

**QUESTIONS AND RESPONSES #1**  
**PROJECT NO. 050R5800163**  
**Consulting and Technical Services (CATS)**  
**RFP**  
**September 1, 2005**  
**Questions and Responses**

Ladies/Gentlemen:

This list of questions and responses is being issued to clarify certain information contained in the above-referenced RFP. The statements and interpretations contained in the following responses to questions by potential offerors are not binding on the State, unless an addendum expressly amends the RFP. Nothing in the State's response to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor.

1. Question: Can an offeror submit a proposal as a prime for one of the 15 functional areas and as a subcontractor for any other functional area?

**Response: Yes. Please note that the RFP does not require subcontractor information to be submitted with the technical proposal.**

2. Question: Contractors are required to register with the Comptroller's Office to receive payments from the State by Electronic Funds Transfer. Is an offeror required to register with the Comptroller's Office before submitting a proposal?

**Response: No. This registration must be completed by an offeror prior to receiving a contract award.**

3. Question: What is meant by "key business relationships" in Section 3.4.3.3 of the RFP?

**Response: This requirement has been removed from the RFP, see Amendment 1 to the RFP.**

4. Question: Should the year of financials required under Section 3.4.3.3 of the RFP be for a corporate fiscal year or calendar year?

**Response: The State will accept either one as long as it is for a complete 12 months. Proposals shall identify the financials submitted as for a fiscal or calendar year.**

5. Question: Section 1.11 of the RFP states that the financial submission must include an electronic copy on MS Word. Section 3.5 of the RFP requires the financial submission in Excel. Please clarify the appropriate format.

**Response: The format should be in Excel, see Amendment 1 to the RFP.**

6. Question: When is an offeror required to submit the Conflict of Interest Affidavit (Attachment G)?

**Response: As stated in Section 1.33.2 of the RFP, Attachment G is to be submitted with each Task Order Proposal (TOP) submitted in response to a Task Order Request for Proposal (TORFP).**

7. Question: If an offeror desires to propose to a functional area for which it does not have sufficient qualifications in that functional area, may the offeror partner with another organization that does have the needed qualifications?

**Response: No, partner relationships will not be considered at the Master Contract level but will be considered when responding to TOs issued under the Master Contract. Please note that an offeror can qualify for a Master Contract even if the offeror can provide only one of the examples of tasks listed in a functional area.**

8. Question: Section 2.11.8 B) of the RFP states that individuals proposed and accepted as personnel for TOAs are expected to remain dedicated throughout the TOA commitment. Are such personnel expected to work exclusively on a TOA for its duration, or can they also work on other projects in parallel as long as it does not impact work on TOA?

**Response: Proposed personnel can work on other projects as long as this does not impact the performance under a TOA.**

9. Question: What are the weights associated with the evaluation criteria for technical proposals?

**Response: There are no specific weights assigned, the criteria is in descending order of importance.**

10. Question: For a fixed-price TO that is expected to be completed in less than one year, will the contractor be required to provide hourly labor rates for contract years one through five for all labor categories proposed?

**Response: In response to the RFP, offerors are required to propose labor rates for years one through five for all labor categories proposed. In response to a TORFP, Master Contractors would propose the rates applicable to the year or years the TO work will be completed.**

11. Question: Section 1.21 Mandatory Contractual Terms of the RFP states that any exceptions to this RFP or the Contract shall be clearly identified in the Executive Summary of the technical proposal. A proposal that takes exception to these terms may be rejected. The RFP implies that exceptions may be requested; however, vendors are being forewarned that they be rejected. Please detail what determination represents (a) basis for Vendor's acceptance of "exceptions" or (b) basis of a complete rejection of "exception"?

**Response: The RFP requires that if an offeror takes exception to a term or condition of the RFP that the exception be clearly identified in the Executive Summary of the technical proposal. It does not suggest that the State will consider such exception; rather it states that a proposal that takes exception to these terms may be rejected. The State cannot negotiate separate terms with offerors. Most of the terms and conditions contained in the RFP are dictated by State law and the State has little if any room for negotiations. Any questions about the terms and conditions should be raised before proposals are due.**

12. Question: Section 2.2.1 of the RFP applies to software, source code and data databases, and derivative data products, which have been created, collected, manipulated, or

purchased are considered property of the State. Please describe the property ownership rights applicable to research and advisory services when deliverables contain a Vendor's intellectual property and include previously owned Contractor materials, tools, methodologies, questionnaires, pre-existing proprietary research, copyrighted material and other pre-existing materials and Contractor data that is used in the course of performing consulting services.

**Response: To the extent the contractor claims proprietary rights to material or property it brings into a project, contractor must disclose the nature and extent of its claim, right, or interest in such property in its TOP prior to award.**

13. Question: Section 3.4.3.2 Executive Summary of the RFP states that the summary shall also identify any exceptions the Offeror has taken to the requirements of this RFP, the Contract (Attachment A), or any other attachments. Exceptions to terms and conditions may result in having the proposal deemed unacceptable or classified as not reasonably susceptible of being selected for award. If an offeror requests supplemental, clarification, or additional language that is silent in the RFP yet still meets the mandatory requirements of the RFP, are these to be considered "unacceptable exceptions" to terms and conditions that will cause rejection?

**Response: Any questions about the terms and conditions should be raised before proposals are due.**

14. Question: Article 6: Rights to Records of Attachment A, The RFP states: "To the extent that any products created as a deliverable under this Contract are not works for hire for the State, the Contractor hereby relinquishes, transfers, and assigns to the State all of its rights, title, and interest (including all intellectual property rights) to all such products created under this Contract, and will cooperate reasonably with the State in effectuating and registering any necessary assignments." What form of "license to use" is the State willing to accept when Vendors have specific ownership of intellectual property of all previously owned Contractor materials, tools, methodologies, questionnaires, pre-existing proprietary research, copyrighted material and other pre-existing materials and Contractor data that is used in the course of performing consulting services?

**Response: The State is willing to accept a nonexclusive, perpetual, paid-in-full, broad license to use such materials and data.**

15. Question: Will the state accept additional "exception" language regarding perpetual, non-exclusive, royalty-free licenses to use the deliverables, subject to certain agreed to limitations and will such language be rejected outright by the State, or could this held under discussion prior to award?

**Response: The State is not willing to negotiate intellectual property rights and cannot negotiate separate terms with offerors.**

16. Question: Section 24: Warranties of Attachment A, in addition to the warranties in this clause, will the State consider additional warranties acceptable to both parties, such as a Vendor's Commercial warranty?

**Response: The warranties contained in section 24 of Attachment A of the RFP are mandatory provisions required by COMAR 21.07.01.22 that relate to the vendor, not the product the vendor is supplying pursuant to the terms of a TORFP, and as such, cannot be changed. A vendor who excepts to the Section 24 warranties may**

**risk having its offer deemed unacceptable or not reasonably susceptible of being selected for award.**

17. Question: Section 28: Limitation of Liability of Attachment A states “Contractor’s liability per claim shall not exceed five (5) times the total amount of the TORFP out of which the claim arises; provided however, the State may, in its sole discretion, decrease the ceiling established hereunder in any TORFP issued pursuant to this RFP.” Can the State describe how it intends to assess individual TORFP liability levels that will decrease the ceiling down to one time, two times, three times and four times a contractor’s liability?

**Response: The State will assess individual TORFP liability levels on a case-by-case basis with actual liability established based on a risk assessment of a particular task order.**

18. Question: Will firms who hold a CATS Master Contract be allowed to team together to jointly pursue a TORFP?

**Response: Yes, but one firm must submit as a Prime while the others would be considered subcontractors.**

19. Question: Will a firm holding a prime contract under CATS be permitted to add subcontractors during the course of the contract period, or do all subcontractors have to be identified in this proposal?

**Response: It is not a requirement to identify subcontractors when submitting a proposal in response to this RFP. Subcontractors can be added throughout the term of the contract.**

20. Question: If an offeror is an MDOT certified MBE, will that offeror be required to meet the MBE participation subcontracting goal that is established by a TO?

**Response: Yes, as required by law.**

21. Question: Is Attachment D-1-Master to be submitted as part of the proposal for the Master Contract Award, and then for each of the TOPs?

**Response: As required in Attachment D to the RFP, Attachment D-1-Master is required to be submitted with the Master Contract proposal. Attachment D-1 must be submitted with each TOP.**

22. Question: Under the current Technical Services Procurement (TSP) contract, the Labor Rate Schedule contains both Contractor Site and Government Site rates.

Please advise if you desire both Contractor & Government Site rates to be proposed under Table F-1, Labor Rate Schedule for the MD DBM CATS program.

**Response: No, only one labor rate is to be proposed on Table F-1 Labor Rate Schedule. The labor rates proposed shall be the maximum rate that the Contractor may charge in their TOP.**

23. Question: Are offerors expected to submit resumes with their proposals?

**Response: No, resumes need to be submitted with the TOP.**

24. Question: Other than meeting the MBE requirements, will teaming relationships be evaluated and if they are, should information about the teams be included in the technical volume of the proposal?

**Response: The RFP does not require information on teaming relationships in the technical proposal to fulfill the MBE requirements. Proposals will be evaluated based on the criteria set forth in Section 4.2 of the RFP.**

25. Question: How will a Master Contractor be reimbursed for project-related expenses if the project requires meetings at multiple client locations?

**Response: Travel will be reimbursed as stated in Section 2.2.4 of the RFP. Offerors should take this into consideration when proposing labor rates.**

26. Question: The RFP states that an offeror is required to submit one example of a successful project (on time, within budget and within scope) for each Functional Area proposed. Can an offeror submit more than one-example project in a functional area?

**Response: If an offeror desires to submit more than one, they may do so, but it is not necessary as long as one meets the requirements of Section 3.3.3.4 of the RFP. If more than one example is submitted, the most relevant example will be selected for evaluation.**

27. Question: Section 2.2.1 completely describes the hardware/software needed to complete a TO acquisition process and descriptions. Section 2.10.4 states that materials may only be invoiced at cost. Can the State define the differences between products and materials with some examples of materials?

**Response: This would be for items other than labor or ASP services.**

28. Question: The RFP states that technical proposals will be evaluated based on past experience and an offeror's general information. Is a scoring matrix going to be used??

**Response: No, proposals will be evaluated as stated in Section 4 of the RFP.**

29. Question: While presenting past experience, could DBM provide guidelines on what types of projects are recommended?

**Response: The projects submitted shall be relative to the Functional Area proposed and follow the criteria in Section 3.4.3.4 of the RFP.**

30. Question: The RFP requires only one representative project for each functional area. If a project spans multiple functional areas, can the same project be used for more than one functional area?

**Response: Yes, one project can be used as examples for multiple functional areas as long as the project is relative to the functional area.**

31. Question: Can Y2K projects be used as examples of past experience?

**Response: Yes, Y2K projects can be used as examples of past experience, however it is preferred that the most recent example project be submitted.**

32. Question: Attachment F-1 includes a consolidated list of all labor categories. Since not all types of categories will be used each functional area, is there a document which maps labor categories to functional areas?

**Response: No, labor categories are not linked to functional areas. Offerors are to propose only the labor categories they are capable of providing.**

33. Question: How will the rates proposed by an offeror be evaluated to determine award of the master contract?

**Response: The rates offered are not included in the evaluation criteria to determine award of the Master Contract.**

34. Question: Are offerors required to identify the MBEs that would be part of their team in the RFP response?

**Response: No, this is not a requirement of the RFP response but will be required in a TOP in response to a TORFP.**

35. Question: If an offeror is teaming with other companies as a prime/subcontractor relationship, do subcontractors need to submit financial information in the RFP response?

**Response: No, prime/subcontractor relationships are will not be evaluated at the Master Contract level.**

36. Question: What type of TOs will be awarded under the Master Contract?

**Response: Section 1.4 Master Contract Type identifies Fixed Price, Time & Materials, Business Beneficial, Revenue Neutral and Commission Only as the types of task orders that can be awarded.**

37. Question: Is there a page limit for each functional area response and any requirements for formatting?

**Response: No.**

38. Question: Are the proposals submitted by the current contractors under TSP and CSP available online?

**Response: No.**

39. Question: Can the State expand on content required in the Transmittal Letter?

**Response: The content is clearly stated in Section 3.4.1 of the RFP.**

40. Question: Can the State identify where the Transmittal Letter should be located in proposal?

**Response: The front of the technical proposal.**

41. Question: How will the amendments to the RFP be identified on the Procurement web site for the CATS RFP?

**Response: Amendments will be sent electronically to all offerors known to have received the RFP and who have notified the Procurement Officer of their contact information. In addition, addendums will be posted directly below the RFP on the Procurement web site for the CATS RFP.**

42. Question: Section 3.3 and 3.4.3.1 of the RFP requires that all pages of both proposal volumes be numbered consecutively from beginning to end and that a table of contents be placed after the title page in the technical proposal. Should the table of contents in the technical proposal list page numbers for the financial proposal?

**Response: No. Financial proposals are to be submitted separately from the technical proposal.**

43. Question: If an offeror is qualified to respond to most of the labor categories, for the labor categories that an offeror is not qualified, may the offeror substitute the qualifications of a sub-contractor?

**Response: Offerors are not required to submit pricing for all labor categories only those they feel qualified to provide. Labor categories are not part of the evaluation criteria at the Master Contract level. Additional labor categories may not be added under a Master Contract after the Master Contract has been awarded.**

44. Question: Page two of the RFP provides tables of TOs awarded in various functional areas for the CSP & TSP. By category, how many task orders were fixed price and how many were time & material?

**Response: That information is not available.**

45. Question: Is Functional Area Two (Web and Internet Systems) meant to encompass front-end applications and Functional Area Five (Software Engineering) meant to encompass work on back-end applications?

**Response: Functional Area Two is for a full life cycle of web engineering where Functional Area Five is a full life cycle of engineering for any platform.**

46. Question: Is a prime-prime proposal allowed as a contractor team arrangement where two offerors propose as one team to offer a full range of services and each would be awarded a Master Contract and is responsible for the work performed under each Master Contract?

**Response: Two prime offerors may not submit one proposal and receive separate Master Contracts. Only one prime can submit one proposal and receive a Master Contract. Prime/subcontractor relationships will not be evaluated at the Master Contract level.**

47. Question: Can the State estimate the percentage of work that is anticipated to be designated for Small Business?

**Response: No. The State cannot predict how many TOs will be issued under the Master Contract or the types of projects.**

48. Question: If an offeror does not have a completed project, can the one successful project be substituted with years of employee experience?

**Response: No, employee experience cannot be substituted for the example of a successful project.**

49. Question: For the Application Service Provider Functional Area can an offeror provide an example of a project that would be in the run phase-where the offeror supports and manages the daily operations of the application? These types of project have no definitive end dates as the client continually renews the run effort, but an offeror could present that the project is on budget, on schedule, and in scope per the yearly planning of the contract.

**Response: Yes.**

50. Question: Can past performance of data center services that are being used by the offeror's company be used as an example of a past performance?

**Response: No, if you provide data center services, you must provide a client reference other than yourself.**

51. Question: In order to qualify, must a company with wanting to propose to the GIS Functional Area also be qualified to submit proposals for functional areas other than the GIS Functional Area, for services such as training, documentation and ASP for GIS?

**Response: No, offerors with GIS experience only have to submit a proposal under the Functional Area for GIS.**

52. Question: For the sample projects where an offeror has performed as a sub-contractor, should the offeror provide the contact information for the prime contractor or client?

**Response: The client.**

53. Question: Can an offeror use as an example of a past performance a project that has not yet been completed?

**Response: Yes, provided the project is substantially complete. Also, the evaluation and will depend on the outcome of the client reference.**

54. Question: If a contractor is located just outside the 50-mile radius, can the State clarify if any or all the travel will be reimbursable?

**Response: Travel will be reimbursed as noted in Section 2.2.4 of the RFP.**

55. Question: Section 2.3.8 of the RFP, Application Service Provider, is the State looking for a contractor to host an application or a contractor to provide the technologies that the State will use to host an application?

**Response: As an Application Service Provider, the State is looking for a company to host the application.**

56. Question: When proposing the rates for the labor categories, does the offeror fill out the rate for each year, and if so, does that mean each year can have a different rate?

**Response: Offerors may propose different rates for each year on the financial proposal form (Attachment F-1).**

57. Question: Where does an offeror obtain a registration number for eMarylandMarketplace?

**Response: Please see Section 1.9 of the RFP for the web site to register.**

58. Question: Can the State clarify that the flat rate per month by contract year requested for ASP pricing includes the baseline cost to provide a hosted service-based application for license fee for applications owned by a contractor with help desk and technical support? In addition, can the State confirm that the flat rate per month by contract year does not include the hardware, software and telecommunications costs associated with deployment?

**Answer: The flat rate per month by contract year shall include all costs associated with providing this service, including deployment costs. Offerors can estimate the maximum cost at the Master Contract level and adjust the cost at the TO to be more competitive.**