

**Amendment #2  
RFP # F50B4400058****LEARNING MANAGEMENT SYSTEM FOR THE STATE OF MARYLAND****February 21, 2014**

Ladies/Gentlemen:

This Amendment #2 is being issued to amend and clarify certain information contained in the above referenced RFQ. All information contained herein is binding on all Offerors who respond to this RFQ. Specific parts of the RFQ have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (i.e., **word**) and language deleted has been marked with a strikethrough (i.e., ~~word~~).

**1. Revise Section 3.4.1 – Format of Technical Proposal – Section 8 – Past Performance (p.14) as follows:**

This section shall include the following:

1. The Offeror shall provide evidence of its capabilities to provide the services outlined in Section 2.2 of this RFQ.
2. The Offeror shall provide at least ~~six~~ **three** (3) examples of successful projects (on time, within budget, within scope). The example(s) shall include the project name, the services provided, project cost and the objectives satisfied. The example(s) shall demonstrate the Offeror meets the minimum qualifications in Section 2.3.

**2. Revise Section 3.4.1 – Format of Technical Proposal – Section 10 – Required Attachments (p.14) as follows:**

1. Attachment B- Completed Bid/Proposal Affidavit
2. Attachment F – Completed Conflict of Interest Affidavit
- 3. Attachment G – Living Wage Affidavit**

**3. Revise Attachment F – Conflict of Interest Affidavit as follows:**

**A. "Conflict of interest" means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the State, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.**

**B. "Person" has the meaning stated in COMAR 21.01.02.01B(64) and includes an offeror, contractor, consultant, or subcontractor or sub consultant at any tier, and also includes an employee or agent of any of them if the employee or agent has or will have the authority to control or supervise all or a portion of the work for which a bid or offer is made.**

C. The offeror warrants that, except as disclosed in §D, below, there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a conflict of interest.

D. The following facts or circumstances give rise or could in the future give rise to a conflict of interest (explain detail—attach additional sheets if necessary):

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E. The offeror agrees that if an actual or potential conflict of interest arises after the date of this affidavit, the offeror shall immediately make a full disclosure in writing to the procurement officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the offeror has taken and proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest. If the contract has been awarded and performance of the contract has begun, the contractor shall continue performance until notified by the procurement officer of any contrary action to be taken.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
(Authorized Representative and Affiant)

4. Revise Attachment G – Living Wage Affidavit as follows:

Contract No. \_\_\_\_\_  
Name of Contractor \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

If the Contract is Exempt from the Living Wage Law

The Undersigned, being an authorized representative of the above named Contractor, hereby affirms that the Contract is exempt from Maryland’s Living Wage Law for the following reasons: (check all that apply)

- Bidder/Offeror is a nonprofit organization
- Bidder/Offeror is a public service company
- Bidder/Offeror employs 10 or fewer employees and the proposed contract value is less than \$500,000
- Bidder/Offeror employs more than 10 employees and the proposed contract value is less than \$100,000

If the Contract is a Living Wage Contract

A. The Undersigned, being an authorized representative of the above named Contractor, hereby affirms our commitment to comply with Title 18, State Finance and Procurement Article,

Annotated Code of Maryland and, if required, to submit all payroll reports to the Commissioner of Labor and Industry with regard to the above stated contract. The Bidder/Offeror agrees to pay covered employees who are subject to living wage at least the living wage rate in effect at the time service is provided for hours spent on State contract activities, and to ensure that its Subcontractors who are not exempt also pay the required living wage rate to their covered employees who are subject to the living wage for hours spent on a State contract for services. The Contractor agrees to comply with, and ensure its Subcontractors comply with, the rate requirements during the initial term of the contract and all subsequent renewal periods, including any increases in the wage rate established by the Commissioner of Labor and Industry, automatically upon the effective date of the revised wage rate.

**B.** \_\_\_\_\_ (initial here if applicable) The Bidder/Offeror affirms it has no covered employees for the following reasons (check all that apply):

All employee(s) proposed to work on the State contract will spend less than one-half of the employee's time during every work week on the State contract;

All employee(s) proposed to work on the State contract will be 17 years of age or younger during the duration of the State contract; or

All employee(s) proposed to work on the State contract will work less than 13 consecutive weeks on the State contract.

The Commissioner of Labor and Industry reserves the right to request payroll records and other data that the Commissioner deems sufficient to confirm these affirmations at any time.

Name of Authorized Representative:

\_\_\_\_\_  
Signature of Authorized Representative:

\_\_\_\_\_  
Date: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Name (Typed or Printed):

\_\_\_\_\_  
Witness Signature & Date:

Issued by  
Michael Meinel  
Procurement Officer