**Request for Proposa****ls**

**ETJ0057**

**for**

**Competency Based Performance Management Services**

****

**Issued by the State of Wisconsin**

**Department of Employee Trust Funds**

**RFP Release Date: August 3, 2020**

**Vendor Questions Due: August 10, 2020**

**Proposals Due: August 24, 2020**

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# General Information

## Introduction

The Wisconsin Department of Employee Trust Funds (the Department or ETF) requests proposals for a human resources consultancy to partner on a multi-phase, multi-year program to implement foundational components of the Department’s strategic workforce planning road map. The Department is requesting assistance implementing a competency model, performance management system, and institutionalizing leadership and staffing practices needed to sustain a talented and agile workforce.

The Department intends to use the results of this solicitation to award a Contract. The Contract will be administered and managed by the Department. This RFP document, its attachments, the awarded Proposal and negotiated statements of work will be incorporated into the Contract.

## ETF Overview

The Department administers the Wisconsin Retirement System (WRS), the group health insurance program for State employees, many local governments, and a variety of other public employee benefit programs. The WRS is the 8th largest public pension fund in the nation and the Department’s largest program, providing retirement benefits for more than 641,000 current and former state and local government employees on behalf of approximately 1,500 employers. WRS participants include public school teachers, current and former employees of Wisconsin’s state agencies and, employees of most local governments other than the City of Milwaukee and Milwaukee County. The Department is overseen by independent governing boards and funds are held on behalf of benefit program beneficiaries in the Public Employee Trust Fund created and controlled by Chapter 40 of the Wisconsin Statutes.

Over the last 10 years, ETF has intensively sought to modernize its operations and transform the organization into an innovative and accomplished public pension administrator. ETF wishes to be as widely known for the quality of its benefit administration services as it is known for the soundness of its pension plan design and funding level.

For many years, ETF has successfully recruited, developed, and nurtured its staff, resulting in arguably the best agency to work for in Wisconsin state government. Driven by talented staff, ETF has rapidly matured as an organization over the last 10 years, improving ETF’s ability to deliver on its mandate of protecting the Public Trust Fund and delivering employee benefit administration services for WRS participants and employers. ETF now wishes to take its talent management to the next level of accomplishment.

The Department believes that a key component of a successful strategic workforce strategy is to identify the competencies needed in the workforce to take ETF into the future to achieve its strategic objectives. Once ETF better understands the staff competencies needed to achieve ETF’s desired future state and a performance management system is in place, ETF will be able to tailor its staffing plan, recruitment, onboarding, development, succession planning, etc. ETF understands that a sound staffing strategy must directly support the organization’s strategic objectives. The ETF strategic plan is comprised of four key goals:

1. Create an effortless customer experience.
2. Implement outcomes-driven performance measurement and process management.
3. Build a talented and agile workforce.
4. Implement modern, secure and resilient information technologies.

The selected Contractor will work most closely with ETF’s Division of Management Services (DMS), Bureau of Human Resources (HR) and agency leadership to provide and complete the Services. ETF’s HR Director reports to the DMS Division Administrator. HR consists of the Director, Supervisor and 10 staff members. The mission of HR is to provide independent and objective value-added services related to human capital and the employee lifecycle through partnership with all ETF business areas. HR is the primary orchestrator for strategic goal 3 above, to build a talented and agile workforce.

More information on the scope of the Services can be found in Appendix 2 – Requirements and Technical Questionnaire.

## Additional Background Information

Table 1 below provides links to additional background information. This information is provided to assist Proposers in completing an RFP response.

Table 1. Additional Background Information

|  |  |
| --- | --- |
| Title | Web Address |
| Employee Trust Funds Website | <http://etf.wi.gov> |
| Wisconsin Administrative Code: Chapter ETF 11 Appeals | <http://docs.legis.wisconsin.gov/code/admin_code/etf/11>  |
| Wisconsin State Statutes Chapter 16 | <https://docs.legis.wisconsin.gov/statutes/statutes/16> |
| Strategic Workforce Roadmap | See RFP Appendix 5 |

## Procuring and Contracting Agency

This RFP is issued by the Department. The Department is the sole point of contact for the State of Wisconsin in the selection process.

Prospective Proposers are prohibited from contacting any person other than the individual listed below regarding this RFP. Violation of this requirement may result in the Proposer being disqualified from further consideration.

**Department of Employee Trust Funds**

Attention: Beth Bucaida

**RFP ETJ0057**

P.O. Box 7931

Madison, WI 53707-7931

Telephone: 608-267-3933

E-mail: ETFSMBProcurement@etf.wi.gov

## Definitions and Acronyms

Words and terms shall be given their ordinary and usual meanings. Words and terms not defined below shall have the meanings provided by Wis. Stat. § 40.02 and Wis. Admin. Code § ETF 10.01 unless otherwise clearly and unambiguously defined by the context of their usage in this RFP. Where capitalized in this RFP, the following definitions and acronyms shall have the meanings indicated unless otherwise noted. The meanings shall be applicable to the singular, plural, masculine, feminine, and neuter forms of the words and terms.

**Business Day** means each Calendar Day except Saturday, Sunday, and official State of Wisconsin holidays (see also: Calendar Day, Day).

**Calendar Day** refers to a period of twenty-four hours starting at midnight.

**Confidential Information** means all tangible and intangible information and materials being disclosed in connection with the Contract, in any form or medium without regard to whether the information is owned by the State of Wisconsin or by a third party, which satisfies at least one of the following criteria: (i) Individual Personal Information; (ii) Personally Identifiable Information under Wis. Stat. § 19.62(5); (iii) Protected Health Information under HIPAA, 45 CFR 160.103; (iv) proprietary information; (v) non-public information related to the State of Wisconsin’s employees, customers, technology (including data bases, data processing and communications networking systems), schematics, specifications, and all information or materials derived therefrom or based thereon; (vi) information expressly designated as confidential in writing by the State of Wisconsin; (vii) all information that is restricted or prohibited from disclosure by State or federal law, including Individual Personal Information and Medical Records as governed by Wis. Stat. § 40.07, Wis. Admin. Code ETF 10.70(1) and 10.01(3m); or (viii) any material submitted by the Proposer in response to this RFP that the Proposer designates confidential and proprietary information and which qualifies as a trade secret, as provided in Wis. Stat. § 19.36 (5) or material which can be kept confidential under the Wisconsin public records law.

**Contract** means the written agreement resulting from the successful Proposal and subsequent negotiations that shall incorporate, among other things, this RFP, the successful Proposer's Proposal as accepted by the Department, the Department Terms and Conditions, an updated and executed Pro Forma Contract, its exhibits, subsequent amendments and other documents, and negotiated statements of work.

**Contractor** means a Proposer who is awarded a Contract.

**Cost Proposal** means the document submitted by the Proposer that includes Proposer’s costs to provide the Services. RFP FORM H – Cost Proposal Workbook is the required document all Proposers must submit. The Cost Proposal Workbook is described in FORM H and elsewhere in this RFP.

**Day** means Calendar Day unless otherwise indicated.

**Department** or **ETF** means the State of Wisconsin Department of Employee Trust Funds.

**Mandatory** means the least possible threshold, functionality, degree, performance, etc. needed to meet a compulsory requirement.

**Proposal** means the complete response of a Proposer submitted in the format specified in this RFP, which sets forth the Services offered by a Proposer and Proposer’s pricing for providing the Services described in this RFP.

**Proposer** means any individual, firm, company, corporation, or other entity that submits a Proposal in response to this RFP.

**RFP** means Request for Proposal.

**Services** means all work performed, and labor, actions, recommendations, plans, research, and documentation provided by the Contractor necessary to fulfill that which the Contractor is obligated to provide under the Contract.

**State** means the State of Wisconsin.

**State Statutes** or **ss** or **Wisconsin Statutes** or **Wis. Stats.** means Wisconsin State Statutes referenced in this RFP, viewable at: <http://www.legis.state.wi.us/rsb/stats.html>.

**Subcontractor** means a person or company hired by the Contractor to perform a specific task or provide Services as part of the Contract.

## Clarification of the Specifications and Requirements

Proposers must submit all questions concerning this RFP via e-mail (no phone calls) to ETFSMBProcurement@etf.wi.gov. The subject of the e-mail must include “**ETJ0057**” and the e-mail must be received on or before the date identified in Section 1.9 Calendar of Events, *Proposer Questions and Letter of Intent Due Date*. Proposers are expected to raise any questions they have concerning this RFP at this point in the process. Do not include any self-identifying or confidential information within your questions as all submitted questions will be made public.

Proposers are encouraged to submit any assumptions or exceptions to any terms, conditions, or requirements during the question process. All assumptions and exceptions listed must contain a rationale as to the basis for the assumption/exception. The Department will inform Proposers what assumptions/exceptions are acceptable to the Department.

Questions must be submitted as a Microsoft Word document (not a .pdf or scanned image) using the format specified below. Please copy and paste the table below into your Word document.

Table 2. Format for Submission of Clarification Questions

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Q# | RFP/Attachment Section | Page Number | Proposer Question/Rationale | Department Answer |
| Q1 |  |  |  |  |
| Q2 |  |  |  |  |
| Q3 |  |  |  |  |
| Q4 |  |  |  |  |

Q = Proposer’s question

Proposer’s e-mail must include the name of the Proposer’s company and the person submitting the question(s). A compilation of all questions and answers, along with any RFP updates, will be posted to the **Department’s website at** [**https://etf.wi.gov/node/18691**](https://etf.wi.gov/node/18691)on or about the date indicated in Section 1.9 Calendar of Events, *Department Posts Responses to Proposer Questions*.

If a Proposer discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, the Proposer should immediately notify the individual identified in Section 1.4 Procuring and Contracting Agency, of such error and request modification or clarification of this RFP document.

If it becomes necessary to update any part of this RFP, updates will be published on the Department’s web site listed above and will not be mailed. Electronic versions of this RFP and its attachments are available on the Department web site.

## Proposer Conference

No Proposer conference is scheduled for this RFP. If the Department decides to hold a Proposer conference, a notice will be posted on the Department’s web site at:

<https://etf.wi.gov/node/18691>. Note, unless this notice is posted, no conference will be held.

## Reasonable Accommodations

The Department will provide reasonable accommodations, including the provision of informational material in an alternative format, for qualified individuals with disabilities, upon request.

## Calendar of Events

Listed below are the important dates by which actions related to this RFP must be completed. If the Department finds it necessary to change any of the dates and times in the Calendar of Events listed below, it will do so by posting a supplement to this RFP on the Department’s website with the URL listed above. No other formal notification will be issued for changes in the estimated dates.

Table 3. Calendar of Events\*

|  |  |
| --- | --- |
| Date | Event |
| Monday, August 3, 2020  | **Department Issues RFP (Release Date)** |
| Monday, August 10, 2020 by 2:00PM Central Standard Time | **Proposer Questions and Letter of Intent Due Date**See Section 1.6 for submission requirements. |
| Friday, August 14, 2020 | **Department Posts Responses to Proposer Questions****on** <https://etf.wi.gov/node/18691>  |
| Monday, August 24, 2020 by 2:00PM Central Standard Time | **Proposal Due Date and Time**See Section 2.3 for submission requirements. |
| September 2020 | **Department Notifies Proposers of Intent to Award Contract & Begins Contract Negotiations** |
| October 2020 | **Proposed Contract Start Date** |

***\*All dates are estimated except the due dates for:*** ***Proposer Questions, Letter of Intent and Proposals.***

##  Contract Term, Statements of Work, Rate Increases

**Contract Term:** The Department expects the Contract to be executed in October 2020, after Contract negotiations have been successfully completed. The initial Contract term will commence on the date the Contract is executed by all parties thereto. Thereafter, unless earlier terminated, the term of the Contract shall continue for an initial term of approximately three (3) years. The Department retains the option, by mutual agreement of the Department and the Contractor, to renew the Contract for an additional two (2) one-year periods (renewal terms). Contractor’s performance may be reviewed by Department staff to inform continuation of the Contract.

**Statements of Work:** During the term of the Contract, and prior to the start of each consulting project, the selected Contractor and the Department shall define the Services to be provided in a “statement of work,” which shall include the hourly rate for Services to be provided by the Contractor based on the Contractor’s rates provided in the Contractor’s Cost Proposal. Statements of work shall clearly specify the project requirements, milestones, deliverables, end products, documents and reports to be provided by the Contractor. Statements of work must be agreed upon and signed by the Contractor and the Department and shall be made a part of the Contract. See Appendix 2 – Requirements and Technical Questionnaire for details regarding statement of work requirements.

**Rate Increases:** The Contractor’s hourly rates shall not increase during the initial term of the Contract. Hourly rate cost increases for Services to be provided by the Contractor after the initial term shall be negotiated in good faith and mutually agreed upon by the Department and the Contractor. Any such rate increases will be included in a negotiated Contract amendment signed by the Contractor and the Department.

##  Letter of Intent

A letter of intent indicating that a Proposer intends to submit a response to this RFP is requested (see Section 1.9 Calendar of Events). In the letter, identify the Proposer's organization/company name, list the name, location, telephone number, and e-mail address of one or more persons authorized to act on the Proposer's behalf. Submit the letter of intent via email to the address listed in Section 1.4 Procuring and Contracting Agency. The RFP number and title must be referenced in the subject line of Proposer’s email. The letter of intent does not obligate the Proposer to submit a Proposal.

##  No Obligation to Contract

The Department reserves the right to cancel this RFP for any reason prior to the issuance of a notice of intent to award a Contract. The Department does not guarantee to purchase any specific dollar amount. Proposals that stipulate that the Department shall guarantee a specific quantity or dollar amount will be disqualified.

##  WI Department of Administration eSupplier Registration

The Wisconsin Department of Administration’s eSupplier Portal is available to all businesses and organizations that want to do business with the State. The eSupplier Portal allows vendors to see details about pending invoices and payments, allows vendors to receive automatic, future official notices of bid opportunities, and, in some cases, allows vendors to respond to State solicitations. **NOTE:** the eSupplier Portal is not being used for this solicitation for Proposer responses.

For more information on the eSupplier Portal, go to: <https://esupplier.wi.gov/psp/esupplier/SUPPLIER/ERP/h/?tab=WI_BIDDER>

##  Retention of Rights

All Proposals become the property of the Department upon receipt. All rights, title and interest in all materials and ideas prepared by the Proposer for the Proposal, for the Department, shall be the exclusive property of the Department and may be used by the State at its discretion. Upon a Proposer’s request and at the Proposer’s expense, the Department will return Proposals to a Proposer who is disqualified or who withdraws their Proposal. The Department will keep the electronic version of the Proposal for its procurement file.

# Preparing and Submitting a Proposal

## General Instructions

The evaluation and selection of a Contractor will be based on the information received in the submitted Proposal(s) plus the following optional review methods, at the Department’s discretion: reference checks, Proposer presentations, interviews, demonstrations, responses to requests for additional information or clarification, any on-site visits, and/or best and final offers (BAFOs), where requested. Such methods may be used to clarify and substantiate information in the Proposals.

Failure to respond to each of the requirements in this RFP may be the basis for rejecting a Proposal.

Elaborate Proposals (e.g., expensive artwork, extensive marketing materials), beyond that sufficient to present a complete and effective Proposal, are neither necessary nor desired. Marketing or promotional materials should only be provided where specifically requested. If providing such materials, please indicate which question the materials apply to.

All Proposals must be in English.

## Incurring Costs

The State of Wisconsin and the Department are not liable for any costs incurred by Proposers in replying to this RFP, making requested oral presentations, or demonstrations.

## Submitting the Proposal

### ****Proposal Submission****

**Proposers must submit the following, including all required materials as specified herein:**

* **All Proposer files must be submitted to** ETFSMBProcurement@etf.wi.gov **no later than the Proposal Due Date and Time listed in RFP Section 1.9 Calendar of Events (it might be helpful to compress the files before emailing). Proposer’s submission shall include three (3) files:**
* **File 1 containing the Proposal and all Proposal documents in Microsoft Word/Microsoft Excel, and/or Adobe Acrobat 9.0 (or above) format. The Department requires that all files have optical character recognition (OCR) capability (not a scanned image). OCR is the conversion of all images typed, handwritten or printed text into machine-encoded text. The file must be labeled “[Proposer Name] PROPOSAL ETJ0057.” Do not include the Cost Proposal in this file.**
* **File 2 (only required if Proposer includes confidential or proprietary information within its Proposal) containing all Proposal files in Microsoft Word/Microsoft Excel, and/or Adobe Acrobat 9.0 (or above) format EXCLUDING or REDACTING all confidential and proprietary information/documents. This folder must be labeled “[Proposer Name] REDACTED PROPOSAL ETJ0057.” This is the file that will be submitted to requestors for open records requests. Note that no matter what the method the Proposer uses to redact documents, the Department is not responsible for checking that the redactions match the Proposer’s FORM G – Designation of Confidential and Proprietary Information. Proposers should be aware that the Department may need to electronically send the redacted materials to members of the public and other Proposers when responding appropriately to open records requests. The Department is not responsible for checking that redactions, when viewed on-screen via electronic file, cannot be thwarted. The Department is not responsible for responding to open records requests via printed hard copy, even if redactions are only effective on printed hard copy. The Department may post redacted Proposals on the Department’s public website in exactly the same file format the Proposer provides, and the Department is not responsible if the redacted file is copied and pasted, uploaded, emailed, or transferred via any electronic means, and somehow loses its redactions in that process. Do not include the Cost Proposal in this file.**
* **Redact only material the Proposer authored. For example, do not redact the requirement or question the Proposer is responding to, only the answer.**
* **Do not redact page numbers. Page numbers should remain visible at all times, even if the whole page is being redacted.**
* **Sign FORM G – Designation of Confidential and Proprietary Information only once. Add as many lines/pages as necessary.**
* **File 3 containing FORM H – Cost Proposal Workbook labeled “[Proposer Name] COST PROPOSAL ETJ0057.” Note: costs provided in Proposer’s Cost Proposal shall NOT be redacted for confidentiality.**

**IMPORTANT:**

* **Do not lock or password protect any Proposal folders or files.**
* Include the Proposer’s name and the RFP number in each file name.
* Files must be free of all malware, ransomware, viruses, spyware, worms, Trojans, or anything that is designed to perform malicious operations on a computer.
* Please include the RFP number (ETJ0057) in the Subject line of all emails sent to the Department.

### ****Proposal Due Date and Time****

**Proposals sent to the Department after the date and time specified in Section 1.9 Calendar of Events will not be accepted and will be disqualified. All required parts of the Proposal must be submitted by the specified due date and time; if any portion of the Proposal is submitted late, the entire Proposal will be disqualified.**

## Proposal Organization and Format

Proposers responding to this RFP must comply with the following format requirements. The Department reserves the right to exclude any Proposals from consideration that do not follow the required format as instructed below.

### Format Requirements

* Only provide promotional materials if they are relevant to a specific requirement of this RFP. If provided, the materials must be clearly labeled indicating to which RFP question or requirement number the materials apply. Clearly identify all such materials as “promotional materials.” Electronic access to such materials is preferred, which includes web links.

|  |  |
| --- | --- |
| **FRONT COVER** | **Front Cover Requirements**Include at a minimum the following information:* **Proposer's company name**
* **The RFP Number and Name: *RFP ETJ00057 Competency Based Performance Management Services***
* **Proposal submission** date
 |
| **TABLE OF CONTENTS** | **Table of Contents Requirements**Include at a minimum the following information:* Listing of each Proposal tab number
* Listing of each Proposal tab description
* Listing of each Proposal tab page number
 |
| **TAB 1** | **General Information and Forms**Within your Proposal, provide the following information and documents in the following order:* TRANSMITTAL LETTER: A signed transmittal letter must accompany the Proposal. The transmittal letter must be written on the Proposer’s official business stationery and signed by an official that is authorized to legally bind the Proposer. Include all the following in the letter:
* **The RFP number and name: *RFP ETJ00057 Competency Based Performance Management Services***
* Name and address of company
* Name, title and signature of Proposer’s authorized representative
* Name, title, telephone number and e-mail address of the Proposer representative(s) who may be contacted by the Department if questions arise regarding the Proposal
* Executive Summary
* FORM A – Proposal Checklist
* FORM B – Mandatory Proposer Qualifications
* FORM C – Subcontractor Information
* FORM D – Proposer Signature Page
* FORM E – Vendor Information
* FORM F – Vendor References
* FORM G – Designation of Confidential and Proprietary Information
* Current Form W-9 Request for Taxpayer Identification Number and Certification (from the Department of the Treasury, Internal Revenue Service: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>)

**NOTE:** FORM H – Cost Proposal Workbook must be submitted as stated in Section 2.3 Submitting the Proposal. |
| **TAB 2** | **Response to General and Technical Questionnaires** * Appendix 1 – General Questionnaire
* Appendix 2 – Requirements and Technical Questionnaire

**Responses are scored. (300 total points for the General Questionnaire and 550 total points for the Technical Questionnaire)**The purpose of the General and Technical Questionnaires is to provide the evaluation committee with a basis for determining the Proposer’s capability to undertake the Contract. All Proposers must respond to the questions/requirements in Appendix 1 – General Questionnaire and Appendix 2 – Requirements and Technical Questionnaire with a detailed written response. See Section 6 General Questionnaire and Section 7 Technical Questionnaire.Provide a point-by-point response to each and every statement, request or question in Appendix 1 and Appendix 2. The response must follow the same numbering system, use the same headings, and address each point or sub-point listed. The Proposer must provide sufficient detail for the evaluation committee and the Department to understand how the Proposer will comply with each requirement. If the Proposer believes that the Proposer’s qualifications go beyond the minimum requirements or add value, the Proposer should indicate those capabilities in the appropriate section of the Proposal. Associated costs should ONLY be listed in the Cost Proposal. Do not include cost/pricing information in any other section of the Proposal. Include the documents requested in the questionnaires (e.g. resumes, etc.) at the end of the response that corresponds to the question/requirement. Label the document provided with the question/requirement it applies to.  |
| **TAB 3** | **Assumptions and Exceptions**If the Proposer has no assumptions or exceptions to any RFP term, condition, appendix, or form, provide a statement in Tab 3 the Proposal to that effect.**NOTE:** If the Proposer has assumptions and/or exceptions to any RFP term, condition, appendix, or form, follow the instructions below: |

### Instructions for Submitting Assumptions and Exceptions:

* Regardless of any proposed assumption or exception, the Proposal as presented must include all Services requested.
* If the Proposer cannot agree to a Department term or condition included in Appendix 3 Department Terms and Conditions, which is not listed below in Table 5 “No Assumptions or Exceptions Allowed to the following Department Terms and Conditions,” the Proposer must make its specific required revision to the language of the provision by striking out words or inserting required language to the text of the provision. Any new text and deletions of original text must be clearly marked/highlighted or red-lined. Proposers shall avoid complete deletion and substitution of entire provisions, unless the deleted provision is rejected in its entirety and substituted with substantively changed provisions. Wholesale substitutions of provisions shall not be made in lieu of strategic edits required to reflect Proposer-required modifications.
* Immediately after a proposed revision, the Proposer shall add a concise explanation concerning the reason or rationale for the required revision. Such explanations shall be separate and distinct from the marked-up text and shall be bracketed, formatted in italics and preceded with the term “[*Explanation:*].”
* All provisions on which no changes are noted shall be assumed to be accepted by the Proposer as written and shall not be subject to further negotiation or change of any kind unless otherwise proposed by the Department.
* Submission of any standard Proposer contracts as a substitute for language in the terms and conditions is not a sufficient response to this requirement and may result in rejection of the Proposal. An objection to terms or conditions without including proposed alternative language will be deemed to be an acceptance of the language as applicable.
* The Department reserves the right to negotiate contractual terms and conditions when it is in the best interest of the State of Wisconsin to do so.
* Exceptions to any RFP terms and conditions may be considered by the Department during Contract negotiations if it is beneficial to the Department.
* The Department may or may not consider any of the Proposer’s suggested revisions. The Department reserves the right to reject any proposed assumptions or exceptions.
* Clearly label each assumption and exception with one of the following labels, as applicable:
* Department Terms and Conditions assumptions and exceptions
* RFP/Appendix assumptions and exceptions (excluding Section 8 Cost Proposal assumptions and exceptions)
* Cost Proposal assumptions and exceptions

### IMPORTANT: Supplemental Information Department Terms and Conditions

The Department will not allow any assumptions or exceptions by the Proposer to any of the items listed in Table 4 below. Any Proposal with an assumption or exception to any of the items listed in Table 4 will be rejected unless the Proposer recants each such assumption or exception in writing.

Table 4. No Assumptions or Exceptions Allowed to the Following
Department Terms and Conditions

|  |  |  |
| --- | --- | --- |
| Ref. No. | Document | Section |
| 1 | Appendix 3, Department Terms and Conditions | 3.0 Legal Relations |
| 2 | Appendix 3, Department Terms and Conditions | 13.0 Contract Dispute Resolution |
| 3 | Appendix 3, Department Terms and Conditions | 14.0 Controlling Law |
| 4 | Appendix 3, Department Terms and Conditions | 16.0 Termination of the Contract |
| 5 | Appendix 3, Department Terms and Conditions | 17.0 Termination for Cause |
| 6 | Appendix 3, Department Terms and Conditions | 18.0 Remedies of the Department |
| 7 | Appendix 3, Department Terms and Conditions | 22.0 Confidential Information and HIPAA Business Associate Agreement\* |
| 8 | Appendix 3, Department Terms and Conditions | 23.0 Indemnification |
| 9 | Appendix 3, Department Terms and Conditions | 39.0 Assignment |

\*Section 22.0 of the Department Terms and Conditions (Appendix 3) acts as the Department’s Business Associate Agreement (BAA). The BAA ensures compliance with the federal regulations implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) concerning the privacy, security and transaction standards on the confidentiality of personal information.

## Multiple Proposals

Multiple Proposals from a Proposer will not be accepted.

## Withdrawal of Proposals

Proposals shall be irrevocable until the Contract is awarded unless the Proposal is withdrawn. Proposers may withdraw a Proposal in writing at any time up to the date and time listed in Section 1.9 Calendar of Events, for the Proposal Due Date and Time or upon expiration of three (3) Calendar Days after the Proposal Due Date and time, if received by the Department. To accomplish this, the written request must be signed by an authorized representative of the Proposer’s company and submitted to the contact listed in Section 1.4 Procuring and Contracting Agency. If a previously submitted Proposal is withdrawn before the Proposal Due Date and Time, the Proposer may submit another Proposal at any time up to the Proposal Due Date and Time.

# Proposal Selection and Award Process

## Preliminary Evaluation

Proposals may initially be reviewed to determine if FORM B - Mandatory Proposer Qualifications are met, to the extent the Department can make that determination, and if all required Proposal components are received. Failure to:

* submit a complete Proposal following the instructions for completing the Proposal specified in this RFP, or
* meet the Mandatory Proposer Qualifications as stated in FORM B, or
* provide a complete response to FORM H – Cost Proposal Workbook

may result in rejection of the Proposal regardless of when the Department makes such discovery. In the event that all Proposers do not meet one or more of the Mandatory requirements, the Department reserves the right to continue the evaluation of the Proposals and to select the Proposal which most closely meets the requirements specified in this RFP. Also see Section 2.4.3 regarding the prohibition of assumptions and exceptions to the clauses in Table 5.

## Clarification Process

The Department may request Proposers to clarify ambiguities or answer questions related to information presented in their Proposal. Clarifications may occur throughout the Proposal evaluation process. Clarification requests will include appropriate references to this RFP or the Proposal. Responses shall be submitted to the Department in writing within the time required. Failure to provide responses as instructed may result in rejection of a Proposal.

## Proposal Scoring

Proposals that pass the preliminary evaluation may be reviewed by an evaluation committee. The evaluation committee may review written Proposals, references, additional clarifications, oral presentations or demonstrations (top scoring Proposers only), site visits and other information to score Proposals. The Department may request reports on a Proposer’s financial stability (this includes the Department’s request for Proposers to furnish audited financial statements), and if financial stability is not substantiated, may reject a Proposal. The Department may request presentations or demonstrations of the Proposer’s proposed products(s) and/or service(s) (top scoring Proposers only), and review results of past awards to the Proposer by the State.

A Proposer may not contact any member of the RFP evaluation committee.

The evaluation committee's scoring will be tabulated, and Proposals will be ranked based on the numerical scores received.

The evaluation committee reserves the right to stop reviewing a Proposal at any point during the evaluation process and remove the Proposal from further consideration.

## Evaluation Criteria

Proposals will be evaluated based upon the proven ability of the Proposer to satisfy the requirements specified herein in an efficient, cost-effective manner, taking into account quality of services proposed. Proposals will be scored using the following criteria:

Table 5. Evaluation Criteria

| **RFP Section** | **Description** | **Total Points** | **%**  |
| --- | --- | --- | --- |
| 6 | General Questionnaire (Appendix 1) | 300 | 30% |
| 7 | Technical Questionnaire (Section 2 of Appendix 2) | 550 | 55% |
| 8 | Cost Proposal (FORM H) | 150 | 15% |
|  | **Total** | **1,000** | **100%** |

## Method to Score Cost Proposals

## The Proposer’s Cost Proposal with the lowest average blended rate will receive the maximum number of points available for the cost category. Other Cost Proposals will receive prorated scores based on the proportion that the costs of the Proposals vary from the lowest Cost Proposal. The scores for the cost category will be calculated with a mathematical formula.

## Oral Presentations, Demonstrations, and/or Site Visits

The top scoring Proposers, based on the evaluation of their written Proposal in the general and technical questions of the RFP (Appendix 1 and 2), may be required to participate in oral presentations or demonstrations, interviews and/or site visits to supplement the Proposals, if requested by the Department.

The Department will make every reasonable attempt to schedule each oral presentation or demonstration at a time that is agreeable to the Proposer. If presentations are requested, they will be held online. Failure of a Proposer to interview or permit a site visit on the date scheduled may result in rejection of the Proposer's Proposal.

By submitting a Proposal in response to this RFP, the Proposer grants rights to the Department to contact or arrange a visit with any or all the Proposer’s clients, Subcontractors, and/or references.

## Best and Final Offer (BAFO)

The Department reserves the right to solicit a BAFO and conduct Proposer discussions, request more competitive pricing, clarify Proposals, and contact references with the finalists, should it be in the State’s best interest to do so. The Department is the sole determinant of its best interests.

If a BAFO is solicited, it will contain the specific information on what is being requested, as well as submission requirements, and a timeline with due date for submission. Any BAFO responses received by the Department after the stated due date may not be accepted. Proposers that are asked to submit a BAFO may refuse to do so by submitting a written response, indicating their Cost Proposal remains as originally submitted. Refusing to submit a BAFO will not disqualify the Proposer from further consideration.

## Contract Award

The evaluation committee may conduct Proposer discussions, clarify Proposals, contact the references of Proposers, and request a Best and Final Offer (BAFO) from Proposers. The Proposal(s) determined to best meet the Department’s goals may be selected for further action, including oral presentations or demonstrations. The Department reserves the right not to award a Contract. If contract negotiations cannot be concluded successfully with the selected Proposer, the Department may negotiate a Contract with another Proposer.

## Right to Reject Proposals and Negotiate Contract Terms

This RFP does not commit the Department to awarding a Contract, or paying any cost incurred in the preparation of a Proposal in response to this RFP. The Department retains the right to accept or reject any or all Proposals or accept or reject any part of a Proposal deemed to be in the best interest of the Department. The Department shall be the sole judge as to compliance with the instructions contained in this RFP.

The Department may negotiate the terms of the Contract, including the award amount and the Contract length, with the selected Proposer prior to entering into a Contract. The Department reserves the right to add contract terms and conditions to the Contract during contract negotiations and subsequent renewals.

##  Notification of Intent to Award

All Proposers who respond to this RFP will be notified in writing of the Department’s intent to award a Contract(s) as a result of this RFP. All decisions and actions under this RFP are solely under the authority of the Department.

##  Appeals Process

Notices of intent to protest and protests must be made in writing to the head of the Department, with a copy sent to the Department contact identified in Section 1.4 Procuring and Contracting Agency (listed below). The written notice of intent to protest the intent to award a contract must be filed with the Department Secretary and received in the Department office listed below no later than five (5) Business Days after the notice of intent to award is issued. Fax and e-mail documents will not be accepted.

A written notice of intent to appeal, and a formal written appeal, must be filed with:

|  |  |
| --- | --- |
| **Express/Common Carrier Delivery:** | **United States Postal Service Delivery** |
| Wisconsin Department of Employee Trust Funds  | Wisconsin Department of Employee Trust Funds  |
| c/o Robert J. Conlin, Secretary | c/o Robert J. Conlin, Secretary |
| 4822 Madison Yards Way | PO Box 7931 |
| Madison, WI 53705-9100 | Madison, WI 53707-7931 |

With a copy to:

|  |  |
| --- | --- |
| **Express/Common Carrier Delivery:** | **United States Postal Service Delivery** |
| Beth BucaidaWisconsin Department of Employee Trust Funds4822 Madison Yards WayMadison, WI 53705-9100 | Beth BucaidaWisconsin Department of Employee Trust FundsPO Box 7931Madison, WI 53707-7931 |

Following the notice of intent to appeal, the formal written appeal letter must be submitted to contacts listed above at the address listed above, within ten (10) Business Days after the notice of intent to award the contract is issued. Appeal rights are lost if no formal appeal is timely received. The formal appeal must state the RFP number, detailed factual grounds for the objection to the Contract award and must identify any Wisconsin Statute(s) and/or Wisconsin Administrative Code(s) that are alleged to have been violated. The Proposer can appeal only once per award. Email a copy of each notice submitted to ETFSMBProcurement@etf.wi.gov.

The subjective judgment of evaluation committee members is not appealable.

Following Department action, the decision of the Department Secretary may be appealed to the Secretary of the Department of Administration within five (5) Business Days of issuance of the decision, with a copy of such appeal filed with the Department Secretary at the above address. The decision of the Secretary of the Department of Administration regarding any appeals is final.

|  |  |
| --- | --- |
| **Express/Common Carrier Delivery:** | **United States Postal Service Delivery** |
| Wisconsin Department of Administration | Wisconsin Department of Administration  |
| c/o Joel Brennan, Secretary | c/o Joel Brennan, Secretary |
| 101 E. Wilson St. | PO Box 7864 |
| Madison, WI 53703 | Madison WI 53707 |

# MANDATORY PROPOSER QUALIFICATIONS

**This section is pass/fail. (0 points)**

**Use FORM B – Mandatory Proposer Qualifications to respond.**

The requirements in FORM B are Mandatory for any Proposer who submits a Proposal. Failure to comply with one or more of the Mandatory qualifications may disqualify the Proposer. A response to each item in FORM B – Mandatory Proposer Qualifications is Mandatory.

**NOTE:** If the Proposer cannot agree to each item listed in FORM B, the Proposer must so specify and provide the reason for the disagreement in Tab 3 – Assumptions and Exceptions, of the Proposer’s response. See Section 2.4.2 Instructions for Submitting Assumptions and Exceptions.

Conditions of the RFP that have the word “must” or “shall” describe a Mandatory qualification.

# PROJECT requirements

**This section is NOT scored. (0 points)**

Failure to comply with any term, standard, specification or condition within this RFP may disqualify the Proposer.

The minimum Services required are listed in Appendix 2 – Requirements and Technical Questionnaire. Detailed specifications will be included in a project plan and statements of work agreed to by the Contractor and the Department after a Contract is signed.

**NOTE:** If the Proposer cannot agree to each item listed in this RFP, the Proposer must so specify and provide the reason for the disagreement in Tab 3 – Assumptions and Exceptions – of Proposer’s response. See Section 2.4.2 Instructions for Submitting Assumptions and Exceptions.

# GENERAL QUESTIONNAIRE

**This section is scored. (300 total points)**

The purpose of this section is to provide the Department with a basis for determining the Proposer’s capability to undertake the Contract.

All Proposers must respond to the questions/requirements in Appendix 1 – General Questionnaire by restating each question, statement or requirement listed and providing a detailed written response. Instructions for formatting the written response to this section are found in Section 2.4 Proposal Organization and Format.

The Proposer must be able to perform Services according to the requirements contained in this RFP.

The Proposer must provide sufficient detail for the evaluation committee and the Department to understand how the Proposer will comply with each requirement. If the Proposer believes that the Proposer’s qualifications go beyond the minimum requirements or add value, the Proposer should indicate those capabilities in the appropriate section of the Proposal.

**NOTE:** Fees related to any proposed services must be noted in the Cost Proposal only. Do not include cost/pricing information in any other section of the Proposal.

# TECHNICAL QUESTIONNAIRE

**This section is scored. (550 total points)**

The purpose of this section is to provide the Department with a basis for determining the Proposer’s capability to meet the technical requirements contained in this RFP.

The Proposer must be able to perform Services according to the requirements contained in this RFP.

All Proposers must respond to the questions/requirements in Appendix 2 – Requirements and Technical Questionnaire by restating each question, statement or requirement listed and providing a detailed written response. Instructions for formatting the written response to this section are found in Section 2.4 Proposal Organization and Format.

The Proposer must provide sufficient detail for the evaluation committee and the Department to understand how the Proposer will comply with each requirement. If the Proposer believes that the Proposer’s qualifications go beyond the minimum requirements or add value, the Proposer should indicate those capabilities in the appropriate section of the Proposal.

**NOTE:** Fees related to any proposed services must be noted in the Cost Proposal only. Do not include cost/pricing information in any other section of the Proposal.

# COST PROPOSAL

**This section is scored. (150 total points)**

All Proposers must complete and submit FORM H – Cost Proposal Workbook. The Cost Proposal Workbook must be submitted as instructed in Section 2.3.1 Proposal Submission and 2.4 Proposal Organization and Format.

The Department reserves the right to clarify any pricing discrepancies related to assumptions on the part of the Proposers. Such clarifications will be solely to provide consistent assumptions from which an accurate cost comparison can be achieved.

Hourly rates outlined in Proposer’s Cost Proposal or BAFO response shall remain firm for the initial Contract term. Cost increases for any renewal terms shall be negotiated in good faith and mutually agreed upon by the Department and the Contractor.

Only dollar and number values will be accepted on the Cost Proposal. Any description other than number value such as, but not limited to: “no cost,” “included,” “see below,” “-“, “n/a,” etc. will not be accepted. A cost value of $0.00 shall indicate the deliverable is no cost to the Department.

If a cost is not provided in a cell, it will indicate the Proposer does not provide the specific service.

Cost Proposals that are not otherwise confidential under State or federal law are not Confidential Information.

# Contract Terms and Conditions

**This section is NOT scored. (0 points)**

The Department will execute a Contract with the awarded Contractor(s). A Pro Forma Contract is located in Appendix 4 and is attached as an example. The Contract and any subsequent renewal(s) will incorporate all terms and conditions included in this RFP, including all attachments, exhibits, forms, appendices, etc., made a part of this RFP, and Contractor’s Proposal. The Department shall draft the Contract.

The Contractor shall be responsible for the performance of any obligations that may result from the Contract and shall not be relieved by the non-performance of any Subcontractor. Proposals must identify all proposed Subcontractors and describe the contractual relationship between the Proposer and each Subcontractor.

## Department Authority

This solicitation is authorized under Chapter 16 of the Wisconsin State Statutes. The Department is the sole point of contact for this solicitation and the Contract.

## Payment Terms

* Contractor must complete the State’s banking and payment forms to facilitate the Department’s payments to the Contractor.
* Contractor shall invoice the Department on an interval agreed to by the Department and Contractor.
* Invoices must be itemized by project and contain sufficient detail for the Department to determine the full extent of the cost for each project, including resource name, hourly rate for each resource, number of hours worked by the resource.
* Invoices shall include the Department’s purchase order number, if one was issued.
* Invoices must be submitted electronically via email: ETFAccountsPayable@etf.wi.gov.
* Payment will only be made through Automated Clearing House (ACH) unless alternative arrangements are mutually agreed upon. Contractor must complete the State’s forms to facilitate the Department’s payments to the Contractor.
* Invoices shall be submitted timely and no later than one (1) year after completion of Services.
* Payment will be made within thirty (30) Calendar Days of the Department’s receipt of a proper and approved invoice. An early payment discount is appreciated.
* Any work performed by the Contractor that is outside the scope of this RFP and a statement of work agreed to and signed by the Contractor and the Department will be deemed to be a gratuitous effort on the part of the Contractor, and the Contractor will have no claim against the Department for such work, and Department will have no obligation to pay for such work.
* All payment arrangements will be finalized during Contract negotiations.