

STATE OF OREGON



COVER PAGE

Oregon Department of Administrative Services on Behalf of
Oregon Employment Department

UNEMPLOYMENT INSURANCE MODERNIZATION

Request for Proposal (RFP)

DASPS-2232-19

Date of Issue: Thursday, August 22, 2019

Closing Date and Time: Tuesday, October 22, 2019 at 3:30 p.m. Pacific Time

Single Point of Contact (SPC): Nick Betsacon, IT Procurement Strategist

Address: 1225 Ferry Street

City, State, Zip Salem, Oregon 97301

Phone (voice) (503) 267-6636

E-mail: nicholas.betsacon@oregon.gov

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1 GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through its Department of Administrative Services (DAS) on behalf of the Oregon Employment Department (OED), is issuing this Request for Proposal (RFP) to procure an integrated Unemployment Insurance (UI) solution that supports all functions and processes of the department's UI program for tax and benefits. This procurement is an acquisition cornerstone in OED's OED-wide Modernization Program. While OED has decided to first modernize its UI systems, OED is optimistic that proposed solutions will have the capability and scalability to potentially meet the needs of other OED divisions.

1.1.1 OED Modernization Now

Postponing the OED modernization effort and continuing use of its legacy systems increase the severity of and exposure to risks affecting the OED's ability to deliver key services. OED is modernizing its core unemployment insurance and employment services business and information technology systems to ensure the OED can continue to fulfill its mission to *Support Business and Promote Employment*. The multi-biennium effort to modernize requires a significant investment, both in technology and changing how OED serves its customers. Modernizing the OED's systems and business processes will ensure OED can continue to provide services to Oregonians and Oregon businesses today, and be ready to respond to emerging future needs.

The primary drivers for modernization and initiation of the UI Modernization Project include:

- a. **Risk that OED cannot sustain delivery of secure and reliable services.** OED must ensure it can continue to deliver secure and reliable services. It is becoming increasingly difficult to recruit and retain employees with the skillsets needed to support the OED's aging computer systems. As of May 2018, almost 40 percent of the technical employees that support existing systems operating within the OED are eligible for retirement.
- b. **Challenges in providing customers with personalized and updated services.** OED's customers desire personalized and updated services, such as online self-service options and mobile-friendly applications, and it is not feasible to meet these needs at the necessary pace with the OED's current systems.
- c. **Constrained and inflexible systems that cannot adapt to changing business, state, and federal requirements.** There are many opportunities to be more efficient and effective in how OED delivers its services. The current systems constrain OED's ability to change its business processes, implement requirements due to state and federal policy changes, resolve challenges, and automate or remove manual work. Modernizing UI will allow us to be more efficient, reduce processing time, improve the accuracy of actions and information, and be more responsive to policy changes.
- d. **Difficulties in managing access and sharing data securely with our partners.** Our existing systems were not designed with integrated security. Controlling security is

complex and it is difficult to manage user access appropriately. Newer technology provides opportunities for improved security measures, and would allow us to respond more nimbly to security threats and more easily manage access. Additionally, our partners wish to interact and share data with us using modern and flexible technologies.

1.1.2 UI Modernization Products and Services Required

OED will require the Proposer selected for Contract award to provide UI Modernization products and services to:

- a. Implement a proven solution supporting UI business functions and capabilities;
- b. Advise OED on alternative, proven approaches to meeting OED’s detailed business needs, and support and collaborate with OED on deciding between alternative approaches including advising on the costs and benefits of each approach.
- c. Configure or modify the solution to meet OED’s detailed business needs;
- d. Ensure interfaces and data transfers with other systems are maintained or improved;
- e. Revise OED business process documentation to reflect changes resulting from implementation of the new solution;
- f. Transfer knowledge and provide technical documentation to support the new solution;
- g. Provide implementation services, including testing, training, and organizational change management; and
- h. Provide sound project management services to ensure the new solution is delivered on time, within budget, meeting scope criteria, and meeting acceptable quality standards.

The *Scope of Services* (Attachment A-2) further outlines these services.

The currently anticipated phases and timeframes for implementation of the UI Modernization Project are a UI tax phase (eighteen (18) months) followed by a UI benefits phase (twenty-four (24) months). See high-level timeline below. Phases and timelines are subject to change based on co-creation of an implementation approach and timeline with the selected Contractor. Note that this conceptual graphic omits important phases such as stabilization, potential extended enhancement phases, and details of testing rollout such as pilot or phasing. Such phases will be determined during the detailed planning phase. Phases and timelines are subject to change based on confirmation of implementation approach and timelines with the selected Contractor.



Additional details on the scope of required products and services are set out in the Scope of Services section.

DAS and OED contemplate as many as two Contract awards, if any, from this RFP.

1.2 SCHEDULE

The table below represents a tentative schedule of events following the issuance of the RFP. **All times are listed in Pacific Time.** All dates listed are subject to change. N/A denotes that an event is not applicable to this RFP, and TBD denotes that a date for an event is “to be determined”.

Table 1.2

Event	Date	Time
Pre-Proposal Conference	September 9, 2019	10:00 AM
Questions / Requests for Clarification Due	September 16, 2019	5:00 PM
Answers to Questions / Requests for Clarification Issued (approx.)	September 20, 2019	
RFP Solicitation Protest Period Ends	September 27, 2019	5:00 PM
Closing (Proposal Due)	October 22, 2019	3:30 PM
Round 1 Evaluation	TBD	
Round 2 Evaluation	TBD	
Competitive Range Protest Period Ends	TBD	
Subsequent Rounds of Evaluation (Presentations, Demonstrations, Interviews, and Negotiations)	TBD	
Issuance of Notice of Intent to Award (approx.)	TBD	
Award Protest Period Ends	7 calendar days after Issuance of Notice of Intent to Award	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFP is identified on the Cover Page, along with the SPC’s contact information. Proposer shall direct all communications related to any provision of the RFP only to the SPC,

whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision.

2 AUTHORITY, DEFINITIONS, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

Department of Administrative Services (DAS) Procurement Services (PS) is issuing this RFP pursuant to its authority under OAR 125-246-0170(2).

DAS PS and OED are using the Competitive Sealed Proposal method, pursuant to ORS 279B.060 and OAR 125-247-0260. They may use a combination of the methods for Competitive Sealed Proposals, including optional procedures such as: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110 or as defined below.

“Addendum” means an addition to, deletion from, a material change in, or clarification of, the RFP. Addenda shall be labeled as such and shall be made available to prospective Proposers as set forth in the RFP.

“OED” means OED.

“Authorized Representative” means a person representing a party to the RFP and subsequent Contract who is authorized to make commitments and decisions on behalf of the party regarding the performance of the Contractor within the RFP and subsequent Contract.

“Business Days” means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, excluding Saturdays, Sundays, State of Oregon holidays and business closure days.

“Calendar Days” means contiguous days.

“Closing” means the date and time on or before Proposals must be received at the location identified in the RFP to be considered.

“COBID” means Certification office for Business Inclusion and Diversity.

“Configuration” means the creation of a comprehensive collection of settings and values that are referenced by the software system in order to deliver required functionality. Configuration does not lead to a forked code base, and an existing configuration may be easily applied to a new or updated base system. Configuration approaches may for example include site code or configuration files that are used to maintain Oregon-specific functionality across updates to the base system. (Note that even without forked maintenance, testing of the configured system will always be required whenever the configuration or the base system are changed.)

“Contract” means the Contract awarded as a result of this RFP.

“Contractor” means Proposer selected through the RFP to enter into a Contract with OED to provide the Goods and perform the Services.

“Customization” means the modification of an existing base software system for the unique needs of OED in such a way that the changes require forked (separate and ongoing) maintenance and testing from that required for the base system, i.e. a forked or separate code base. Note that Contractor may elect to make changes to the base system in lieu of customization as a way of meeting State requirements; if done in such a way that maintenance and testing of the base system are not forked and the effort may be shared across multiple installations of the same code base, then OED will consider this to be Base rather than Add On.

“DAS” means the Oregon Department of Administrative Services.

“DAS PS” means DAS Procurement Services.

“Deliverables” means all Services and Work product Contractor is required to deliver to OED under the RFP and negotiated Contract.

“Evaluation Committee” means the evaluators selected to participate in the evaluation of the Responsive Proposals received based on the evaluation criteria set forth in the RFP.

“Goods” means supplies, equipment or materials, and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto, that an Agency is authorized by law to procure.

“Implementation” means the activities related to integrating the Goods, Services, or their related components into the workflow and data flow of OED to achieve the desired outcomes of the UI Modernization Project.

“Integrated UI Solution” means a UI system that has the capability to meet all State and Federal requirements. The various components of the system must be successfully operating in some state, but need not all be operating together in one state in order to qualify as an Integrated UI Solution.

“iQMS” means Independent Quality Management Services. The Modernization Program and UI Modernization Project are subject to the Stage Gate process, which requires deployment of iQMS for major State IT initiatives. The Modernization Program and its UI Modernization Project are major State IT initiatives. *CSG Government Solutions* is the current iQMS Consultant for the program and its projects.

“IT” means Information Technology.

“Key Persons” means Personnel deployed in any of the following roles: management or leadership, particular subject matter experts, or in any role that includes the authority to directly or indirectly plan and control particular activity relevant to a project or enterprise.

“LFO” means the State’s Legislative Fiscal Office.

“Modernization Program” means the OED Modernization Program, which is the OED’s multi-year initiative focused on transforming OED business processes and core technology systems.

“OAR” means Oregon Administrative Rules.

“OED” means the Oregon Employment Department, the State OED on whose behalf DAS is issuing the RFP. See, RFP Section 2.3.1, *OED Overview and Background* for more information about OED, or link to:

<https://www.oregon.gov/EMPLOY/Pages/default.aspx>

“ORS” means Oregon Revised Statutes.

“OSCIO” means the Office of the State Chief Information Officer.

“Personnel” means the Contractor’s employees, subcontractor(s), affiliates, joint venture partners, or team members; and consultants engaged by any of those entities.

“Proposal” means a Proposer’s Proposal in response to the RFP.

“Proposer” means an individual, corporation, business trust, partnership, limited liability company, association, joint venture, government OED, public corporation or other legal or commercial entity that has submitted a Proposal.

“Responsible” means the Proposer has met the standards of responsibility identified in ORS 279B.110

“Responsive” means a Proposer that complies with the requirements of the RFP.

“RFP” means Request for Proposals DASPS-2232-19, *Unemployment Insurance Modernization*.

“Scope of Services” or **“SOS”** means the document that describes in detail the Services to be provided by Proposer. This document serves as the fundamental business need that dictates the Statement of Work requirements in contract negotiation.

“Services” means all effort to be expended by Proposer as set forth in the Scope of Services of the RFP.

“SPC” means the Single Point of Contact for the RFP.

“Stage Gate” means the LFO and OSCIO jointly adopted oversight process for major State IT initiatives. The process is comprised of four (4) stages separated by “gates” to ensure that these IT initiatives are meeting specific requirements before continuing to the next stage, including deployment of iQMS. For more information about the Stage Gate process, please link to:

<https://www.oregon.gov/das/OSCIO/Pages/StrategyStageGate.aspx>

“Statement of Work” or **“SOW”** means the document that describes the product and services to be provided by the awarded Proposer including the tasks, deliverables and milestones, the measurable attributes of each deliverable, identification of the deliverables and services that are associated with each task and a completion date for each milestone and deliverable, the payment schedule for each deliverable and milestone, and any other items as agreed by the parties including amendments to the agreement.

“State” means the State of Oregon.

“State Parties” means DAS PS and OED.

“Task” means a segment of the Services to be provided by Proposer under the Contract.

“Third-Party Integration” means the inclusion by the Contractor of a software system or subsystem that is owned or maintained by a third party, including open-source software or licensed software. Third-party integration is typically used to provide well-defined functionality using a best of breed, existing solution. Examples may include: integration with a third-party

document management system, integration platform, or business intelligence system; which is then delivered as part of the Integrated UI Solution.

“**UI**” means Unemployment Insurance. The U.S. Department of Labor’s (DOL) UI program provides unemployment benefits to eligible workers who become unemployed through no fault of their own, and who meet eligibility requirements. OED is responsible for operation of the State’s UI program, which oversees the State’s receipt of unemployment insurance taxes and payment of unemployment insurance benefits.

“**UI Modernization Project**” means the first project initiated under the Modernization Program, and the focus of this RFP. Through this project OED intends to modernize the computing systems and business processes that support the State’s receipt of unemployment insurance taxes and payment of unemployment insurance benefits. This project may additionally provide foundations for future improvements in other aspects of OED’s programs, including for example the delivery of employment services and the collection, analysis, and sharing of employment-related information.

“**Written**” means required format intended to be read or used as a reference.

2.3 OVERVIEW AND PURPOSE

2.3.1 OED Overview and Background

OED is responsible for administering the State’s unemployment insurance program and employment services, as well as additional programs. OED envisions an Oregon where meaningful work enables the State’s diverse people and businesses to realize their full potential, creating prosperity in every community.

The mission of OED is to *Support Business and Promote Employment*. The OED accomplishes this by:

- a. Supporting economic stability for Oregonians and communities during times of unemployment through the payment of unemployment benefits;
- b. Serving businesses by recruiting and referring the best qualified applicants to jobs, and providing resources to diverse job seekers in support of their employment needs; and
- c. Developing and distributing quality workforce and economic information to promote informed decision-making.

See RFP Attachment H, *Profile of Oregon Employment Department*, for more information about OED’S current system environment, statutory and regulatory obligations, and organizational structure.

2.3.2 Modernization Program Overview and Background

In 2015, OED chose to invest in a modernization initiative to transform the OED’s business and technology systems to innovatively meet the evolving needs of Oregon’s businesses and citizens. The Modernization Program will accomplish its goals and objectives through the execution of various projects, the first of which is the UI Modernization Project.

OED has developed Modernization Program and UI Modernization Project documentation that sets out relevant business drivers; guiding principles; preferences and requirements;

governance and oversight obligations; alignment with diverse strategic plans, priorities and initiatives; and desired outcomes. A Proposer's close review and clear understanding of this documentation is essential for development and submission of the most responsive Proposal. UI Modernization Project documentation is addressed as part of RFP Section 2.4, *Scope of Services*. The following Modernization Program documentation is attached to the RFP, and should be reviewed and understood in order to develop and submit a responsive Proposal:

- a. Attachment L-1, *Modernization Program Charter*;
- b. Attachment L-2, *Modernization Program Business Case*; and
- c. Attachment L-3, *Modernization Governance Plan*.

2.3.3 Purpose of Procurement

The first Modernization Program project, the UI Modernization Project, is the focus of this RFP. For this project, OED seeks an Integrated UI Solution. OED prefers to obtain the entire system through a contract with a single vendor, and for this reason seeks proposals only from vendors that have successfully implemented both tax and benefits components. Nonetheless, if during the course of evaluation OED determines that substantial benefit would be achieved by selecting one vendor for tax and another for benefits, OED may choose to make multiple awards.

The agency has initiated a single project, anticipating separate phases for UI tax and benefits modernization. Actual phasing will be determined in collaboration with the selected Proposer(s) during the detailed planning phase. The UI Modernization Project is overseen by OSCIO and LFO as a Stage Gate Project. OED currently has Stage Gate 2 endorsement from OSCIO and LFO. The purpose of this RFP is to screen and select the best value Proposer(s) for one or more Contract Awards, through which OED will acquire all required Services. See, RFP Section 2.4, *Scope of Services*.

OED administers multiple programs, and from time to time may be called upon to administer additional programs. A salient example is the family and medical leave insurance program created under House Bill 2005 of 2019. While the purpose of this procurement is first and foremost to meet the needs of the UI Modernization Project, there is also a potential benefit to the agency from re-using the same systems to support multiple programs. For this reason, the agency may in future use systems resulting from this procurement, and may purchase from Awardees additional services and/or extensions to these systems, in order to meet any tax-and/or benefit-related programmatic needs as may arise.

2.4 SCOPE OF SERVICES

OED is seeking to procure an Integrated UI Solution that supports all functions and processes of the State's UI program for tax and benefits. In addition to supplying any solution, any Proposer selected for Contract Award shall also provide all necessary: end user licenses; documentation, training, and knowledge transfer; implementation services; and long-term maintenance and support. As previously mentioned in RFP Section 2.3.2, *Modernization Program Overview and Background*, OED has developed Modernization Program and UI Modernization Project documentation that sets out relevant business drivers; guiding principles; preferences and requirements; governance and oversight obligations; alignment with diverse strategic plans, priorities and initiatives; and desired outcomes. Proposer's close review and clear

understanding of this documentation is essential for development and submission of the most responsive Proposal. The following UI Modernization Project documentation is attached to the RFP, and should be reviewed and understood in order to develop and submit a responsive Proposal:

- a. Attachment A-2, *Scope of Services for UI Modernization*;
- b. Attachment I-1 / I-2, *UI Modernization Core Requirements*;
- c. Attachment I-3 / I-4 / I-5, *UI Modernization Detailed Requirements and Overview*
- d. Attachment J, *OED Systems Diagram*;
- e. Attachment K, *OED Current State Architecture*;
- f. Attachment L-4, *UI Modernization Project Charter*; and
- g. Attachment L-5, *UI Modernization Project Scope*.

RFP Section 3, *Procurement Requirements*, sets out the manner and means by which Proposers must satisfy submission requirements in the context of the Scope of Services.

If during the course of evaluation OED determines that substantial benefit would be achieved by selecting one vendor for tax and another for benefits, OED may choose to make multiple awards.

OED administers multiple programs, and from time to time may be called upon to administer additional programs. The agency may in future use systems resulting from this procurement, and may purchase from selected Contractor(s) additional services and/or extensions to these systems, in order to meet any tax- and/or benefit-related programmatic needs as may arise.

3 PROCUREMENT REQUIREMENTS

3.1 MINIMUM QUALIFICATIONS

To be considered Responsive for evaluation, Proposal submissions must substantially comply with all minimum qualifications and submission requirements asserted in RFP Section 3, *Procurement Requirements*. Failure of such compliance WILL result in Proposal rejection from scored evaluation under RFP Section 4, *Solicitation Process*. Through the SPC, DAS PS will conduct the preliminary responsiveness check. The SPC will forward Proposals deemed Responsive to the Evaluation Committee for a final responsiveness check and scored evaluation of Responsive Proposals in the context of all applicable screening and selection criteria.

3.1.1 Proposer Minimum Qualifications

In the context of the preceding eight (8)-year period, Proposers must have a minimum of five (5) years' experience successfully implementing and operating large scale solutions reasonably comparable in nature, capacity, complexity, scope, and size to the planned UI Modernization Project's Integrated UI Solution described within this RFP. This must include at minimum one UI tax and benefits Solution. This minimum required experience must be documented in the required *Administrative Proposal* submission.

3.1.2 Key Personnel Minimum Qualifications

Each proposed Key Person must have current professional credentials and certifications relevant to their respective subject matter expertise proposed, and a minimum of five (5) years' experience in their assigned field of expertise within the last eight (8) year period. An example of a relevant professional certification is a proposed project manager with current certification as a "project management professional" from the Project Management Institute.

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Proposal Submissions

To be considered for scored evaluation under RFP Section 4, *Solicitation Process*, Proposal submission must include each of the following three (3) components (further detailed in RFP Section 3.3, *Proposal Requirements*):

- a. **Administrative Proposal;**
- b. **Technical Proposal;**
- c. **Price Proposal** (not evaluated until the *Final Procurement Phase*).

3.2.2 Proposal Page Limits

No Proposal page limits are proposed, but Proposals filled with marketing puffery and unnecessary redundancy will likely fail to achieve optimal scores.

3.2.3 Proposal Format and Quantity

Proposals should follow the format and reference the sections listed in the Proposal Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Price information must be submitted as a separate electronic file/sealed hardcopy submission. Appropriately separated, non-price and price Proposal submissions may be included in the same sealed package.

- a. Proposers shall submit their Proposals, less Price Proposal, in both a single hard copy "master" on white 8 ½" x 11" Recycled Paper and six (6) electronic copies on separate USB drives. Proposers shall submit their Price Proposals in both a single hard copy "master" on white 8 ½" x 11" Recycled Paper and one (1) electronic copy on a USB drive.
- b. An electronic copy must be submitted on a USB drive and formatted as appropriate to the submission using editable and searchable Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx).
- c. *The Proposer Information and Certification Sheet* (RFP Attachment C) must bear the Proposer's Authorized Representative's Signature. If a Proposer believes any of its Proposal submissions are exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), the Proposer shall submit a fully redacted version of such Proposal submissions, clearly identified as redacted versions.
- d. A Proposer must submit its Proposal materials in a sealed package addressed to the SPC with the Proposer's name and the RFP number clearly visible on the outside of the package.

3.2.4 Authorized Representative

Failure of a Proposer's Authorized Representative to sign the submitted Proposal may subject the Proposal submissions to rejection by the State Parties.

3.3 INITIAL PROCUREMENT PHASE – PROPOSAL REQUIREMENTS

- a. The solicitation consists of two (2) primary procurement phases, each of which may be conducted in multiple rounds. This Section 3.3 sets out the Proposal requirements for the *Initial Procurement Phase*, which the State Parties will conduct in two (2) rounds: round one (1) for the *Administrative Proposal* evaluation and round two (2) for the *Technical Proposal* evaluation. The State Parties reserve the option to make a Competitive Range determination, excluding one (1) or more Proposers from further evaluation, following completion of Round 1 *Administrative Proposal* evaluation.
- b. The *Final Procurement Phase* may include multiple rounds for evaluation of required submissions from the remaining Competitive Range Proposers related to diverse activities, including without limitation, and in no particular order: Interviews, Discussions, Presentations, Demonstrations, site visits, Price Proposals, revised Proposals, negotiations, and Best and Final Offers. The State Parties plan to start releasing to Competitive Range Proposers specific requirements concerning the *Final Procurement Phase* at the conclusion of Round 1 *Administrative Proposal* evaluation.
- c. Proposals must address each of the items listed in this Section 3.3 and all other requirements set forth in this RFP. Proposers shall describe the Goods to be provided or the Services to be performed or both. A Proposal that merely offers to provide the goods or services as stated in this RFP may be considered non-Responsive to this RFP and will not be considered further.
- d. Proposals should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal. Do not include marketing or advertising material in the Proposal submissions, unless requested. Proposals should be straightforward and address the requests of the RFP. Proposals containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.
- e. To ensure each Proposal receives the same orderly review, Proposals are required to be formatted in the order identified in the following sections. If the Proposal is not formatted as indicated below, Proposal may be considered non-responsive.
 - 1) ***Administrative Proposal***;
 - (a) Cover Letter / Executive Summary;
 - (b) *UI Modernization Core Requirements Checklist* (Attachment I-1);
 - (c) Proposer Experience;
 - (d) Proposed Key Personnel for Delivery of Services; their respective resumes that depict their qualifications in the context of the academic and professional certifications and credentials, and subject matter experience and expertise needed to conduct the work described within this RFP;

- (e) Proposer personnel management and staffing plan;
- (f) *Disclosure Exemption Affidavit* (Attachment B);
- (g) *Proposer Information and Certification Sheet* (Attachment C);
- (h) *Reference Check Forms* (Attachment D);
- (i) *COBID Certification Form* (Attachment F); and
- (j) *Responsibility Inquiry* (Attachment G).

2) **Technical Proposal;**

- (a) *UI Modernization Core Requirements Response* (Attachment I-2);
- (b) *Integrated UI Solution Scope of Services Response* (Attachment A-2);
 - i. Project Management
 - ii. Design Documents, and Services
 - iii. Software Components, Development, Configuration, and Integration
 - iv. Data Conversion and Migration;
 - v. Integration/Interfaces
 - vi. Organizational Change Management;
 - vii. Testing;
 - viii. Usability, Training, and User Support;
 - ix. Implementation Plan;
 - x. Maintenance, Support, and Service Levels;
 - xi. Hosting; and
 - xii. Security: Confidentiality, Availability, and Integrity
- (c) Work Examples

3) **Price Proposal** (Attachment E)

3.3.1 Concerning Proposer Information and Certification Sheet (Attachment C)

Proposer shall complete and submit the *Proposer Information and Certification Sheet* (Attachment C). Failure to demonstrate compliance with Oregon Tax Laws and sign the Proposer Information and Certification Sheet may result in a finding of non-Responsibility.

3.3.2 References (Attachment D)

Provide at minimum three (3) references from current or former clients for similar projects performed for any clients within the last five (5) years. "Similar" projects are those that are reasonably comparable in nature, capacity, complexity, scope, and size to the planned UI Modernization Project's Integrated UI Solution described within this RFP. References must be able to verify the quality of previous, related work. References must be provided for all implemented UI projects.

State Parties may check to determine if references provided support Proposer's ability to comply with the requirements of this RFP. State Parties may use references to obtain additional information, or verify any information needed. State Parties may contact any reference (submitted or not) to verify Proposer's qualifications.

Proposers shall send their *Reference Check Forms* (Attachment D) to their references. Reference forms must be completed by the reference, returned to the Proposer and submitted with the Proposal.

3.3.3 Concerning Proposer Experience in the *Administrative Proposal*

OED seeks to procure an existing Integrated UI Solution. Responsive Proposers shall have successfully implemented at minimum one (1) UI tax and one (1) UI benefits Solution. Concerning this requirement, Proposers shall provide the following information:

- a. A clear and concise discussion that evidences reasonable understanding of the Services requested within this RFP.
- b. Overview of Proposer's company that includes the history of the company, organizational structure, current fiscal stability, scope of services provided, and strategic plan for sustained operations. Such submissions will reveal a Proposer's maturity and operational longevity.
 - i. Evidence of an organization's current fiscal stability requires a description of its financial status confirmed at least through submission of profit and loss statements for the last two (2) years. The State Parties may further inquire into and evaluate an organization's fiscal stability in the Final Procurement Phase.
- c. Detailed description concerning the number of years of experience successfully implementing projects reasonably comparable in nature, capacity, complexity, scope, and size to the planned UI Modernization Project's Integrated UI Solution described within this RFP.
- d. Complete list and description of all locations in which Proposer's UI Solution components have been implemented. In the description, the Proposer shall include both initial and final information and data regarding: project scope (tax, benefits, or both; as well as other salient scope information), timeframe, and budget, with an explanation for deviations, if any, between such initial and final information and data. Proposer shall also include lessons learned that it will apply to the requirements of the work described in this RFP. Additionally, Proposer shall provide an OED contact associated with each project. This contact should also be listed within the *Reference Check Form* (Attachment D).
- e. Description of Proposer's organizational capacity to implement the proposed Integrated UI Solution. Proposers shall include their "back up" staffing plans in support of unanticipated staff changes that may occur during the term of the resultant Contract.
- f. Proposer's quality assurance/quality control procedures and methods.

3.3.4 Key Person Experience in the *Administrative Proposal*

Specify Key Persons to be assigned to the UI Modernization Project, and include a current resume (not to exceed two (2) pages each) for each individual. The required resume must demonstrate the individual's qualifications in the context of the academic and professional certifications and credentials, as well as subject matter experience and expertise, needed to conduct the work described within this RFP. Each Key Person must meet the minimum experience requirement as described in section 3.1.2.

3.3.5 UI Modernization Core Requirements Checklist in the *Administrative Proposal*

OED seeks to procure an Integrated UI Solution compliant with the core functionality and services detailed in Attachment I-1. Attachments I-3, I-4, and I-5 set out detailed requirements supporting those core functions and provide further context for Proposers. In completing Attachment I-1, Proposers must ensure that they enter required responses in the applicable category (categories are identified and explained in RFP Section 3.3.6), and that their assertions reflected in Attachment I-1 are reasonably supported by their substantive responses to the detailed requirements; which responses the Evaluation Committee will review and score as part of its evaluation of Responsive *Technical Proposals*.

3.3.6 UI Modernization Core Requirements Responses in the *Technical Proposal*

Using Attachment I-2 (and any supplemental submissions related thereto), please provide Written explanations that detail how the proposed solution addresses each of the functional and technical requirements delineated in Attachment I-2. Submitted explanations must describe how the proposed solution addresses the required functionality and how it aligns with the stated goals, preferences, and principles. Please use the following categories when noting how the proposed solution meets the requirements.

- a. **Base:** This functionality is in the base system and can be met through Configuration. Configuration costs are included in the Price Proposal and the cost of ongoing maintenance of this function is included in the maintenance and support component of the Price Proposal.
- b. **Add-on:** This functionality requires additional, site-specific programming. Initial programming costs are included in the Price Proposal. Using Attachment I-2 as part of the *Technical Proposal*, Proposers must describe if the cost of ongoing maintenance of this function is included in the maintenance and support component of the Price Proposal or if the effort or cost of ongoing maintenance is excluded from the maintenance and support component of the Price Proposal and becomes an OED responsibility.
- c. **Third-party Integration:** This functionality will be delivered through integration with one (1) or more third-party products. Using Attachment I-2 as part of the *Technical Proposal*, Proposers will describe the third-party products and note if the costs of licensing, installation, and initial Configuration of these products are included in the Price Proposal, and if ongoing costs are included in the maintenance and support component of the Price Proposal, or if the effort or cost of ongoing licensing and

maintenance is excluded from the maintenance and support component of the Price Proposal and becomes an OED responsibility.

- d. **Not Included/Supported:** This functionality is not currently included in or supported by the proposed solution.

3.3.7 Services Delivery Approach in the *Technical Proposal*

In the context of the *Scope of Services* (Attachment A-2), and substantially compliant with the content and requirements expressed therein, Proposers shall describe in detail the manner and means through which they will successfully perform and deliver all required Services related to their respective proposed solutions.

3.3.8 Price Proposal Form (Attachment E)

Proposers shall use Attachment E to submit their required Price Proposals. The *Price Proposal* must include a Cover Letter / Executive Summary signed by the Proposer's Authorized Representative. Although submission is required contemporaneous with submission of *Administrative Proposals* and *Technical Proposals*, the evaluation of submitted *Price Proposals* is reserved for the *Final Procurement Phase*.

3.4 FINAL PROCUREMENT PHASE –PROCUREMENT REQUIREMENTS

As discussed in Section 3.3 of the RFP, the State Parties will conduct a *Final Procurement Phase* in one (1) or more rounds for evaluation of required submissions from the remaining Competitive Range Proposers. Such evaluation will relate to diverse activities, including without limitation, and in no particular order: Interviews, Discussions, Presentations, Demonstrations, site visits, Price Proposals, revised Proposals, fiscal stability assessment, negotiations, and Best and Final Offers. The State Parties plan to start releasing RFP Addenda to Competitive Range Proposers at the conclusion of Round 1 *Administrative Proposal* evaluation. These Addenda will set out specific requirements concerning the *Final Procurement Phase*, and provide instruction related thereto. In any such Addenda, the State Parties will provide reasonable periods in which participating Competitive Range Proposers may complete any required submissions and participate in any required proceedings.

3.4.1 Interviews, Presentations and Demonstrations

Any compulsory activity requiring live, in-person participation by Competitive Range Proposers will take place at OED facilities in Salem, Oregon. Such activities may include Personnel Interviews in the context of selected role-based questions and scenarios, Presentations related to such Interviews, and Demonstrations of proposed solutions in the context of particular functional areas including without limitation:

Benefits:

- a. Adjudication
 - i. Issue Queuing
 - ii. Workflow (assignment, reassignment)
- b. Claim Intake

- i. Filing
- ii. Processing
- iii. Issue detection
- iv. Special UI programs (for example, among others: Unemployment Compensation for Ex-Service Personnel; Unemployment Compensation for Federal Employees; Trade Readjustment Allowance; Pacific Maritime Act; Training Unemployment Insurance; Short Time Compensation; Self Employment Assistance)
- c. Certification and Payment
 - i. Intake
 - ii. Processing
- d. Payment Integrity (Crossmatch, Investigations, etc.)

Tax:

- a. Quarterly Reporting
- b. Registrations and Determination
- c. Employer Account
- d. Audit

General:

- a. Document Management
 - i. Creation of templates and ad-hoc correspondence
 - ii. Storage of templates and documents
 - iii. Modification of templates
 - iv. Access by customers and staff
- b. Customer Portal (for both claimants and employers)
- c. Collections
- d. Financial
- e. Reporting
 - i. Federal Employment and Training Administration (ETA) reports and data validation
 - ii. Ad-hoc reporting
 - iii. Key performance measures

3.4.2 Site Visits

The State Parties will select for site visits, particular locations where the participating Competitive Range Proposer (or Proposers) have proposed UI Solutions in full use and production.

4 INITIAL PROCUREMENT PHASE SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFP and attachments are published in the Oregon Procurement Information Network (ORPIN) at <https://orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by Written Addenda published in ORPIN. Prospective Proposer is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

4.2 PRE-PROPOSAL CONFERENCE

The State Parties will hold a Pre-Proposal conference at the date and time listed in the Schedule. Prospective Proposers' participation in this conference is highly encouraged but not mandatory. Participation in the pre-Proposal conference will be via webinar only.

Prospective Proposers must notify the SPC via email concerning planned participation in the conference. Email notifications must be received no later than the date and time listed in the Schedule and provide:

- a. Email Subject Line: DASPS-2232-19 Pre-Proposal Conference Participation
- b. Company Name
- c. Name and Contact Information for each company representative participating

The SPC will reply via email with conference bridge details (link, telephone number, access code, etc.) and conference agenda material (if any).

The purpose of the Pre-Proposal conference is to:

- a. Provide additional description of the UI Modernization Project;
- b. Explain the RFP process; and
- c. Answer any questions Proposers may have related to the project or the process.

Oral statements made at the pre-Proposal conference are not binding upon the State Parties. Proposers must submit all questions in Writing, and the State Parties will thereafter commit to Written responses to all such Written questions.

SPC will release at least one (1) Addendum to the RFP following the pre-proposal conference that will identify the conference participants, summarize the proceeding, respond to submitted Written questions, and provide questions and answers posed during the pre-proposal conference. Thereafter, RFP requirements will change, and official responses to questions released, only through any subsequent Written Addenda issued by the SPC and posted on the ORPIN system.

4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS

All Written inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP must:

- a. Be delivered to the SPC via email or hard copy;

- b. Reference the RFP number;
- c. Identify Proposer's name and contact information;
- d. Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
- e. Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule.

4.4 SOLICITATION PROTESTS

4.4.1 Protests to RFP

Prospective Proposers may submit to the SPC Written protests of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Services, and the proposed Sample Contract. This is prospective Proposer's only opportunity to protest the provisions of the RFP, except that Proposer may protest Addenda as provided below and Proposers may take exception to the terms and conditions of the Sample Contract marked as negotiable as set forth in the Negotiations Section.

4.4.2 Protests to Addenda

Prospective Proposer may submit to the SPC a Written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by 5:00 p.m. Pacific Time of the second Business Day or the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

4.4.3 All Protests must:

- a. Be delivered to the SPC via hard copy (or email if previously arranged with SPC);
- b. Reference the RFP number;
- c. Identify prospective Proposer's name and contact information;
- d. Be sent and signed by an authorized representative;
- e. State the reason for the protest, including:
 - i. the grounds that demonstrate how the Procurement Process is contrary to law, unnecessarily restrictive, legally flawed, or improperly specifies a brand name; and
 - ii. evidence or documentation that supports the grounds on which the protest is based;
- f. State the proposed changes to the RFP provisions or other relief sought;
- g. Be received by the due date and time identified in the Schedule (if for Protests to the RFP); and
- h. Be received by the due date identified in the respective Addendum (if for Protests to an Addendum).

4.5 PROPOSAL DELIVERY OPTIONS

Proposers are solely responsible for ensuring their Proposals are received by the SPC in accordance with the RFP requirements before Closing. State Parties are not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any misdelivery for any reason. A Proposal submitted by any means or combination of means not authorized below will be rejected. The following delivery options are permitted for this RFP:

4.5.1 Delivery through U.S. Mail or Parcel Carrier

A Proposal may be submitted through the U.S. mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be sent to the attention of the SPC at the address listed on the Cover Page.

4.5.2 Delivery in Person

A Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. A Proposal will be accepted, prior to Closing, during DAS PS's normal Monday – Friday business hours of 8:00 a.m. to 5:00 p.m. Pacific Time, except during State of Oregon holidays and other times when DAS PS is closed. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be delivered to the attention of the SPC at the address listed on the Cover Page.

4.6 PROPOSAL MODIFICATION OR WITHDRAWAL

If a Proposer wishes to make modifications to a submitted Proposal it must submit its modification in one of the authorized methods listed in the *Proposal Delivery Options* section. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a Written notice signed by an authorized representative of its intent to withdraw to the SPC via email, if by prior approval from the SPC, or hard copy prior to closing in accordance with OAR 125-247-0440. To be effective the notice must include the RFP number.

4.7 PROPOSAL DUE

A Proposal (including all required submittal items) must be received by the SPC on or before Closing. All Proposal modifications or withdrawals must be received prior to Closing.

A Proposal received after Closing is considered LATE and will NOT be accepted for evaluation. A late Proposal will be returned to the Proposer or destroyed.

4.8 NO PUBLIC OPENING

No public opening will be held at Closing, but the SPC will subsequently issue a notice in ORPIN following completion of the Proposal responsiveness check disclosing the names of the Responsive Proposers whose Proposals were forwarded to the Evaluation Committee for review and scored evaluation. Proposals received will not be available for inspection until after the evaluation process has been completed and the notice of Intent to Award is issued pursuant to OAR 125-247-0630.

4.9 PROPOSAL REJECTION

On behalf of the State Parties, the SPC may reject a Proposal for any of the following reasons:

- a. Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer's Authorized Representative sign the Proposal.
- b. Proposer has liquidated and delinquent debt owed to the State or any department or OED of the State.
- c. Proposer fails to meet the responsibility requirements of ORS 279B.110.
- d. Proposer makes any contact regarding this RFP with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- e. Proposer attempts to influence a member of the Evaluation Committee.
- f. Proposal is conditioned on OED's acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

4.10 ROUND 1 EVALUATION PROCESS

4.10.1 Responsiveness and Responsibility determination

4.10.1.1 Responsiveness determination

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with *Minimum Qualifications* and *Minimum Submission Requirements*. If the Proposal is unclear, the SPC may request clarification from Proposer. However, clarifications may not be used to rehabilitate a non-Responsive proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected, however, State Parties may waive mistakes in accordance with OAR 125-247-0470.

In accordance with OAR 137-047-0261(6)(a)(A), DAS PS may establish a Competitive Range of all Proposers who have made a good faith effort in submitting a Proposal in response to this RFP for the purpose of correcting deficiencies in Proposals for determining responsiveness during Round 1.

At any time prior to award, State Parties may reject a Proposer and its Proposal found to be non-Responsive.

4.10.1.2 Responsibility determination

State Parties will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract. Proposers shall submit a signed *Responsibility Inquiry Form* (Attachment G) with Proposal.

At any time prior to award, State Parties may reject a Proposer found not to be a Responsible Proposer.

4.10.2 Evaluation Criteria

At each Proposal evaluation step, all Responsiveness requirements will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change and State Parties may have additional or fewer evaluators for optional rounds of competition. Evaluators will assign a score up to the maximum points available for each evaluation criterion based upon the guidelines listed below in **Table 4.10.2**. This table provides guidance to Evaluation Committee members concerning their required qualitative, subjective assessment of how well a Proposer addresses the elements and essentials prescribed in each scored submission requirement in terms of the Proposer’s demonstrated knowledge and likely capacity and capability to develop, deliver, and perform in the context of the relevant Tasks and Deliverables at issue in a submission requirement.

The SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

Table 4.10.2

SCORE	EXPLANATION
90 – 100%	OUTSTANDING - Response meets submittal requirements, demonstrates exceptional knowledge of the subject matter, and demonstrates excellent ability to deliver the requested service.
61 – 89%	GOOD TO VERY GOOD – Response meets submittal requirements, demonstrates thorough knowledge of the subject matter, and demonstrates an ability to successfully deliver the requested service.
50 – 60%	SATISFACTORY – Response meets submittal requirements, demonstrates basic knowledge of the subject matter, and demonstrates an ability to minimally deliver the requested service.
1 – 49%	POOR TO FAIR – Response meets submittal requirements but does not demonstrate satisfactory knowledge of the subject matter, or does not demonstrate an ability to deliver requested service.
0	RESPONSE OF NO VALUE – Response is unacceptable and does not meet the minimum requirements.

4.10.3 PRICE EVALUATION RESERVED FOR *FINAL PROCUREMENT PHASE*

The State Parties require Proposers to submit Price Proposals using RFP Attachment E, but will not evaluate the submitted Price Proposals for points in the *Initial Procurement Phase*; instead reserving any such scored evaluation for price during the *Final Procurement Phase*. For any such scored evaluation of price, State Parties may rely on Price Proposals as originally submitted or

clarified by the remaining Competitive Range Proposers; or State Parties may require revised Price Proposal submissions from the remaining Competitive Range Proposers for scored evaluation in the *Final Procurement Phase*. Unless otherwise revised or negotiated with State Parties' consent, the submitted Price Proposals are binding on the respective Proposers for the initial term of any Contract award.

The State Parties reserve the right to score Price Proposals on the basis of mathematical formulae, without mathematical formulae but ranked in descending order from lowest price to highest with a predetermined number of points awarded based on ranking below the lowest price, or through a subjective evaluation of price. State Parties will announce the exact manner and means for scoring Price Proposals through an RFP Addendum before conducting any such scoring.

4.10.4 PREFERENCES

4.10.4.1 Oregon Supplies and Services

State Parties prefer Oregon goods and services, and for evaluation purposes, per ORS 279A.128, may establish for *Final Procurement Phase* Competitive Range Proposers a percentage amount to subtract from the price for any Competitive Range Proposer proposing all Goods fabricated or processed or all Services performed entirely in Oregon before calculating the price score.

4.10.4.2 Reciprocal Preference

For evaluation purposes per OAR 125-246-0310, State Parties shall add a percent increase to each out-of-state Proposer's Proposal price that is equal to the percent preference, if any, given to a Resident Proposer in the Proposer's state.

4.10.4.3 Recycled Materials

In comparing Goods from two (2) or more Proposers, if at least one (1) Proposer offers Goods manufactured with Recycled Materials, and at least one (1) Proposer does not, State Parties may select the Proposer offering Goods manufactured from Recycled Materials if each of the conditions specified in ORS 279A.125 (2) exists following any adjustments made to the price of the Goods according to any applicable reciprocal preference.

4.10.4.4 Tiebreakers

Oregon Supplies: If State Parties receive Proposals identical in price, fitness, availability and quality and chooses to award a Contract, State Parties shall award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

4.11 INITIAL PROCUREMENT PHASE POINT AND SCORE CALCULATIONS

4.11.1 Round 1 Administrative Proposal

Proposals meeting the requirements outlined in the *Proposal Content Requirements* section for the *Administrative Proposal* will be evaluated by an Evaluation Committee. Evaluators will assign a score of 0 to 100% according to **Table 4.10.2** for each evaluation criterion listed for *Administrative Proposal* evaluation. Such scores represent the percentage of total points available for distribution that the Evaluation Committee will award to an evaluated *Administrative Proposal*. Maximum point totals by criterion are set out in **Table 4.11.4**. The SPC

will average all scores for each evaluation criterion. The average score becomes the final score and will be used as a percentage multiplier of the maximum possible points for that criterion.

State Parties reserve the right to declare a Competitive Range of fewer than all Proposers based on the scoring outcome to determine the Competitive Range Proposers selected for participation in Round 2 of the *Initial Procurement Phase*. See RFP Section 4.13.1, *Competitive Range Determination*.

4.11.2 Round 2 Technical Proposal

Evaluation Committee members will evaluate and score Responsive *Technical Proposals* according to the process set out in Section 4.11.1 for *Administrative Proposals*, but in the context of *Technical Proposal* requirements.

State Parties reserve the right to declare a Competitive Range of fewer than all Proposers based on the scoring outcome to determine the Competitive Range Proposers selected for participation in the *Final Procurement Phase*. See RFP Section 4.13.1, *Competitive Range Determination*.

4.11.3 Option to Combine Rounds 1 and 2 Into a Single Round

State Parties reserve the right to combine Rounds 1 and 2 into a single round during which the Evaluation Committee members will evaluate and score all Responsive *Administrative* and *Technical Proposals* from all Responsive Proposers.

State Parties reserve the right to declare a Competitive Range of fewer than all Proposers based on the scoring outcome to determine the Competitive Range Proposers selected for participation in the *Final Procurement Phase*. See RFP Section 4.13.1, *Competitive Range Determination*.

4.11.4 Point Calculation Table

Scores are the percentage values (0 through 100% as depicted and explained in Table 4.10.2) assigned by each evaluator for each scored evaluation criterion. Each scored evaluation criterion is valued up to a particular number of points. Point totals by criterion are set out in **Table 4.11.4**.

For purposes of Proposal submission each component and sub-component is equally important; but for purposes of scored evaluation the components and sub-components will have different weights. This is especially true regarding *Technical Proposal* criteria 2 and 3, for which the maximum possible score for all components and sub-components is 3,375 Points.

Note that Core Requirements represent a higher level of abstraction than Detailed Requirements set forth in Attachments I-3, I-4 and I-5. Proposers should consult the Detailed Requirements in preparing their responses to the Core Requirements in the Administrative and Technical Proposals. Ultimately, the Proposers are responsible for determining what information in the RFP and its attachments is essential to their development and submission of Responsive Proposals. Thorough evaluation of Proposer's ability to meet Detailed Requirements is anticipated during additional rounds of evaluation.

Table 4.11.4

TOTAL POINTS POSSIBLE :		6000
<i>ADMINISTRATIVE PROPOSAL</i>		1500
1	Cover Letter/Executive Summary	75
2	UI Modernization Core Requirements Checklist (Attach I-1)	450
3	Proposer Experience	300
4	Proposed Leadership and Staff	450
5	Personnel Management and Staffing Plan	225
<i>TECHNICAL PROPOSAL</i>		4500 Points
1	UI Modernization Core Requirements Responses (Attach I-2)	1,125
2&3	Scope of Services Response (Attach A-2) and Examples of Work	3,375
i	Project Management	
ii	Design Documents, and Services	
iii	Software Components, Development, Configuration, and Integration	
iv	Data Conversion and Migration	
v	Integration/Interfaces	
vi	Organizational Change Management	
vii	Testing	
viii	Usability, Training, and User Support	
ix	Implementation Plan	

x	Maintenance, Support, and Service Levels	
xi	Hosting	
xii	Security: Confidentiality, Availability, and Integrity	
4	Contract Documentation (Reserved for <i>Final Procurement Phase</i>)	N/A
FINAL PROCUREMENT PHASE ROUNDS		N / A
	Not applicable during <i>Initial Procurement Phase</i>	
PRICE PROPOSAL		N / A
	Not applicable during <i>Initial Procurement Phase</i>	

4.12 INITIAL PROCUREMENT PHASE RANKING OF PROPOSERS

The SPC will average the scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members). Ranking of Proposers is in descending order from highest average score to lowest.

In the exercise of their sole discretion, State Parties may determine fewer than all Responsive Proposers for participation in additional rounds of competition beyond the *Initial Procurement Phase*. In the *Final Procurement Phase*, State Parties will rank advancing Proposers at the conclusion of each identified round and may determine an apparent successful Proposer or multiple Proposers at any time during that part of the solicitation process.

4.13 NEXT STEP DETERMINATION

At the conclusion of the *Initial Procurement Phase*, State Parties will conduct additional round(s) of competition in the *Final Procurement Phase*. Please refer to RFP Section 4.14. Additional rounds of competition may consist of, but will not be limited to any one (1) or more of the following:

- a. Interviews;
- b. Presentations/Demonstrations/Additional Submittal Items;
- c. Discussions and submittal of revised Proposals;
- d. Fiscal stability assessment;
- e. Serial or simultaneous negotiations; and
- f. Best and Final Offers.

4.13.1 Competitive Range Determination

If State Parties, in their sole discretion, determine that one (1) or more additional rounds of competition is necessary, they will select a Competitive Range to indicate the Proposers that will be invited to participate in a subsequent round(s). The Competitive Range may include all, or at the State Parties' sole discretion, some (based primarily on a natural break in the distribution of scores), of the Proposers from a previous round. State Parties will post a notice in ORPIN of their Competitive Range Determination and provide details about the process and schedule for the subsequent round(s).

State Parties reserve the right to establish a Competitive Range of fewer than all Responsive Proposers following Round 1 *Administrative Proposal* scoring completion and fewer than all remaining Competitive Range Proposers following *Initial Procurement Phase* scoring completion.

4.13.2 Competitive Range Protest

Proposers excluded after Round 1 *Administrative Proposal* scoring completion or after Round 2 *Technical Proposal* scoring completion may submit a Written protest of Competitive Range, **but** only after Round 2 *Technical Proposal* scoring completion.

Protests must:

- a. Be emailed to the SPC;
- b. Reference the RFP number;
- c. Identify Proposer's name and contact information;
- d. Be sent by an authorized representative
- e. State the reason for the protest; and
- f. Be received within seven (7) calendar days after issuance of the Notice of the Competitive Range unless a different due date and time is specified in such notice.

State Parties will address all protests within a reasonable time and will issue a Written decision to the respective Proposer. Protests that do not include the required information may not be considered by the State Parties.

4.14 ADDITIONAL ROUNDS

The State Parties will conduct a *Final Procurement Phase* in one (1) or more rounds for evaluation of required submissions from the remaining Competitive Range Proposers. Please refer to RFP Sections 3.3 and 3.4 for details.

4.15 SCORING AND RANKING OF PROPOSERS FOR SUBSEQUENT ROUNDS

In the *Initial Procurement Phase* the SPC will determine the cumulative score for Proposers advancing through rounds 1 and 2 by adding the scores from each completed round. The Proposer with the highest cumulative score will receive the highest ranking before the State Parties commence the *Final Procurement Phase*. The State Parties have not yet determined whether they will carry over scores from the *Initial Procurement Phase* to the *Final Procurement Phase*. They will declare their intention in this regard, i.e., carry over the scores, or not; in the

Addendum they use to release the specific submission requirements for the *Final Procurement Phase*.

5 AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

State Parties, if they award a Contract, shall award a Contract to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 4. State Parties may award less than the full Scope defined in this RFP.

5.1.2 Intent to Award Notice

State Parties will notify all Proposers in Writing regarding any intent to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

5.2 INTENT TO AWARD PROTEST

5.2.1 Protest Submission

An affected Proposer shall have seven (7) calendar days from the date of the Intent to Award notice to file a Written protest.

A Proposer is an Affected Proposer only if the Proposer would be eligible for Contract award in the event the protest was successful and is protesting for one (1) or more of the following reasons as specified in ORS 279B.410:

- a. All higher ranked Proposals are non-Responsive.
- b. State Parties have failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- c. State Parties abused their discretion in rejecting the protestor's Proposal as non-Responsive.
- d. State Parties' evaluation of Proposal or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If State Parties receive only one Proposal, they may dispense with the evaluation process and Intent to Award protest period and proceed with Contract Negotiations and award.

5.2.1.1 Protests must:

- a. Be delivered to the SPC via hard copy (or email if previously arranged with SPC);
- b. Reference the RFP number;
- c. Identify Proposer's name and contact information;
- d. Be signed by Proposer's Authorized Representative;
- e. Specify the grounds for the protest; and
- f. Be received within seven (7) calendar days of the Intent to Award notice

5.2.2 Response to Protest

OED will address all timely submitted protests within a reasonable time and will issue a Written decision to the respective Proposer. Protests that do not include the required information may not be considered by OED.

5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

Proposer who is selected for a Contract award under this RFP may be required to submit additional information and comply with additional requirements as set forth in RFP Addenda or Notice of Intent to Award, or both.

5.3.1 Insurance

Prior to award, Proposer shall secure and demonstrate to OED proof of insurance as required in this RFP or as negotiated. *Insurance Requirements* are found in Exhibit B of Attachment A-1.

5.3.2 Taxpayer Identification Number

Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form when requested by OED or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

5.3.3 Business Registry

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract.

Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

5.3.4 Pay Equity Certification

If selected for award and the Contract value exceeds \$500,000 and Proposer employs 50 or more full-time workers, Proposer shall submit to OED a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Proposer by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit www.oregon.gov/das/Procurement/Documents/SB491PayEquity.pdf.

ORS 279B.110(2)(f) requires that Proposer provide this prior to execution of the Contract.

5.3.5 Nondiscrimination in Employment

As a condition of receiving the award of a Contract under this RFP, Proposer must certify by their Signature on Attachment C - *Proposer Information and Certification Sheet*, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a Written notice of a policy that both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

5.3.6 Pay Equity Compliance

As required by [ORS 279B.235 or ORS 279C.520], Contractor shall comply with ORS 652.220 and shall not discriminate against any of Contractor's employees in the payment of wages or other compensation for work of comparable character, the performance of which requires comparable skills, or pay any employee at a rate less than another for comparable work, based on an employee's membership in a protected class.

Commencing on January 1, 2019, Contractor must comply with ORS 652.220 as amended and shall not unlawfully discriminate against any of Contractor's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Contractor's compliance with this section constitutes a material element of receiving the award of a Contract and a failure to comply constitutes a breach that entitles OED to terminate the Contract for cause.

Contractor may not prohibit any of Contractor's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Contractor may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

5.3.7 Other Required Information

NOT USED IN THE INITIAL RELEASE OF THE RFP.

5.4 CONTRACT NEGOTIATION

5.4.1 Negotiation

After selection of a successful Proposer(s), State Parties may enter into Contract negotiations with the successful Proposer(s). By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Sample Contract (Attachment A-1), subject to negotiation as set forth below.

Proposer shall review the attached Sample Contract and note exceptions.

Proposer must submit those exceptions to State Parties during the Questions / Requests for Clarification period set forth in Section 1.2. Unless State Parties agree to modify any of the terms and conditions, State Parties intend to enter into a Contract with the successful Proposer(s) substantially in the form set forth in Sample Contract (Attachment A-1).

It may be possible to negotiate some provisions of the final Contract; however, State Parties are not required to make any changes and many provisions cannot be changed. Proposer is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the State. While State Parties expect substantial negotiation of the Statement of Work, and although many terms of the agreement are generally negotiable, State Parties expect Proposer to base its proposal, including pricing, based on the terms of the attached Sample Contract, including expectations for indemnity, limitations of liability, and insurance requirements.

State Parties are willing to negotiate all items, except those listed below:

RFP DASPS-2232-19, *Unemployment Insurance Modernization*

- a. Choice of law
- b. Choice of venue
- c. Constitutional requirements
- d. Requirements of applicable federal and State law

Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice. In the event that the parties have not reached mutually agreeable terms within thirty (30) calendar days from resolution of any Award Protest(s), State Parties, at their discretion, may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

6 ADDITIONAL INFORMATION

6.1 CERTIFIED FIRM PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, OED encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. OED also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

If the Contract has potential subcontracting opportunities, the successful Proposer may be required to submit a completed *Certified Disadvantaged Business Outreach Plan* (Attachment F) prior to execution.

6.2 GOVERNING LAWS AND REGULATIONS

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

6.3 OWNERSHIP/PERMISSION TO USE MATERIALS

All Proposals are public record and are subject to public inspection after OED issues the Notice of the Intent to Award. Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of OED. By submitting a Proposal in response to this RFP, Proposer grants the State a non-exclusive, perpetual,

irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating a Contract, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

6.4 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.

Pursuant to ORS 279B.100, OED may reject any or all Proposals in whole or in part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State or OED, as determined by OED. Neither the State nor OED is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

6.5 COST OF SUBMITTING A PROPOSAL

Proposer shall pay all the costs in submitting its Proposal, including, but not limited to, the costs to prepare and submit the Proposal, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

6.6 STATEWIDE E-WASTE/RECOVERY PROCEDURE

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050_PR. Visit the DAS website www.oregon.gov/das and use the search bar feature to locate the procedure.

6.7 RECYCLABLE PRODUCTS

Proposer shall use recyclable products to the maximum extent economically feasible in the performance of the Services or work set forth in this document and the subsequent Contract. (ORS 279B.025)

6.8 PRINTING, BINDING, AND STATIONERY WORK

NOT RELEVANT FOR THIS RFP.

6.9 CHECKLIST DISCLAIMER

Any checklists that may be contained in this RFP are provided only as a courtesy to prospective Proposer. OED makes no representation as to the completeness or accuracy of any Checklist. Prospective Proposer is solely responsible for reviewing and understanding the RFP and complying with all the requirements of this RFP, whether listed in a checklist or not. Neither the State nor OED is liable for any claims, or subject to any defenses, asserted by Proposer based upon, resulting from, or related to, Proposer's failure to comprehend all requirements of this RFP.