

Pete Ricketts, Governor

ADDENDUM THREE QUESTIONS and ANSWERS

Date: April 26, 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 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.			Whether companies from Outside USA can apply for this? (like, from India or Canada)	Yes, companies from outside the USA may submit a proposal.
2.			Whether we need to come over there for meetings?	The proposal and contract execution require a physical presence.
3.			Can we perform the tasks (related to RFP) outside USA ? (like, from India or Canada)	No, contract execution requires a physical presence.
4.			Can we submit the proposals via email?	No, per the Request for Proposal for Contractual Services Form, item 1. "Sealed proposals must be received in State Purchasing Bureau by the date and time of proposal opening per the schedule of events. No late proposals will be accepted. No electronic, e-mail, fax, voice, or telephone proposals will be

				accepted.”
5.			Why was the previous Inmate Calling Services RFP (#5094 Z1) from August 2015 cancelled?	All bids were rejected in order for the State to revise the RFP and re-release.
6.			Who is the current provider for the Inmate Calling Services?	Public Communications Services, Inc.
7.			What is the current commission rate for the state on the Inmate Calling Services?	Zero. NDCS does not receive any commissions.
8.			Who provides the Inmate Commissary Services?	This is an internal system developed within the State of Nebraska.
9.			Having attended (at considerable time and expense) the last 4 day mandatory site visit in August 2015 for the previous, but internally rejected RFP process, is it still mandatory they we again visit the same sites to participate in this current RFP process? We would greatly appreciate any consideration for an "exemption" for those who previous invested in this aspect of the prior release of the Nebraska DOC RFP for inmate phones.	<p>Per Section II. F.PRE-PROPOSAL CONFERENCE AND SITE VISITS & Form B Important Notice:</p> <p>“Attendance at the pre-proposal conference and all site visits is mandatory in order to submit a proposal (bidders who attended the site visits in response to 5094Z1 are not required to attend the site visits for 5289Z1 – but must still attend the pre-proposal conference on Day 1, per the schedule of events .”</p> <p>All bidders must attend the mandatory pre-proposal conference on Day 1. The following vendors are excused from attending all site visits.</p> <p>CenturyLink GTL Legacy Inmate Comm. Securus Technologies Telmate X Direct</p> <p>All other bidders must attend the mandatory pre-proposal conference and all of the site visits conducted all four days, per the schedule of events.</p>
10.	III. Terms And Conditions FF. Performance Bond	Page 21	Please confirm if the Performance Bond is to be submitted with the RFP response.	The Performance Bond is NOT to be submitted with the RFP response. The bond is only required of the bidder who is in receipt of an intent to award and would be required prior to contract execution.
11.			Please provide your current ADP.	5225 as of 4/22/2016; does not include inmates NDCS houses in county jails.

12.			In the Q&A for the previous ITS RFP, you stated you had no ICE detainees. Is this still the case?	Yes.
13.			You provided call information for a 12-month period with the previous ITS RFP (Revised Attachment One, showing call data from 2014 and facility populations as of June 30, 2015). Could you please provide updated information?	Please refer to Attachment One, as posted.
14.			What educational programs do you currently have in place?	Core educational programs are High School and Adult Education classes and English as a Second Language (ESL).
15.	Request for Proposal for Contractual Service Form	i	"Cost proposals will not be considered propriety." We assume the last word of this statement is meant to be "proprietary." Please confirm or advise if this is not the case.	<p>Correct, "proprietary" is the correct term.</p> <p>The RFP is hereby amended to remove in its entirety, the second paragraph under IMPORTANT NOTICE on the REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES FORM, with the following:</p> <p>In addition, all responses to Requests for Proposals will be posted to the Department of Administrative Services public website. The public posting will include figures, illustrations, photographs, charts, or other supplementary material. Proprietary information identified and marked according to state law is exempt from posting. To exempt proprietary information you must submit a written showing that the release of the information would give an advantage to named business competitor(s) and show that the named business competitor(s) will gain a demonstrated advantage by disclosure of information. The mere assertion that information is proprietary is not sufficient. (Attorney General Opinion No. 92068, April 27, 1992) The agency will then determine if the interests served by nondisclosure outweigh any public purpose served by</p>

				disclosure. Cost proposals will not be considered proprietary.
16..	Request for Proposal for Contractual Service Form	i	"Failure to agree to the reservation and waiver of protection will result in the response to the RFP being non-conforming and rejected." Where in our response would you prefer we agree to this provision?	Signing the REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES FORM, is the bidders acceptance.
17.	III.EEE	31	"The Contractor may extend the contract to political subdivisions conditioned upon the honoring of the prices charged to the State": Q: What other governmental entities are currently participating with the State in the procurement of an Inmate Telephone System as a Political Subdivision?	None. The condition is optional on behalf of the contractor.
18.	Revised Evaluation Criteria	p. 1 of Revised Criteria	We understand that traditional collect is a preferred but not required billing option. As the state is likely aware, collect is more expensive to provide than prepaid or debit. In addition, the Evaluation Criteria provide minutes for Pre-Pay Calling to be used in the evaluation but not collect. Q#1: Will collect rates be evaluated/scored?	No. Please refer to the Evaluation Criteria, as posted.
19.			Q#2: Because collect is more expensive to provide, may vendors propose a slightly higher rate for collect? If so, how will those rates be evaluated?	Bidder is to determine the cost proposed. Please see response to question 18.
20.	IV. A. Project Overview	32	RFP states "Optional products must be clearly identified...and provide the optional cost separately from the bid cost per minute." Also, "If bidding an alternant proposal, bidder must complete a separate RFP response including all mandatory requirements..."	Correct. If a bidder wishes to propose an alternant solution that would be evaluated and scored, a complete separate RFP response would need to be submitted and would need to meet all of the mandatory requirements. However, bidders may also provide

			<p>We read this as saying that if a respondent wished to propose the "base" telephone system as required <i>and</i> propose optional products that might impact the costs to end-users, that it should submit one proposal with optional products clearly identified and priced. I.e. a separate proposal would be necessary only if the respondent were proposing an alternative to the baseline functionality requested in the RFP.</p> <p>Q: Would the State confirm our understanding?</p>	<p>pricing for optional products or services that the State may procure from the awarded contractor that are not included in the technical proposal or built into the required Debit Calling and Pre-Pay cost per minute portion of the Cost Sheet.</p> <p>A Revised Attachment Two Cost Sheet has been posted with space provided to include optional products or services.</p>
21.	IV. D.2 Rates	34	<p>Provision states "All call connect/surcharge fees will be identified by type of call". However the most recent FCC Order in WC Docket 12-375 prohibits per-call connect fees.</p> <p>Q: For maximum clarity will the State remove this sentence from IV.D.2?</p>	<p>The RFP is hereby amended to remove Section IV. D. 2., in its entirety and is replaced with the following:</p> <p>2. Rates Per minute charges must be flat rate twenty-four (24) hours a day, seven (7) days a week. 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. Approved price increases shall become part of the new contract as an amendment and will be recognized as firm contract pricing.</p>

				<p>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</p>
22.	IV. D.2 Rates & Revised Evaluation Criteria	p. 34 in RFP & p.1 in Revised Evaluation Criteria	<p>We read IV.D.2 and the Evaluation Criteria to say that different rates may be charged by call category (local vs. intraLATA, etc.), and that intraLATA will receive approximately 70% of the weighting in calculating the lowest cost submitted.</p> <p>Q#1: Will the State confirm our interpretation?</p>	<p>Bidder's prices will be multiplied by the quantity given (in the table at the bottom of the Evaluation Criteria) for each call type, and added together. This total sum will be calculated using the formula provided with the Evaluation Criteria to arrive at the cost points for each bidder.</p>
23.			<p>Q#2: Will the State provide a breakdown of actual calls and minutes for the past 12 months by local, intraLATA, interLATA, interstate, and international? This breakdown would also help vendors calculate the mix of jurisdictions and tax rates that must be bundled into the offered call rates.</p>	<p>Please refer to Attachment One, as posted.</p>
24,	IV.D.2 Rates	34	<p>Provision states that "All regulatory fees must be included in the rates, as no add-ons will be accepted." We read this as saying that all regulatory fees (e.g. FCC-mandated USF and other taxes (e.g. sales tax) of any type must be bundled into the proposed rates. Although unlikely, it is possible that some respondents may view regulatory fees as separate from taxes.</p> <p>Q: Would the State consider</p>	<p>Please see response to question 21.</p>

			revising the requirement to state "All government-mandated fees and taxes must be included in the rates, as no add-ons will be accepted."?	
25.	IV.D.6 Prepay by Inmate Families & Revised Evaluation Criteria	p 35 in RFP & p 1 in Revised Evaluation Criteria	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. Q: Would the State modify the RFP and Evaluation Criteria to disallow account setup fees?	This question will be addressed at the preproposal conference and responded to in the second round of Questions and Answers.
26.	IV.D.6 Prepay by Inmate Families & Revised Evaluation Criteria	p 35 in RFP & p 1 in Revised Evaluation Criteria	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. 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. Q#1: For these reasons will the State explicitly disallow these single pay programs?.	This question will be addressed at the preproposal conference and responded to in the second round of Questions and Answers.
27.			Q#2: If a respondent proposed a transaction fee to families lower than 5%, would	This question will be addressed at the preproposal conference and responded to in the second round of Questions and Answers.

			it receive additional points in the 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	This question will be addressed at the preproposal conference and responded to in the second round of Questions and Answers.
29.	IV.D.6 Prepay by Inmate Families & Revised Evaluation Criteria	p 35 in RFP & p 1 in Revised Evaluation Criteria	Q #1: Will third-party cash vendors such as Western Union be allowed for family members who are "unbanked"?	Contractor determines if they will accept third-party cash vendors such as Western Union for payment.
30.			Q #2: If so, will the State require vendors to disclose these fees and certify that the fees do not include any markup from the third party, including but not limited to 'direct' markup, revenue sharing of any sort between the provider and the third party, volume rebates, etc.?	If contractor does allow, contractor must not charge any additional fees and or mark up.
31.	IV.E.6	38	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. Q: Would the State confirm our interpretation of the requirement?	This question will be addressed at the preproposal conference and responded to in the second round of Questions and Answers.

32.			I would like to clarify whether [REDACTED] will need to attend the Pre-Proposal Conference and Site Visit on May 2-5 since we attended the last one that was held back on August 25, 2015.	Please see response to question number 9.
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This addendum will become part of the proposal and should be acknowledged with the Request for Proposal.