desired by the PAOAG, we have provided a series of “day in the life of a case” narratives in **Appendix D** that describes the interactions we anticipate a new case management system would support. These descriptions are designed to be used in the Operational Capabilities Demonstration by Offerors invited to demonstrate their proposed solutions.

## **III-2. Technical Requirements.**

The Offeror should respond, in narrative form, to the requirements stated in the four functional categories below, describing how their approach and proposed software platform meets the needs of the PAOAG.

The Offeror's narrative response to this section, including the content for subsections III-1.A-D, must not exceed twenty (20) pages. The page limit excludes the appendices or illustrations required by the Offeror to explain the solution.

### **A. Core Case Management: Case Creation, Investigation, Evidence and Workflow**

The PAOAG seeks an ICMS that intuitively allows users to create cases, automate tasks relating to those cases, and manage contacts that are relevant to the case. To the extent practicable, the PAOAG wishes to leverage existing technology tools and software, most specifically the Microsoft Office 365 platform.

In this section the Offeror must explain how their solution provides the ability to open a case, complete the intake of case related materials, and categorize complaint and case related data. This must include a process for adding and maintaining an entity register of categorized contact data for people, companies, etc. that participate in and contribute to the case file.

The Offeror's response should reference details about the user interface and experience that a PAOAG employee should anticipate when opening and loading case data. Specifically, when a user logs into the system, the Offeror should explain how an attorney can identify:

- Cases assigned to them, including docket numbers, opening and closing dates, synopsis, etc.
- Critical dates for each case and actions required
- The names and contact information of key individuals (plaintiffs, defendants, other participating attorneys, staff, etc.)
- The online repository of documents required for the case (see Document Management below)

The Offeror must provide automatic numbering for cases and unique identifiers for critical information that pertains to the case (i.e., principal individuals or institutions) that can be used as an office-wide uniform numbering system, with retention of the original numbers throughout the life of the case.

The Offeror needs to explain how their solution will provide a consistent and controlled information capturing environment. Enforce the use of controlled templates for forms and standards for system user interfaces.

Along with PAOAG requiring the need to store a variety of demographic data about entities associated with a case, PAOAG requires functionality to quickly locate demographic data using multiple querying techniques. The Offeror needs to explain how their solution will provide unlimited category classifications for, but not limited to, phone numbers, addresses, fax numbers, cell numbers, email addresses.

The Offeror needs to explain how their solution will provide for tracking:

- Hate groups, i.e. allowing for analysis of specific demographic data and/or geographic analysis

- Informants, e.g. by name and identifier, store knowledge that informants have been involved with other cases
- Respondents/complainants

The Offeror needs to explain how their solution will provide the linking of cases to the contacts, generate emails from contact addresses and maintain a contact diary.

The Offeror needs to explain their solution for workflow automation. The desired functionality includes the ability to assign and track cases and forward correspondence and the case file to the investigators and attorneys responsible for the investigation and prosecution of the case. The Offeror needs to explain how their solution will track the chronology of investigative events. The solution should provide the ability to update a case when significant events occur, e.g. record results after the execution of an Investigative Plan, a Jurisdictional Analysis, etc. Track trial and appellate forms as a case moves through the court.

The solution should provide for the automation of online review and the approval of work products related to a case by a supervisor. Also provide event or status driven notifications with expected actions or responses that advance data through process checkpoints which represent opportunities for data review and potential approval.

The Offeror needs to explain their solution for maintaining a complete case file that includes but is not limited to:

- Adding legal action to a complaint
- Event recording
- Prevent duplicate case entry
- Recognize and track companion cases
- Maintain case numbers assigned by outside sources

Provide the ability to invoke the processing rules, as stated by Pennsylvania Rule of Criminal Procedure 600, when a case is appropriately categorized.

Once a case is in the solution and assigned to the relevant members of the team, the solution must support the information gathering and dissemination activities of the investigatory team. This integrated investigation management functionality should include:

- Ability to ingest analytic reports from third party vendors, i.e. call data, digital evidence, and forensic reports
- Efficient searching of documents and reports related to the case
- Cross reference current target numbers to other areas and cases
- Search by area codes/exchanges, call details, telephone numbers

The solution should provide the ability to maintain a complete case history from the discovery information and documents through case closing. Provide the ability to close cases, tracking the activities that need to be completed when closing a case such as: attempting to recover costs, checking on final disposition, outstanding arrest and warrants, disposition of seized assets, etc.

As the case progresses the related events need to be scheduled and executed. The solution should provide the ability to associate calendar events with case/docket/file numbers etc. Within the calendar interface assign existing events to already established cases and ensure the event is recognized by the case. Other necessary features include:

- Create reminders for items due (tickler/deadline alerts) or procedures to be executed based on pre-established rules
- Make available canned activities for selection and assignment, possibly wizard driven
- Automatically schedule activities based on pre-established rules
- Create timelines with action requirements that are date or duration driven for cases, complaints, etc.
- Provide the ability to integrate with the calendars for each individual and then share calendars across the organization

The platform must provide for comprehensive reporting and analysis of active and past cases, and the Offeror should explain how their solution provides the ability to construct and execute basic and advanced searches as well as produce standard and user defined ad hoc reports. Also, the PAOAG needs the ability to generate custom reports using SQL Server Reporting Services (SSRS).

Specifically, the PAOAG would like the solution to generate reports that:

- Reflect categories from standard state and/or federal crime reports; e.g. the Unified Crime Reporting (UCR)
- Provide Senior Management status updates regarding case progress and resolution
- Offer a pipeline to assess potential monetary damages or compensation from enforcement activities
- Provide details for a specific case, all cases (within certain criteria) or groups of cases

The Offeror needs to explain how their solution enforces data accuracy and provides administration functions for maintaining lookup data and standard codes. Lookup data is necessary for data consistency, while standard codes include crime codes for UCR reporting etc.

The Offeror needs to explain how their solution fulfills access requirements including availability after hours, accessibility from offsite, usage of single sign-on across all functions and accessibility across the intranet and internet.

In order to keep the solution running efficiently data will need to be archived following specific policies and procedures. The Offeror needs to explain how their solution will maintain a retention schedule for electronically stored records and archive data, yet keep it available for reporting etc.

At times there is the need to extract and bundle case data and artifacts in order to provide a complete rendering or a brief of the case. The Offeror needs to explain how their solution provides the ability to locate, extract and organize all case related data and files stored throughout the solution. Along the same lines, there is the need to expunge an entity from the stored data and demonstrate that the entity will appear as though it never existed. The Offeror needs to explain how their solution provides for: locating, extracting and deleting requested data and data types related to a case.

## **B. Document and File Management**

The PAOAG seeks to replace its existing document and file management solution with a new platform that seamlessly integrates into the ICMS, allowing for more efficient and effective administration of cases. To the PAOAG, document and file management constitutes a document's creation, storage and retrieval, and association with a case. PAOAG expects the Offeror can provide a solution that will leverage MS SharePoint and the MS Office Suite.

The document and file management solution will be used daily by attorneys and their support staff to track and manage the numerous court cases assigned to them. Given the complexity of the tasks and diversity of the caseload, the PAOAG seeks an Offeror that can provide an intuitive and well-designed user interface for the document management function. The Offeror should describe the design of the user interface, and how a user would be able to perform the following tasks:

- Identify the full list of documents related to a case
- Filter the list by document type – specifically orders, discovery, filings, and correspondence
- Retrieve and view and document from the list
- Open a document from the list in native format
- Identify links to associated cases and appeals
- Identify links to associated parties and individuals

The Offeror needs to explain how their solution provides for the following as it relates to document assembly and revision control:

- Embody document drafting rules
- Use electronic forms with autofill capabilities
- Automatically generate contracts from a word processor (MS Word)
- Perform mail merge type functions
- Enforcement of policy and procedure
- Ability to retrieve all prior versions of a document

Considering the volume of case data that is captured and stored the PAOAG needs a solution that provides the ability to search case files using any variety of attributes. So that the searching is fast and efficient the Offeror needs to explain their approach to indexing documents and files and provide a means of allowing PAOAG to determine what data should be indexed. The Offeror also needs to explain how their solution provides the following as it relates to electronic document/file storage, search and retrieval:

- Interface/transfer from word processing or other electronic forms
- Execute full text/content search capabilities
- Conduct Optical Character Recognition (OCR) on image-only content
- Import/export of data/documents

Related to Integrated Records Management the Offeror needs to explain how their solution provides information on physical file location and maintains an automated records retention schedule that includes a rules based process that will take into account the type of records and the retention policies that need to be applied. The schedule needs to be included with the case data. PAOAG needs to be able to update storage box inventories and issue destruction notices.

Seized Asset Management requires the ability to capture and associate all asset documentation with the case it belongs to and include the final storage of said documentation when the case is closed and all assets have been finally disposed.

As previously mentioned, the capability to expunge an entity is required. The Offeror needs to explain how expungement will be conducted for documents and files that are related to a case.

### **C. Collaboration and Correspondence Management**

In this section, the Offeror must explain how their solution will enable the PAOAG to better collaborate within a single case and across multiple cases, no matter the case status. As part of collaboration the PAOAG needs the ability to create, receive and manage all types and forms of correspondence and associate them with a case.

Part of collaboration is coordinating resources and personnel. The Offeror needs to explain how their solution provides the ability to interface with calendaring and tickler components. This should be fulfilled by using the current technology used by the PAOAG and provide office-wide scheduling tied into case data and activity planning. Explain how scheduling across functional lines to cover deadlines is accomplished for a case and the ability to share calendars across the PAOAG.

In an effort to save time and prevent duplication of effort for the PAOAG the Offeror needs to explain how their solution will produce the following:

- Alerts if claims or cases are related
- Notifications that an address exists in other places in the system
- Alerts if the same incident or plaintiff exists

Because a case can originate in one area and need to be assigned to another the Offeror needs to explain how their solution will provide for the logging and transferring cases between entities (Agencies/People). Logging would include but not be limited to: correspondences, court filing, receipt of complaints/allegations/tension report, telephone calls, etc. Track the transfer or delegation of cases to other agencies, internal to PAOAG, documents between sections/divisions.

The Offeror needs to explain how their solution will provide for creating and tracking standard case correspondence or documentation and have the capability to:

- Prepare complaints
- Replace blanks with relevant names, dates, phrases, etc.
- Automatically generate correspondence
- Create notes and summaries
- Create and store attorney personal note files or occurrences separate from official case documentation
- Track and monitor incidences for the phone unit and support the interacting with referring agencies.

Offeror needs to explain if their solution provides links to outside information sources like PA and Federal agencies, JNET, Westlaw and LexisNexis and if they are capable of conducting data exchange between those outside sources and the proposed solution.

As previously stated the PAOAG deals with a variety of correspondence from various internal and external entities. The Offeror needs to explain how their solution provides the following:

- Data entry, storing and appropriately processing correspondence between the PAOAG and outside entities, e.g. citizens
- Central log that includes all sections and provides extensive search or filtering capabilities, canned and ad-hoc
- Record receipt of mail as soon as opened; include matching the mail to an inmate or litigation
- Record and execute mail routing
- Manually or automatically generate response to citizen mail
- Log and track deadlines for responses or actions, for example in the case of contracts and regulations
- Use of digital signatures
- Identify related pieces of correspondence; include identifying duplicates in a correspondent's name

Currently the PAOAG deals with the issuance of many correspondences originating from units throughout the office and needs to deliver sustainable quality using accurate data sources. The Offeror needs to explain how their solution provides the following:

- A consistent and controlled information capturing environment
- Uses electronic forms with autofill capabilities, similar to mail merging but with single documents and data coming from potentially multiple resources and being applied to the form
- Creation of correspondence files usable by bulk printing solutions; specifically Pitney Bowes Planet Press

#### **D. Financial Tracking and Accountability**

In this section the Offeror must explain their solution for helping the PAOAG manage the many aspects of a case that relate to finance or the accounting of numerical data, be it money, time, or, in some cases, fixed assets.

The Offeror needs to explain how their solution provides an interface for expense and revenue tracking, include that data with a case and provide reports showing the total cost for case resources (human or other) and activities. In addition, the solution must account for the management of advancement funds and expenditures including:

- Automated balancing of the Regional Office checkbooks
- Handling of confidential and non-confidential funds
- Fund tracking and replenishment
- Use of electronic forms to capture data
- Billing for equipment use
- Payment for the use of outside services (labs, etc.)
- Wiretap expense tracking (man power, etc.)
- Drug seizure management including but not limited to:

- manage “buy” money
- match “seized” money to “buy” money
- manage “seized” money
- produce standard and ad-hoc reports

The Offeror needs to explain how their solution interfaces with time capturing and the ability for task based billing and a means for recovering costs, including a billing mechanism that may use a cost center concept. The solution needs to account for tracking Task Force type overtime, including the capture, reporting and payment for resources in municipalities that are funded by the PAOAG.

The Offeror needs to explain how their solution provides for creating accounting actions that result in the issuance or receipt of money and its submission or posting to the Commonwealth’s financial system, e.g. ability to exchange financial transactions with SAP. The solution needs to provide for the management of Commonwealth money given to consumers, costs incurred and paid and revenue received as the result of a case.

Considering the actions taken that involve finance must be auditable the Offeror needs to explain how their solution logs every action on all financial data and provides the ability to produce a point in time state of an entity's data or a collection of related data.

PAOAG needs the ability to process the payments, valid and invalid, that come from debtors. The Offeror needs to explain how their solution provides the ability to perform the following:

- Process payment from debtor and assign payment disbursement
- Automate check entry using OCR
- Handle payments directly made to the agency
- Log payments (check log)
- Process credit card payments including electronically interfacing with credit card companies to post charges, record credit card authorization, etc.
- Process “bad check” used for payment, accessing additional debtor fees and notifying the referring agency, etc.

The PAOAG also requires a mechanism for logging, tracking and disposing of assets that were seized during a case’s lifecycle, and provide the ability to maintain the entire inventory of Seized Assets for the PAOAG and possibly segregated inventory for the PA State Police (PSP) and other partner organizations. The Offeror should explain how their solution could provide for the logging and tracking of seized assets from the point of acquisition through disposition and closure. The solution needs to provide for the following:

- Manage fees/charges against asset value
- Engage service vendors and pay expenses
- Record revenue data and award asset value to participating agencies, record money disbursement, manage adjustments to splits, manage split among agencies
- Produce check transmittals, include actions to; coordinate with Treasury regulations, disburse copies of check transmittal, support electronic disbursements.

The PAOAG has a section that provides legal approval and opinions for Commonwealth Agencies and reviews contracts, regulations and bond issues for form and legality. As such, the section

interfaces with other divisions within the PAOAG and all Commonwealth Agencies as required. The section providing the services is very process oriented and the type of document inputted dictates the processes executed. The processes are time sensitive and require an efficient and well organized set of procedures in order to meet strict deadlines.

The Offeror needs to explain how their solution will provide the ability for managing and returning contracts, regulations and bond issues including but not limited to:

- Log submission of, but not limited to: contracts using lists, single contracts, single service performance contracts (SPC), and SPCs using lists
- Automatic contract number for submissions
- Automatically update the mail log
- Generate and distribute approval and denial correspondence

The Offeror needs to provide the ability for online routing and distribution of contracts and contract matching including workflow management, automatic scheduling, event ticklers and approval rules. Also provide the ability to automatically generate approval and return memoranda from a word processor (MS Word) and flag contracts nearing the 30 day limit for the review deadline or other user defined durations.

PAOAG requires the services of outside entities to provide “expert” testimony during cases. To obtain the services PAOAG prepares and executes what is known as an expert witness contract. These contracts are either short term (lasting a single fiscal year) or long term (spanning five fiscal years). The Offeror needs to explain how their solution provides the ability to input and conduct financial tracking of such contracts, including:

- Use of electronic forms to capture contract data and associate it with a case or cases
- Ability to update and amend contracts; including requests to increase contract values
- Automate contract creation; specifically producing agreement letters
- Provide for entry and modification of invoice related data
- Support annual renewal of individual agreements
- Provide the issuance of payment for the expert services by PAOAG or other agencies
- Provide monitoring of contract limits and approved expenditures

### **III-3. Consistency with PAOAG Operational and Technical Environment**

The Offeror must demonstrate that the solution proposed is consistent with the operational and technical environment presently in place at the PAOAG.

The solution provided must be “turnkey” with maintenance and enhancements planned for, either as part of a license agreement or maintenance contract. Additionally, proposals should include sufficient training to ensure the PAOAG technical team can provide day to day support to the user community.

Offeror should address this global issue in this section of the narrative and provide:

- A global description of the software architecture required to support the solution
- The level of integration offered with the systems below, particularly with Microsoft Office 365 and other related Microsoft products

- The Office of Attorney General will not be accepting offers for solutions that are completely (or even mostly) cloud based. We will potentially entertain hybrid offers if the vast majority of the solution is an on premises based solution with a very minor portion of the solution being cloud based. However in these rare occasions, Offeror must provide specific representations regarding its willingness to accept responsibility for the secure transmission and storage of sensitive information, and provide specific warranties regarding the liabilities that Offeror is willing to accept should data breaches or interceptions affect our operations or the outcomes of cases litigated by the PAOAG.

The Offeror's narrative response to this section, including the content for subsections A-B, must not exceed seven (7) pages. The page limit excludes the appendices or illustrations required by the Offeror to explain the solution.

#### **A. PAOAG Technical Platform**

The following operating system, database, virtualization, deployment and end-user software products are currently used by the PAOAG. Solutions must be effectively "compatible" with these products. Compatibility includes the ability to integrate with, or the capability of being used together without special modification, adaptation, or purchase of additional hardware/software external to the Integrated Case Management System itself.

1. Virtualized Microsoft Server (64-bit) 2012R2 or 2016 (2016 preferred) network operating system based servers in an Ethernet networked environment;
2. Microsoft SQL Server 2012, 2014, 2016 (2016 preferred)
3. Citrix Zen App 7.6;
4. VMware 5.5 or above;
5. Microsoft Windows 10 (64 bit) desktop OS;
6. Microsoft Internet Explorer 11, Chrome, or Firefox;
7. Microsoft 2010, 2013, 2016;
8. Microsoft Exchange 2010, 2013, 2016;
9. Microsoft Outlook 2010, 2013, 2016;
10. Must meet current federal guidelines for recommended security and patching including service packs, the operating system, Microsoft Office and SQL.

The PAOAG has no intention of re-training existing (or hiring additional) staff to establish, interact with, secure, or otherwise maintain any non-Microsoft operating system environment (i.e. Linux, etc.).

The PAOAG has no intention of selecting a solution that primarily stores Case Management databases and/or user work-products in database platforms other than Microsoft SQL Server (i.e. Oracle, etc.). This requirement is not designed to foreclose the use of solutions that partially rely upon other database technologies that operate within the platform itself and do not require specialized interaction or maintenance, but rather to preclude the use of systems that are not primarily compatible with existing Microsoft SQL Server based business, backup and technical processes that already protect existing data and documents, and the PAOAG work-products related thereto.

In addition to the requirements listed above, the ICMS must permit integration with Active Directory for purposes of general user authentication for both administrative and end-user interfaces, whether

application or web-based. This requirement does not preclude the underlying solution from operating under a privileged service account, if such design is employed to permit the solution itself to provide granular user access permissions and management based upon the Active Directory authenticated identities of users.

The PAOAG utilizes SAN storage appliances (NetApp) to provide standard Windows CIFS share services as they relate to existing Case Management document storage requirements. The PAOAG has no intentions of purchasing additional hardware-based / appliance-based storage solutions that are duplicative of investments in existing storage solutions.

The PAOAG has no intentions of purchasing hardware-based / appliance-based solutions that are duplicative of investments in existing hardware designed to permit the virtualization of servers and applications (VMware).

Application-based solutions must be compatible with Citrix Zen App 7.6 and above, for purposes of deploying the Case Management solution to end-users external to the PAOAG networks.

Application-based review component solutions must operate on the Windows 10 (64-bit) desktop OS.

Web-based review component solutions are preferred compatible with Microsoft Internet Explorer 11 (64-bit) browsers, the browser that will be present in standard user desktop images after May, 2017. Web-based review component solutions will also be made available to internal and external users through publication of a browser deployed via Citrix. Ideally, solutions will be browser agnostic. If web-based solutions are not fully compatible with Microsoft Internet Explorer 11 (64-bit), common alternative web browsers (Chrome, Firefox, Safari, etc.) are acceptable, so long as the alternative browser(s) may be reliably deployed as an application or on a desktop via Citrix Zen App 7.6 and above.

If a web server other than Microsoft's server role "Web Server (IIS)" is required to serve a web-based review component, it must be included and deployable within the solution and must not require separate procurement and licensure outside the scope of this RFP.

## **B. Present Case Management Environment and Migration Considerations**

The PAOAG provides the following information as context for the size and dimension of existing case management platforms used. We assume that the end result of an Offeror's solution will perform very differently than our existing platforms; these statistics are provided as reference points only for considerations of complexity and pricing.

At the present time, the PAOAG uses many separate systems to perform the tasks outlined in the requirements above. The total volume of electronic files exceeds 8.45 TB, with the collective size of underlying databases for these systems of 415 GB. There are approximately 24 million individual documents housed within these systems. Data used by these systems are housed in a storage environment in excess of 23 TBs and is directly managed by the PAOAG.

There are at least 500,000 previously opened cases across these disparate systems. Our working assumption is that only a subset of these cases will be migrated to the new proposed system, and that the PAOAG will either support legacy systems for a period of time to access any previous information or develop a separate method for accessing legacy data.

## C. Security Considerations

The three legal divisions within the PAOAG deal with cases of varying degree and complexity. It is critical to the Office's integrity that data security be administered and maintained at a "Need to Know" level. The following security centric requirements relate to all the functional categories stated above and must be supported within the realm of the Technical Sufficiency provided by the PAOAG's software and hardware environment and constraints defined above.

- Provide the ability to set security down to the data element level
- Provide the ability to create and administer role based security
- Provide the ability to create and administer user group security
- Provide the ability to logically segregate data according to ownership or organizational structure
- Provide the ability to set and change security based on business rules

### III-4. Qualifications.

The Offeror should provide narrative responses in its proposal to each of the items below. This narrative section should not exceed 5 (five) pages.

**A. Company Overview.** Provide an overview of your company and describe how it has demonstrated an ongoing commitment to the government customer, specifically the law enforcement community.

**B. Prior Experience.** Describe your company's experience in implementing Integrated Case Management Solutions for government customers, specifically Attorneys General and District Attorneys, if available. Provide sample experience covering any or all of the following

1. Case Management as it relates to law enforcement for cases that are Criminal, Civil or Public Protection in nature
2. Electronic Document Management Systems and data retention management
3. Electronic Content Management Systems
4. Development of financial interfaces with SAP
5. Evidence and seized asset inventory and management
6. Time and schedule management
7. UCR reporting
8. Application and data security management
9. Expungement

Referenced experience should be work performed by individuals who will be assigned to this project as well as that of your company. Referenced projects must include the name of the customer, including the name, address, and telephone number of the responsible official of the customer, company, or agency who may be contacted.

**C. Personnel.** Offerors must name a Project Manager who will be the point of contact for all PAOAG personnel. Offerors must describe the qualifications of this person through a resume or similar document. Offerors must provide the names and qualifications of every individual that the Offeror deems essential to the project. Individuals designated in the proposal and allocated more than 80% to the project will be deemed by the PAOAG as essential personnel. Offerors must provide a 15 business day notice prior to the departure of any essential personnel during the course of the project.

Offerors must provide the responsibilities that each individual will have on this project and how long each has been with your company.

**D. Subcontractors:** If applicable, provide a subcontracting plan for all subcontractors, including small diverse business and small business subcontractors, who will be assigned to the Project. The selected Offeror is prohibited from subcontracting or outsourcing any part of this Project without the express written approval from the PAOAG. Upon award of the contract resulting from this RFP, subcontractors included in the proposal submission are deemed approved. For each position included in your subcontracting plan provide:

1. Name of subcontractor;
2. Address of subcontractor;
3. Number of years worked with the subcontractor;
4. Number of employees by job category to work on this project;
5. Description of services to be performed;
6. What percentage of time the staff will be dedicated to this project;
7. Geographical location of staff; and
8. Resumes (if appropriate and available).

The Offeror's subcontractor information shall include (through a resume or a similar document) the employees' names, education and experience in the services outlined in this RFP. Information provided shall also indicate the responsibilities each individual will have in this Project and how long each has been with subcontractor's company.

**E. Emergency Preparedness.**

To support continuity of operations during an emergency, including a pandemic, the PAOAG needs a strategy for maintaining operations for an extended period of time. One part of this strategy is to ensure that essential contracts that provide critical business services to the PAOAG have planned for such an emergency and put contingencies in place to provide needed goods and services.

1. Describe how you anticipate such a crisis will impact your operations.
2. Describe your emergency response continuity of operations plan. Please attach a copy of your plan, or at a minimum, summarize how your plan addresses the following aspects of pandemic preparedness:
  - a. Employee training (describe your organization's training plan, and how frequently your plan will be shared with employees)
  - b. Identified essential business functions and key employees (within your organization) necessary to carry them out

- c. Contingency plans for:
  - i. How your organization will handle staffing issues when a portion of key employees are incapacitated due to illness.
  - ii. How employees in your organization will carry out the essential functions if contagion control measures prevent them from coming to the primary workplace.
- d. How your organization will communicate with staff and suppliers when primary communications systems are overloaded or otherwise fail, including key contacts, chain of communications (including suppliers), etc.
- e. How and when your emergency plan will be tested, and if the plan will be tested by a third-party.

### **III-5. Service, Training and Support Requirements.**

The PAOAG will require implementation and training services on its premises in Harrisburg, Pennsylvania. This section should not exceed three (3) pages. Specifically, the proposal should describe how the Offeror can assist with:

- A. Pre-installation review of infrastructure with appropriate PAOAG personnel
- B. Installation of software and any required functional testing
- C. Training for administrative and technical personnel responsible for the management of the platform
- D. Training for litigators and support staff in an initial “train the trainers” effort, to include:
  - 1. Functional use of the system
  - 2. Analytic components
  - 3. Processing
  - 4. Other topics to be determined in advance by the PAOAG
- E. Ongoing training and educational requirements, such as the availability of educational content and access to online training materials.
- F. Technical support availability, as well as specific guarantees generally provided by the Offeror for software availability as stated in any Service Level Agreement (SLA) for proposed components or configurations that include cloud/off site resources if proposed. This should include a flow chart or list of escalation points within the company for technical support, major and minor bug fixes, compatibility issues, and error correction.

G. Routine software maintenance. The availability and frequency of major and minor releases, and programs that the company has to maintain compatibility with the technical components described in Section III-2 above.

**III-6. Financial Capability.** Describe your company's financial stability and economic capability to perform the contract requirements. Provide your company's financial statements (audited, if available) for the past three fiscal years. Financial statements must include the company's Balance Sheet and Income Statement or Profit/Loss Statements. Also include a Dun & Bradstreet comprehensive report, if available. If your company is a publicly traded company, please provide a link to your financial records on your company website in lieu of providing hardcopies. The PAOAG reserves the right to request additional information it deems necessary to evaluate an Offeror's financial capability.

**III-7. Work Plan.** Offerors must describe, in narrative form, the plan for accomplishing the project using task names or descriptions as reference points. In the initial submission, we ask Offerors to provide a general roadmap, with overall timeframes and estimates of staff time required for phases of effort that the Offeror believes relevant based on the information provided herein. Include a Program Evaluation and Review Technique (PERT), Gantt chart or similar type display which is time and duration related and shows each task, milestone and deliverable.

Offerors invited to participate in the Operational Demonstration will be encouraged to submit a more detailed work plan for the implementation of the proposed solution.

When creating the project schedule the Offeror needs to indicate that all review cycle tasks involving PAOAG resources will be no less than five (5) business days per review. So for a DRAFT review, it is a minimum of five (5) days and all subsequent reviews of updated versions will be five (5) days each.

**III-8. Reports and Project Control.** All contracts require formal control by the Issuing Office to ensure the selected Offeror meets the Issuing Office's needs. The Issuing Office usually exercises this control through the requirement for oral and written reports and other documentation such as plans, proposals, or recommendations that the Issuing Office must approve before the selected Offeror proceeds further with the work. PAOAG expects the Offeror to describe their approach to creating and executing project management control plans specifically but not limited to; Communication Management, Risk Management, Action Item Management, Issue Management, Decision Management, Change Control Management, Resource Management, Governance Management and Acceptance Management.

**A. Status Report.** A monthly progress report covering activities, problems and recommendations. This report should be keyed to the work plan the Offeror developed in its proposal, as amended or approved by the Issuing Office. A Final Status Report will be provided and signed off by both parties to indicate satisfactory completion of implementation. This Final Status Report will trigger final payment to be issued to the selected Offeror.

**B. Problem Identification Report.** An "as required" report, identifying problem areas. The report should describe the problem and its impact on the overall project and on each affected task. It should list possible courses of action with advantages and disadvantages of each, and include Offeror recommendations with supporting rationale.

**III-9. Objections and Additions to Standard Contract Terms and Conditions.** The Offeror will identify which, if any, of the terms and conditions (contained in **Part VI**) it would like to negotiate and what additional terms and conditions the Offeror would like to add to the standard contract terms and

conditions. The Offeror's failure to make a submission under this paragraph will result in its waiving its right to do so later, but the Issuing Office may consider late objections and requests for additions if to do so, in the Issuing Office's sole discretion, would be in the best interest of the PAOAG. The Issuing Office may, in its sole discretion, accept or reject any requested changes to the standard contract terms and conditions. The Offeror shall not request changes to the other provisions of the RFP, nor shall the Offeror request to completely substitute its own terms and conditions for **Part VI**. All terms and conditions must appear in one integrated contract. The Issuing Office will not accept references to the Offeror's, or any other, online guides or online terms and conditions contained in any proposal.

Regardless of any objections set out in its proposal, the Offeror must submit its proposal, including the cost proposal, on the basis of the terms and conditions set out in **Part VI**. The Issuing Office will reject any proposal that is conditioned on the negotiation of the terms and conditions set out in **Part VI or to other provisions of the RFP as specifically identified above.**

The following are terms and conditions that are **not** negotiable:

1. Contractor Integrity provisions, as per MD 215.8 (Amended) [Contractor Integrity Provisions for Commonwealth Contracts](#);
2. Contractor Responsibility provisions, as per MD 215.9 (Amended) [Contractor Responsibility Program](#) ;
3. Nondiscrimination/Sexual Harassment Clause, as per MD 215.16 (Amended) [Contract Compliance Program](#);
4. Americans with Disabilities Act, as per MD 215.12 [Provisions Concerning The Americans With Disabilities Act](#);
5. Indemnification and Commonwealth Held Harmless provisions;
6. Right-To-Know Law;
7. Offset Provision for Commonwealth Contracts; and,
8. Choice of Law/Venue and Governing Law provisions.

## PART IV

### COST SUBMITTAL

**IV-1. Cost Submittal.** The information requested in this **Part IV** shall constitute the Cost Submittal. The Cost Submittal shall be placed in a separate sealed envelope within the sealed proposal, separated from the technical submittal. The total proposed cost should be broken down into the components set forth in **Appendix C – Cost Matrix Submittal Worksheet**. The percentage of commitment to Small Diverse Businesses and Small Businesses should not be stated in the Cost Submittal. Offerors should **not** include any assumptions in their cost submittals. If the Offeror includes assumptions in its cost submittal, the Issuing Office may reject the proposal. Offerors should direct in writing to the Issuing Office pursuant to **Part I, Section I-9** of this RFP any questions about whether a cost or other component is included or applies. All Offerors will then have the benefit of the Issuing Office’s written answer so that all proposals are submitted on the same basis.

**The Issuing Office will only pay the selected Offeror for work satisfactorily performed after execution of a written contract and the start of the contract term, in accordance with contract requirements, and only after the Issuing Office has issued a notice to proceed.**

## PART V

### SMALL DIVERSE BUSINESS AND SMALL BUSINESS PARTICIPATION SUBMITTAL

**V-1. Small Diverse Business and Small Business General Information.** The Issuing Office encourages participation by Small Diverse Businesses and Small Businesses as prime contractors, and encourages all prime contractors to make significant commitments to use Small Diverse Businesses and Small Businesses as subcontractors and suppliers.

A Small Business must meet each of the following requirements:

- The business must be a for-profit, United States business;
- The business must be independently owned;
- The business may not be dominant in its field of operation;
- The business may not employ more than 100 full-time or full-time equivalent employees;
- The business, by type, may not exceed the following three-year average gross sales:
  - Procurement Goods and Services: \$20 million
  - Construction: \$20 million
  - Building Design Services: \$7 million
  - Information Technology Goods and Services: \$25 million

For credit in the RFP scoring process, a Small Business must complete the DGS/BDISBO self-certification process. Additional information on this process can be found at:

<http://www.dgs.pa.gov/Businesses/Small%20Business%20Contracting%20Program/Pages/default.aspx>.

A Small Diverse Business is a DGS-verified minority-owned small business, woman-owned small business, veteran-owned small business, service-disabled veteran-owned small business, LGBT-owned small business, Disability-owned small business, or other small businesses as approved by DGS, that are owned and controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

For credit in the RFP scoring process, a Small Diverse Business must complete the DGS verification process. Additional information on this process can be found at:

<http://www.dgs.pa.gov/Businesses/Minority,%20Women%20and%20Veteran%20Businesses/Pages/default.aspx>.

An Offeror that qualifies as a Small Diverse Business or a Small Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

A Small Diverse Business or Small Business may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

The Department's directory of self-certified Small Businesses and DGS/BDISBO-verified Small Diverse Businesses can be accessed from:

<http://www.dgs.pa.gov/Businesses/Minority,%20Women%20and%20Veteran%20Businesses/Small-Diverse-Business-Verification/Pages/Finding-Small-Diverse-Businesses.aspx>.

Questions regarding the Small Diverse Business and Small Business Programs, including questions about the self-certification and verification processes can be directed to:

Department of General Services  
Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)  
Room 601, North Office Building  
Harrisburg, PA 17125  
Phone: (717) 783-3119  
Fax: (717) 787-7052  
Email: [RA-BDISBOVerification@pa.gov](mailto:RA-BDISBOVerification@pa.gov)  
Website: [www.dgs.pa.gov](http://www.dgs.pa.gov)

- V-2. Small Diverse Business and Small Business (SDB/SB) Participation Submittal.** All Offerors are required to submit **two (2)** copies of the Small Diverse Business and Small Business Participation Submittal Form and related Letter(s) of Intent contained in (**Appendix H**). The submittal must be sealed in its own envelope, separate from the remainder of the proposal, and must be provided on the Small Diverse Business and Small Business Participation Submittal form. To receive points for Small Diverse Business or Small Business participation commitments, the Small Diverse Business or Small Business must be listed in the Department's directory of self-certified Small Businesses and DGS/BDISBO-verified Small Diverse Businesses as of the proposal due date and time. BDISBO reserves the right to adjust overall Small Diverse Business or Small Business commitments to correctly align with the Small Diverse Business or Small Business status of a prime contractor or subcontractor as of the solicitation due date and time, and also to reflect the correct sum of individual subcontracting commitments listed within the Letters of Intent.
- A.** Offerors must indicate their status as a Small Diverse Business and as a Small Business through selection of the appropriate checkboxes.
  - B.** Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Diverse Businesses and Small Businesses as subcontractors.
  - C.** Offerors must include a listing of and required information for each of the Small Diverse Businesses and/or Small Businesses with whom they will subcontract to achieve the participation percentages outlined on the Small Diverse Business and Small Business Participation Submittal.
  - D.** Offerors must include a Letter of Intent (attached as **Appendix H** is a Letter of Intent template which may be used to satisfy these requirements) signed by both the Offeror and the Small Diverse Business or Small Business for each of the Small Diverse Businesses and Small Businesses identified in the Small Diverse Business and Small Business Participation Submittal form. At minimum, the Letter of Intent must include the following:
    - 1.** The fixed numerical percentage commitment and associated estimated dollar value of the commitment made to the Small Diverse Business or Small Business; and
    - 2.** A description of the services or supplies the Small Diverse Business or Small Business will provide; and

3. The timeframe during the initial contract term and any extensions, options and renewals when the Small Diverse Business or Small Business will perform or provide the services and/or supplies; and
4. The name and telephone number of the Offeror's point of contact for Small Diverse Business and Small Business participation; and
5. The name, address, and telephone number of the primary contact person for the Small Diverse Business or Small Business.

E. Each Small Diverse Business and Small Business commitment which is credited by BDISBO along with the overall percentage of Small Diverse Business and Small Business commitments will become contractual obligations of the selected Offeror.

**NOTE: Offerors will not receive credit for any commitments for which information as above is not included in the Small Diverse Business and Small Business Participation Submittal. Offerors will not receive credit for stating that after the contract is awarded they will find a Small Diverse or Small Business.**

**NOTE: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of Small Diverse Business and/or Small Business Status or entitle an Offeror to receive credit for Small Diverse Business or Small Business participation.**

**V-3. Contract Requirements—Small Diverse Business and Small Business Participation.** All contracts containing Small Diverse Business and Small Business Participation must contain the following contract provisions to be maintained through the initial contract term and any subsequent options or renewals:

- A. Each Small Diverse Business and Small Business commitment which was credited by BDISBO and the total percentage of such Small Diverse Business and Small Business commitments made at the time of proposal submittal, BAFO or contract negotiations, as applicable, become contractual obligations of the selected Offeror upon execution of its contract with the Commonwealth.
- B. All Small Diverse Business and Small Business subcontractors credited by BDISBO must perform at least 50% of the work subcontracted to them.
- C. The individual percentage commitments made to Small Diverse Businesses and Small Businesses cannot be altered without written approval from BDISBO.
- D. Small Diverse Business and Small Business commitments must be maintained in the event the contract is assigned to another prime contractor.
- E. The selected Offeror and each Small Diverse Business and Small Business for which a commitment was credited by BDISBO must submit a final, definitive subcontract agreement signed by the selected Offeror and the Small Diverse Business and/or Small Business to BDISBO within 30 days of the final execution date of the Commonwealth contract. A Model Subcontract Agreement which may be used to satisfy this requirement is provided in **Appendix I – Model Form of Small Diverse and Small Business Subcontract Agreement**. The subcontract must contain:

1. The specific work, supplies or services the Small Diverse Business and/or Small Business will perform; location for work performed; how the work, supplies or services relate to the project; and the specific timeframe during the initial term and any extensions, options and renewals of the prime contract when the work, supplies or services will be provided or performed.
  2. The fixed percentage commitment and associated estimated dollar value that each Small Diverse Business and/or Small Business will receive based on the final negotiated cost for the initial term of the prime contract.
  3. Payment terms indicating that the Small Diverse Business and/or Small Business will be paid for work satisfactorily completed within 14 days of the selected Offeror's receipt of payment from the Commonwealth for such work.
  4. Commercially reasonable terms for the applicable business/industry that are no less favorable than the terms of the selected Offeror's contract with the Commonwealth and that do not place disproportionate risk on the Small Diverse Business and/or Small Business relative to the nature and level of the Small Diverse Business' and/or Small Business' participation in the project.
- F.** If the selected Offeror and a Small Diverse Business or Small Business credited by BDISBO cannot agree upon a definitive subcontract within 30 days of the final execution date of the Commonwealth contract, the selected Offeror must notify BDISBO.
- G.** The Selected Offeror shall complete the Prime Contractor's Quarterly Utilization Report and submit it to the contracting officer of the Issuing Office and BDISBO within ten (10) business days at the end of each quarter of the contract term and any subsequent options or renewals. This information will be used to track and confirm the actual dollar amount paid to Small Diverse Business and Small Business subcontractors and suppliers and will serve as a record of fulfillment of the contractual commitment. If there was no activity during the quarter, the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Selected Offeror if the Utilization Report is not submitted in accordance with the schedule above.
- H.** The Selected Offeror shall notify the Contracting Officer of the Issuing Office and BDISBO when circumstances arise that may negatively impact the selected Offeror's ability to comply with Small Diverse Business and/or Small Business commitments and to provide a corrective action plan. Disputes will be decided by the Issuing Office and DGS.
- I.** If the Selected Offeror fails to satisfy its Small Diverse Business and/or Small Business commitment(s), it may be subject to a range of sanctions BDISBO deems appropriate. Such sanctions include, but are not limited to, one or more of the following: a determination that the selected Offeror is not responsible under the Contractor Responsibility Program; withholding of payments; suspension or termination of the contract together with consequential damages; revocation of the selected Offeror's Small Diverse Business status and/or Small Business status; and/or suspension or debarment from future contracting opportunities with the Commonwealth.

## **PART VI**

### **CONTRACT TERMS AND CONDITIONS**

See attached PAOAG Terms and Conditions

For purposes of the Terms and Conditions contained in Part VI, the term “Commonwealth” shall mean the PAOAG and the Commonwealth of Pennsylvania, unless the context indicates that the term refers exclusively to the PAOAG or the Commonwealth of Pennsylvania.