

ATTACHMENT FIVE
Liquidated Damages

RFP 6101 Z1

Payment will be reduced for Contractor's failure to resolve problems in accordance with the following schedule. If the Contractor is awaiting additional information from DHHS regarding an incident for more than one (1) business day, the Liquidated Damages calculation will pause when the information is requested, and resume when the information is provided. Additionally, Liquidated Damages do not apply if the reported issue is not related in any way to the Contractor's software or interaction with it (e.g., DHHS network not functioning). A problem will be considered resolved when both parties agree that the Contractor has provided a permanent solution to the software issue.

Failed Problem Resolution	Liquidated Damages
Out of Business: The software incident causes the system to be completely down and DHHS is unable to conduct business with the software.	<p>Contractor will provide a viable workaround or a permanent solution to the problem within two (2) business days. If a viable workaround is not provided within two (2) business days, a damage of one thousand dollars (\$1,000.00) will be assessed on the third (3rd) business day and on each business day thereafter that the system is still down.</p> <p>If a permanent solution is not provided within forty five (45) calendar days, a damage of one thousand dollars (\$1,000.00) will be assessed on the forty sixth (46th) calendar day and on each calendar day thereafter until the permanent solution is provided, and both parties agree that the Contractor has provided a permanent solution to the software problem.</p>
Time Sensitive: The software incident pertains to time sensitive functions, such as processing payments and issuing or renewing licenses.	<p>Contractor will provide a viable workaround or a permanent solution within three (3) business days. If a viable workaround is not provided within three (3) business days, a damage of five hundred dollars (\$500.00) will be assessed on the fourth (4th) business day and on each business day thereafter that no viable workaround is provided.</p> <p>If a permanent solution is not provided within sixty (60) calendar days, a damage of five hundred dollars (\$500.00) will be assessed on the sixty first (61st) calendar day and on each calendar day thereafter until the permanent solution is provided, and both parties agree that the Contractor has provided a permanent solution to the software problem.</p>