

Pete Ricketts, Governor

ADDENDUM EIGHT QUESTIONS and ANSWERS

Date: June 2, 2016

To: All Bidders

From: Robert Thompson/Nancy Storant, Buyers
AS Materiel, State Purchasing Bureau

RE: Addendum for Request for Proposal Number 5289Z1
to be opened ~~June 1, 2016~~ June 14, 2016 at 2:00 p.m. Central Time

Questions and Answers

Following are the questions submitted and answers provided for the above mentioned Request for Proposal. The questions and answers are to be considered as part of the Request for Proposal. It is the Bidder's responsibility to check the State Purchasing Bureau website for all addenda or amendments.

<u>Question Number</u>	<u>RFP Section Reference</u>	<u>RFP Page Number</u>	<u>Question</u>	<u>State Response</u>
1.	IV. Project Description and Scope of Work A. Project Overview, 4 th paragraph	Page 32	Please provide clarification on this sentence, "If bidding an alternant proposal, the bidder must provide a complete separate RFP response including all mandatory requirements	

Materiel Division • Bo Botelho, Materiel Administrator

			<p>(section II.N.).”</p> <p>What is the States definition for an Alternate Proposal?</p> <p>Is an Alternate Proposal required if an optional service is provided/proposed separately along with a separately bid cost per minute in the original bid response?</p>	<p>An alternate proposal would be the submission of a second cost sheet proposing an alternate solution. The alternate solution would need to be detailed in the bidder’s Technical Approach. The alternate proposal would be subject to evaluation and Per Section IV.A. Project Overview, would need to be submitted as a complete separate RFP response including all mandatory requirements (section II. N.)</p> <p>No. A bidder may propose optional services in the optional services table on the revised cost sheet (posted along with this 2nd round of Q&A on the State Purchasing Bureau website). Optional services are not to be included in the bidder’s technical approach, as optional services will not be evaluated, and must be detailed on the cost sheet, and priced per minute.</p>
2.	<p>Addendum 3</p> <p>IV. Project Description and Scope of Work</p> <p>D. Business Requirements, 2. Rates</p>	Page 34	<p>Per Addendum 3, #21, the State removed Section IV. D. 2 in its entirety and provided a replacement. The very last sentence is incomplete in this revision.</p> <p>“Contractor may not assess any....”</p> <p>Will the State please provide the complete sentence to this revision?</p>	<p>The following is the response for Addendum 3, question #21 in its entirety.</p> <p>2. Rates</p> <p>Per minute charges must be flat rate twenty-four (24) hours a day, seven (7) days a week.</p> <p>Rates must remain firm for the first five (5) years of the contract. Prices may be subject to change after the initial five (5) year period. All government-mandated fees and taxes must be included in the rates, as no add-ons will be accepted. Such changes shall be based on industry changes as evidenced by revised printed price lists, verifiable documented cost increases or notices. A request for price increase shall be provided in writing, to The Nebraska State Purchasing Bureau at least thirty (30) days prior to any price increase of the contract. No price increases are to be billed to NDCS without prior written approval by the State Purchasing Bureau and the NDCS Purchasing Division. State Purchasing Bureau reserves the right to accept or reject any price increase request. In the event new prices are not acceptable, the contract may be cancelled.</p>

				<p>Approved price increases shall become part of the new contract as an amendment and will be recognized as firm contract pricing. Revised pricing will carry over to any subsequent renewals or revisions unless specifically revised and agreed upon by both parties. Bidders must provide their proposed rates for all categories listed on the cost proposal sheet.</p> <p>Failure to provide rates as outlined may be grounds for rejection of proposal.</p> <p>Any and all charges billable to the inmates and their families must be detailed in the Bidder's cost proposal. Contractor may not assess any charges to any party in connection with this service that are not outlined in their proposal response.</p> <p>NOTE: Section IV.D.2. has been further amended in response to question #12 below.</p>
3.			<p>Please provide clarification on differences and mandates for submitting multiple cost proposals and optional cost products and services and the metrics for both.</p>	<p>Please see response to Question #1.</p>
4.			<p>On Addendum #3 Questions and Answers, I have a point of clarification. On pages 4 and 5 in response to question # 20, the last statement in your answer (page 5) refers to "A Revised Attachment Two Cost Sheet, with space to include optional products or services". I cannot locate this document.</p> <p>Can you confirm that it has been issued and if so, where I might locate and download the document?</p>	<p>Revised Attachment Two was not posted as some of the possible revisions were dependent on responses to the questions from Round 1 that were deferred until Round 2. The Revised Attachment Two is now posted and available on the State Purchasing Bureau website.</p>

5.			<p>In the last RFP (5094Z1 Addendum 7 dated Oct. 26, 2015) the State indicated the desire to add 63 outdoor phones: "The Nebraska Department of Correctional Services is adding additional phones for outdoor use. These phones must be able to withstand harsh weather and treatment by an inmate population".</p> <p>Q: Are these phones included in the phone count provided in Attachment One of RFP 5289Z1? If not, is it still the State's desire to add these phones?</p>	<p>The outdoor phone count is a separate count from Attachment One.</p> <p>Yes, it is still the desire of the State to add these phones. Table below provides approximate phone count for outdoor use phones.</p> <p>The Nebraska Department of Correctional Services is adding additional phones for outdoor use. These phones must be able to withstand harsh weather and treatment by an inmate population. Additional outdoor phones by facility are noted as follows:</p> <table border="1" data-bbox="1213 987 1906 1390"> <thead> <tr> <th>Facility</th> <th>General Population</th> <th></th> <th>Facility</th> <th>Restrictive Housing** Quantity of Phones</th> </tr> </thead> <tbody> <tr> <td>LCC</td> <td>4</td> <td></td> <td>LCC</td> <td>8</td> </tr> <tr> <td>NCCW</td> <td>4</td> <td></td> <td>NCCW</td> <td>3</td> </tr> <tr> <td>NSP</td> <td>8</td> <td></td> <td>NSP</td> <td>8</td> </tr> <tr> <td>OCC</td> <td>4</td> <td></td> <td>OCC</td> <td>2</td> </tr> <tr> <td>TSCI</td> <td>4</td> <td></td> <td>TSCI</td> <td>16</td> </tr> </tbody> </table>	Facility	General Population		Facility	Restrictive Housing** Quantity of Phones	LCC	4		LCC	8	NCCW	4		NCCW	3	NSP	8		NSP	8	OCC	4		OCC	2	TSCI	4		TSCI	16
Facility	General Population		Facility	Restrictive Housing** Quantity of Phones																														
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				<table border="1"> <tr> <td>WEC</td> <td>2</td> <td>WEC</td> <td>0</td> </tr> </table> <p>** NOTE: Restrictive Housing Phones must be a highly rugged/durable phone that can withstand harsh treatment by the inmate population.</p> <p>Awarded contractor will work with NDCS to establish location and implement these outdoor phones.</p>	WEC	2	WEC	0
WEC	2	WEC	0					
6.		n/a	<p>What is the importance to NDCS with regard to security and date protection?</p> <p>We respectfully request that the RFP be amended to require all submitting vendors to supply any and all security breaches that they, and/or any of their partners, their subsidiaries, or parent companies have had within the past five (5) years— as well as nature of the breach.</p> <p>We also respectfully request that this information be included in the evaluation of the Corporate Overview.</p>	<p>The State does not understand the reference to “security and date protection”. Contractor is responsible to perform the contract in compliance with the RFP. Section III.DDD CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND INELIGIBILITY and Section II.O. Reference checks address pass performance.</p> <p>No amendment will be added to require all submitting vendors to supply the information requested.</p> <p>This will not be included in the evaluation of the Corporate Overview.</p>				
7.	<p>Glossary of Terms:</p> <p>Vendor: An individual or entity lawfully conducting business in the State of Nebraska, or licensed to do so, who seeks to provide</p>	Page ix	<p>What is the importance to NDCS of having a partner who is fully licensed?</p> <p>We also respectfully request the RFP be amended to require vendors to disclose if, in the</p>	<p>Bidders must comply with the requirements of the State of Nebraska Department of Banking and Finance. Link provided. http://www.ndbf.ne.gov/soc/index.shtml</p> <p>Contractor is responsible to perform the contract in</p>				

	goods or services under the terms of a written solicitation.		<p>past 18 months, they have been fined by any state for not having a Money Transmitter license.</p> <p>Lastly, we respectfully request that this information be included in the evaluation of the Corporate Overview.</p>	<p>compliance with the RFP. Section III.DDD.CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND INELIGIBILITY and Section II.O. Reference checks address passed performance. No amendment will be added to require all submitting vendors. This will not be included in the evaluation of the Corporate Overview.</p>
8.	<p>II. G. ORAL INTERVIEWS/PRESENTATIONS AND/OR DEMONSTRATIONS</p> <p>The Evaluation Committee(s) may conclude after the completion of the Technical and Cost Proposal evaluation that oral interviews/presentations and/or demonstrations are required in order to determine the successful bidder. All bidders may not have an opportunity to interview/present and/or give demonstrations; the State reserves the right to select only the top scoring bidders to present/give oral</p>	Page 5	<p>What is the importance to NDCS with regard to evidence of competence and full capabilities disclosure for any and all claims made in the vendor's RFP response?</p> <p>We respectfully request that NDCS require that all vendors must be able to demonstrate, on demand and before selection, any and/or every capability claimed in their proposal.</p> <p>We also respectfully request that this information be included in the evaluation of the Technical Approach.</p>	<p>Contractor is responsible to perform the contract in compliance with the RFP.</p> <p>Oral interviews per the referenced section are at the State's option.</p> <p>This will not be included in the evaluation of the Technical Approach.</p>

	<p>interviews in its sole discretion. The scores from the oral interviews/ presentations and/or demonstrations will be added to the scores from the Technical and Cost Proposals. The presentation process will allow the bidders to demonstrate their proposal offering, explaining and/or clarifying any unusual or significant elements related to their proposals.</p> <p>Bidders' key personnel may be requested to participate in a structured interview to determine their understanding of the requirements of this proposal, their authority and reporting relationships within their firm, and their management style and philosophy. Bidders shall not be allowed to alter or amend their proposals. Only representatives of the State and the presenting bidders will be permitted to attend the oral interviews/</p>			
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	<p>presentations and/or demonstrations.</p> <p>Once the oral interviews/ presentations and/or demonstrations have been completed the State reserves the right to make a contract award without any further discussion with the bidders regarding the proposals received.</p> <p>Detailed notes of oral interviews/ presentations and/or demonstrations may be recorded and supplemental information (such as briefing charts, et cetera) may be accepted; however, such supplemental information shall not be considered an amendment to a bidders' proposal. Additional written information gathered in this manner shall not constitute replacement of proposal contents. Any cost incidental to the oral interviews/ presentations and/or demonstrations shall</p>			
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	be borne entirely by the bidder and will not be compensated by the State.			
9.	Section E. "Technical Requirements" #12 & Attachment One	Page 40 and Attachment One	Section E, #12 on Page 40 of the RFP and Attachment One dictate the quantity of phones required per facility. Are any additional phones or equipment required beyond what is detailed in this section and Attachment One?	Section IV.A. Project Overview (fifth paragraph) During the term of the contract circumstances beyond the control of the state may result in increases or decreases in revenue, as well as increase or decreases in required equipment and/or services. Such circumstances include, but are not limited to, increase/decrease in inmate population, in number of telephones and/or in number of correctional facilities. The committee representing the OCIO and the NDCS maintains sole authority to increase or decrease the quantity of facilities, inmate telephones, equipment and service, at the Contractors expense. The contractor may also be required to provide outdoor telephone services, as the need arises. Also please see response to question #5.
10.			Are any housing units in the current facilities unoccupied? If so, how many phones are in each of those unoccupied locations?	NDCS has no empty housing units. YRTC-Geneva: Two buildings with two phones in each building. YRTC-Kearney: One building with two phones however this building will reopen within the next six month.
11	Attachment One	Attachment One	Attachment One provides call volume through December 2015. Will the State please provide call volume through the end of March 2016?	Please see Attachment 1a. posted to the State Purchasing website. http://das.nebraska.gov/materiel/purchasing/5289/5289.html
12.	Business Requirements, IV-D-2 All regulatory fees must be included in the rates, as no add ons will be accepted.	34	Does the facility understand that its proposed requirement to bundle all taxes and regulatory surcharges for interstate and intrastate ICS calls may run afoul of state and federal requirements because it imposes a per minute of use	Applicable taxes and regulatory fees, per FCC rules, shall be passed through by the provider to the consumer directly with no markup. The RFP is hereby amended as follows; Section IV.D.2. Rates, is hereby removed in its entirety and replaced with the following:

			<p>recovery mechanism for amounts to be paid that are not usage sensitive?</p>	<p>2. Rates</p> <p>Per minute charges must be flat rate twenty-four (24) hours a day, seven (7) days a week.</p> <p>Rates must remain firm for the first five (5) years of the contract. Prices may be subject to change after the initial five (5) year period. Such changes shall be based on industry changes as evidenced by revised printed price lists, verifiable documented cost increases or notices. A request for price increase shall be provided in writing, to The Nebraska State Purchasing Bureau at least thirty (30) days prior to any price increase of the contract. No price increases are to be billed to NDCS without prior written approval by the State Purchasing Bureau and the NDCS Purchasing Division. State Purchasing Bureau reserves the right to accept or reject any price increase request. In the event new prices are not acceptable, the contract may be cancelled. Approved price increases shall become part of the new contract as an amendment and will be recognized as firm contract pricing. Revised pricing will carry over to any subsequent renewals or revisions unless specifically revised and agreed upon by both parties. Bidders must provide their proposed rates for all categories listed on the cost proposal sheet.</p> <p>Failure to provide rates as outlined may be grounds for rejection of proposal.</p> <p>Any and all charges billable to the inmates and their families must be detailed in the Bidder's cost proposal. Contractor may not assess any charges to any party in connection with this service that are not outlined in their proposal response.</p> <p>Section III.SS. Second paragraph, is hereby removed in its entirety and replaced with the following:</p> <p style="text-align: right;">Prices offered herein will remain firm from the date of the award for five (5) years. Prices may be subject to change after the initial five (5)</p>
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				<p>year period. Such changes shall be based on industry changes as evidenced by revised printed price lists, verifiable documented cost increases or notices. A request for price increase shall be provided in writing, to The Nebraska State Purchasing Bureau at least thirty (30) days prior to any price increase of the contract. No price increases are to be billed to NDCS without prior written approval by the State Purchasing Bureau and the NDCS Purchasing Division. State Purchasing Bureau reserves the right to accept or reject any price increase request. In the event new prices are not acceptable, the contract may be cancelled. Approved price increases shall become part of the new contract as an amendment and will be recognized as firm contract pricing. Revised pricing will carry over to any subsequent renewals or revisions unless specifically revised and agreed upon by both parties.</p>
13.	Cost Sheet	n/a	If a vendor offers optional products without listing the cost of those optional products, is that grounds for disqualification?	The proposal would not be disqualified, as optional products are not evaluated. However, optional products/services proposed without pricing would not ever be able to be awarded and utilized by the state without a fixed cost being provided with the proposal submission.
14.	General Question regarding pre-bid meeting.		At the recently concluded pre-bid meeting, it was mentioned that there would be a new pricing sheet released that would allow for bidders to submit pricing for optional services. Does the State still plan to revise the pricing sheet	<p>Yes, Please see response to question #4</p> <p>Bidder should not modify the cost sheet.</p>

			or should the bidders include optional services pricing in the current pricing sheet by modifying it?	
The following were submitted for the first round of questions, however, the responses were delayed until after the Preproposal Conference.				
25.	IV.D.6 Prepay by Inmate Families & Revised Evaluation Criteria	p 35 in RFP & p 1 in Revised Evaluation Criteria	<p>Provision states that account setup fees will be identified in the proposal. Account setup fees are not among the permitted fees in the most recent FCC Order, and would therefore not be permitted to be charged.</p> <p>Q: Would the State modify the RFP and Evaluation Criteria to disallow account setup fees?</p>	The requirement will remain as written in the RFP.

26.	IV.D.6 Prepay by Inmate Families & Revised Evaluation Criteria	p 35 in RFP & p 1 in Revised Evaluation Criteria	<p>Provision states that (1) all monies paid to the contractor by inmate families will be credited to the families account and (2) contractors are allowed to charge a fee to cover the cost of accepting credit card payments from families with the fee not to exceed 5%. In addition the Revised Evaluation Criteria list only Account Setup Fees as fees to be proposed and evaluated.</p> <p>Some providers direct families away from setting up accounts (which take time to process) and toward "single pay" programs such as text payment to a cell phone or automated payment by phone (trade names e.g. text collect, PayNow). These require use of automated payment systems and avoid the cost of setting up an account, as well as forcing families to pay a transaction fee every time they receive a call.</p> <p>Q#1: For these reasons will the State explicitly disallow these single pay programs?.</p>	No. Bidders may accept/propose whatever form(s) of payment they choose, provided they comply with the requirements of the RFP. An awarded contractor cannot charge any fees that are not allowed by the RFP. The 5% reference in the question is specifically for acceptance of credit card payments and will not apply to any other form of payment.
27.			Q#2: If a respondent proposed a transaction fee to families lower than 5%, would it receive additional points in the	No.

			evaluation?	
28.			Q#3: If it would receive more points in the evaluation, would the State modify the Evaluation Criteria to include account transaction fees? At the State's current usage we would expect approximately 550 transactions per month. If single pay methods were allowed, the number of transaction fee events would be several times this amount	Not applicable, please see response to question # 27.
31.	IV.E.6	38	<p>Bidder must identify their capability to allow the facility to terminate the cell signal when signal is within a specified distance from the facility. We assume this means that the system must terminate an inmate call to a called party cell phone outside the facility, if that called party cell phone is within a specified distance from the facility; terminating the called party's actual cell signal would violate federal regulation.</p> <p>Q: Would the State confirm our interpretation of the requirement?</p>	<p>The RFP is hereby amended as follows: Section IV.6., eighth paragraph is removed in its entirety and replaced with the following.</p> <p>Bidder must identify any capability or technology they have that might identify calls to cellular phones and their proximity to the correctional facility when calls are in progress.</p>

This addendum will become part of the proposal and should be acknowledged with the Request for Proposal.