

**Question and Responses Document No. 3**  
**Request for Proposals**  
**Consulting and Technical Services (CATS) II**  
**RFP #060B9800035**  
**October 22, 2008**

109. Can an MBE subcontractors' past performance be used as past performance when submitting a proposal in response to the RFP?

Response: Yes.

110. Does a certificate of insurance have to be included in the technical proposal in response to the RFP?

Response: Yes, see RFP Section 3.4.3.5.

111. Should an Offeror submit only one proposal if proposing to multiple functional areas or should an Offeror submit one proposal for each functional area?

Response: Instructions are provided in RFP Sections 3.1, 3.2, 3.3.

112. Can proposals be delivered in person to the procurement officer on Nov. 5<sup>th</sup>?

Response: Yes, proposals must be received by the cut-off time of 2:00 PM EST.

113. Are there any required font types or sizes to be used for the proposal in response to the RFP?

Response: No.

114. RFP, Section 3.4.3.3, what meant by a Certified Financial Statement?

Response: It is an account of the assets, liabilities, income and expenses, executed in accordance with generally accepted accounting principles.

115. RFP Section 3.4.3.3, what is meant by "Successful financial track record" and where would an Offeror obtain this document?

Response: This can be any document or set of documents the Offeror chooses to document it's company's financial status and solvency.

116. RFP, Section 3.4.3.3, item 2, are items a. through f. required?

Response: No - Please refer to verbiage in the referenced section, which reads: "Documentation .....**may include,....., one, some or all** of the following" (list follows).

117. Would a Baltimore City project count in as Maryland Past Performance?

Response: If you are referring to RFP Section 3.4.3.4 Items 1 through 3, as a past performance to qualify, then it would count. If you are referring to RFP Section 3.4.3.4 Item 4, State of Maryland Experience, then it would not count. Please note that State of Maryland experience is not a requirement of the RFP in order to qualify as a Master Contractor.

118. RFP Section 1.26 states that a completed and signed Living Wage Affidavit Master (Attachment I) must be submitted with a Master Contractor's responses to each TORFP. Section 3.4.3.6 lists Attachment I as one of the required submissions. Can the Department please confirm whether or not a completed Attachment I must be submitted with the proposal?

Response: The reference in RFP Section 3.4.3.6 is an error, **Attachment I is not a required submission item for a proposal to the Master RFP**; the error has been corrected by amendment.

119. Financial Proposal - This section requires the completion of **Attachment F-A** for functional areas 1-12 and 15-17. For these areas, will the State please confirm that we should use the tab titled "Labor Rates F-1" in Attachment F – Price Forms F-1-4?

Response: Yes. All F-A tabs applicable to the functional areas proposed must be completed.

120. If an Offeror was incorporated on January 30<sup>th</sup>, 2007, the Offeror would not meet the minimum experience threshold by about 3 months. Would the Offeror meet the experience requirements by the time the awards are completed?

Response: Only established companies with a minimum of two years' experience prior to the due date for proposals may propose to become a Master Contractor.

121. Is there any experience requirement in order to sub-contract with a prime on CATS II?

Response: There is no subcontracting at the Master Contract RFP level. Experience requirements are determined at the TORFP/RFR level and are required of the prime.

122. Is the State of Maryland to be named on the Certificate of Insurance at the time of proposal submission or award?

Response: At award of the Master Contract.

123. We are a Maryland based start-up company and do not have corporate past performance. Our principals have significant State of Maryland experience acquired through previous employment with other companies. Can we use that as past performance?

Response: Only established companies with a minimum of two years' experience prior to the due date for proposals may propose to become a Master Contractor.

124. If it is the Master Contractor's responsibility to purchase a license agreement to use a required product, will the Master Contractor be able to re-coop the cost of the license from the state?

Response: Such arrangements will be addressed at the individual TORFP level.

125. Attachment F contains price schedules for Labor Rates, ASP costs, and Telecom Audits. If an Offeror has a price structure that does not fit any of these categories, is there an appropriate place in the proposal to list these prices? For example, electronic document conversion or paper scanning projects are traditionally priced per page converted or scanned rather than as labor hours. If there is no place for such a price list in this proposal, should such prices be equated to labor hours? If none of the tables in Attachment F are used in the proposal, is the proposal invalidated?

Response: Covert/equate to labor hours, do not alter the price proposal forms; alterations will invalidate the submission. Offerors must submit a financial proposal in addition to the technical proposal. Industry-specific adjustments will be addressed at the TORFP level.

126. RFP Attachment F, states "E) All Unit Prices must be the actual price the State shall pay for the proposed item per this RFP and may not be contingent on any other factor or condition in any manner." What is meant by 'Unit Prices', and is there a Price Form available in which to list Unit Prices?

Response: Unit is whatever it is designated to be, i.e., the "Unit" in labor category pricing is one hour.

127. Is a hard copy of the Proposal Registration Form required along with the Proposal, or is an online completion of the form adequate?

Response: The on-line Proposal Registration Form is the only requirement.

128. Can the State describe or list ahead of time the information that will be required on the Proposal Registration Form, so that Offerors are prepared to complete the form?

Response: The on-line Proposal Registration Form requires Offeror name, contact information and functional areas proposed.

129. Would the State be willing to accept a Letter of Credit at the beginning of a project for the total retainage amount of the TO Agreement as a viable option to subtracting retainage as a percentage when issuing payment of invoices?

Response: No, Letters of Credit will not be acceptable as a form of retainage.

130. The definition for Software Source Code Documentation includes a copy of the development software used to write and compile the source code. RFP Section 2.2.1.2 Paragraph B under Custom Software requires that the Master Contractor shall convey to the State all rights, title, and interests in all custom software, licenses, software source codes, and all associated Software Source Code. Does this mean that when a Master Contractor responds to a TORFP to develop an application, the Master Contractor needs to include in the price proposal the cost of the software licenses for the development tools that the Master Contractor will use, and at the conclusion of the project transfer those licenses to the State? And if so, will the Cost Sheets included with the TORFP have a separate area for the Master Contractor to indicate these costs, so that if the State desires they may acquire those licenses through a different contract?

Response: What the State will most likely require is the copy of the source code, provided the development software is commercially available for license by the State or a third party. If proprietary development software is required, which is not available to the State, providing just the source code alone would not satisfy RFP Section 2.2.1.2 Paragraph B. Price proposals will be crafted for each TORFP to address all requirements and opportunities shall be provided at the TORFP level to clarify pricing requirements if needed.

131. Will Master Contractors be limited to responding to TORFPs for only those services offered in the Offeror's technical proposal when responding to the RFP? For example, if an Offeror has an Email ASP solution when responding to the RFP, but expects to provide other offerings after award of the Master Contract, will the Master Contractor be limited to a responding only to TORFP opportunities for the ASP services under the Master Contract?

Response: The requirements for each functional area in the RFP are only examples of the work that may be requested in a TORFP/RFR. Offerors are required to submit one successful past performance for each functional area proposed. Master Contractors will not be limited to competing only for the services provided under any past performance. Once qualified under the Master

Contract, all Master Contractors may respond to any TORFP/RFR released under the functional areas for which the Master Contractor was awarded.

132. Will the price per user for ASP services proposed when responding to the RFP become the ceiling rate for ASP once the Master Contract is awarded or will the Master Contractor have the opportunity to provide a price per user based on the requirements of a TORFP?

Response: Prices proposed in response to the RFP are the maximum rates that a Master Contractor can propose when responding to a TORFP/RFR.

133. In order to meet the required MBE participation goal specified in a TORFP, must the MBE be a Master Contractor under the CATS II Master Contract or does the MBE only need to be a Maryland certified MBE through MDOT?

Response: The MBE need only be certified by MDOT, see RFP Section 1.24.

134. The RFP states that the SBR concerns are at 10% for all Maryland government agencies. With that in mind, are there any set aside awards for the minority small business registered in the State of Maryland under CATS II? If so what percentage is set aside?

Response: There is no set aside for awards for minority small businesses.

135. If awarded a Master Contract under CATS II, will Master Contractors have to wait until 2010 to respond to opportunities released under CATS II or can Master Contractors respond to opportunities released under CATS I if awarded a Master Contract under CATS II?

Response: CATS I and CATS II are two separate and distinct Master Contracts. CATS II Master Contractors may not respond to opportunities released under the CATS I Master Contract unless they are also a CATS I Master Contractor. CATS II Master Contractors can respond to opportunities released under CATS II once they are issued, which is anticipated to begin in the spring of 2009.

136. Can an Offeror propose pricing for labor categories not currently offered or available?

Response: Yes, Offerors are encouraged to provide pricing for all labor categories when responding to the RFP. When responding to a TORFP/RFR, Master Contractors may only propose labor categories priced under the Master Contract.

137. It is understood that Attachment A – CATS II Contract is not required at proposal submission. If an Offeror has any comments or exceptions in reference to Attachment A, should they be submitted with the proposal in response to the RFP?

Response: Yes, any exceptions contemplated or taken by an Offeror must be listed in the Executive Summary of the proposal, see RFP Section 1.21 Mandatory Contractual Terms.

138. Where are the primary places of performance for opportunities released under CATS II expected to be and, if in Maryland, will those opportunities be in Baltimore and/or Annapolis?

Response: Historically, the main primary places of performance have been within the Baltimore / Annapolis corridor, but the primary place of performance will be determined at the TORFP/RFR level.