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

**ETI0049**

**Information Technology Audits and Consulting**

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**Issued by the State of Wisconsin**

**Department of Employee Trust Funds**

**on behalf of the ETF Board**

 **RFP Release Date: June 28, 2019**

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# General Information

## Introduction

The purpose of this Request for Proposal (RFP) is to provide interested and qualified vendors with information to enable them to prepare and submit competitive Proposals to the State of Wisconsin Department of Employee Trust Funds (Department) for the following:

• on-site information technology (IT) auditing services in the areas of information security, IT organizational effectiveness, legacy application support and business continuity management;

• non-audit consulting, advisory and review services in the areas of systems development lifecycle (SDLC), endpoint imaging, data management, system implementation, data loss prevention, data privacy review, identity access management (IAM), eDiscovery and records management; and

• ad hoc work as needed and as negotiated between the Department and the Contractor.

The Department anticipates the audits and consulting services to be performed during State fiscal years 2020-2023, with the potential for additional work in following years. See Appendix 2 – Technical Questionnaire for additional information on the Services requested.

The Department intends to use the results of this solicitation to award one or more Contracts. The Contract(s) will be administered and managed by the Department, with oversight by the Employee Trust Funds (ETF) Board (Board). This RFP document, its attachments, the awarded Proposal(s) and negotiated statements of work will be incorporated into the Contract(s).

## ETF Overview

The Department administers the Wisconsin Retirement System (WRS), the group health insurance program for state employees and 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 630,000 current and former state and local government employees on behalf of approximately 1,500 employers. 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 an independent governing board 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.

The selected Contractor(s) will work most closely with the Department’s Office of Internal Audit (OIA) to complete the contracted Services. The mission of OIA is to provide independent, objective audit and non-audit services designed to add value and improve ETF operations. The Director of OIA reports to the ETF Secretary and to the ETF Board through the Audit Committee. OIA consists of the Director and three staff members. OIA helps ETF accomplish its mission by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, and governance processes.

OIA has a bi-annual audit plan describing in detail the audits and non-audit services described in this RFP, which are designed to provide coverage of key business processes with the Department’s existing staff and supplemented by specialized expertise. Because of the confidential nature of the information included in the audit plan, the audit plan will be shared with the Contractor after the Contract is signed. More information on the scope of the Services to be provided by the Contractor can be found in Appendix 2 – 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 40 | <http://www.legis.state.wi.us/statutes/Stat0040.pdf> |
| ETF Draft Audit Plan for FY20 / FY21 | <http://etf.wi.gov/boards/agenda-items-2019/etf0620/audit/item5.pdf> |

## Procuring and Contracting Agency

This RFP is issued by the Department on behalf of the Board. The Department is the sole point of contact for the State of Wisconsin in the selection process. The terms “State,” “ETF,” and “Department” may be used interchangeably in this RFP and its attachments.

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.

|  |  |
| --- | --- |
| **Express Delivery** | **United States Postal Service delivery**  |
| Dept. of Employee Trust FundsBeth Bucaida**RFP ETI0049**Hill Farms State Office Building 8th Floor North Tower (Visitor’s Entrance)4822 Madison Yards WayMadison, WI 53705-9100 | Dept. of Employee Trust FundsBeth Bucaida**RFP ETI0049**P.O. Box 7931Madison, WI 53707-7931 |

**Telephone:** 608-267-3933

**E-mail:** ETFSMBProcurement@etf.wi.gov

**NOTE:** Deliveries are accepted from 8:00 a.m. – 4:00 p.m. central time Monday through Friday. No deliveries may be made to the Department on Saturdays, Sundays, and State holidays as the office is closed on those days. The Department is not responsible for picking up Proposals at the post office or any courier office.

**If Proposers are dropping off Proposals:**

The street address for the Hill Farms State Office Building parking garage is 4846 Sheboygan Avenue, Madison, Wisconsin. A visitor pass from the security desk on the 1st floor of the Hill Farms State Office Building at 4822 Madison Yards Way is required for access to the Department of Employee Trust Funds’ reception area on the 8th Floor of the North Tower. Proposers must check in at the 8th floor reception desk and wait until the boxes containing the Proposals have been dated and time stamped.

## 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 or not 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.

**Board** means ETF Board.

**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. The file attached as FORM H – Cost Proposal is the required document all Proposers must submit. The Cost Proposal 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.

**HIPAA** means the Health Insurance Portability and Accountability Act of 1996. See Department Terms and Conditions.

**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.

Please see the glossary on the ETF home page at: <https://etf.wi.gov/glossary> or further definitions.

## 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 state “**ETI0049**” 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 shared with all vendors who submit questions.

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:

Table 2. Format for Submission of Clarification Questions

|  |  |  |  |
| --- | --- | --- | --- |
| No. | RFP Section | RFP Page | Question/Rationale |
| Q1 |  |  |  |
| A1 |  |  |  |
| Q2 |  |  |  |
| A2 |  |  |  |

Q = Proposer’s question; A = The Department’s answer

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 Extranet** (<http://etfextranet.it.state.wi.us/etf/internet/RFP/rfp.html>) 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 Extranet listed above and will not be mailed. Electronic versions of this RFP and its attachments are available on the Department’s Extranet.

**Proposer Assumptions and Exceptions:** A Proposer may submit assumptions and exceptions with their Proposal using the process included in Section 2.4.1-Tab 3. All provisions within this RFP and its attachments 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.

## 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 Extranet at:

<http://etfextranet.it.state.wi.us/etf/internet/RFP/rfp.html>. 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 Extranet 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 |
| June 28, 2019 | Department Issues RFP (Release Date) |
| July 10, 2019 | Proposer Questions and Letter of Intent Due |
| July 17, 2019 | Department Posts Responses to Proposer Questions |
| Wednesday, July 24, 2019 by 2:00PM Central Daylight Time | **Proposal Due Date and Time** |
| August 21, 2019 | Department Notifies Proposers of Intent to Award Contract & Begins Contract Negotiations |
| October 1, 2019 | 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 Contract term shall commence on the date the Contract is fully executed by both parties (date of last signature) and will extend through June 30, 2021 covering FY20 and FY21 (initial term). The Board retains the option, by mutual agreement of the Board and the Contractor, to renew the Contract for an additional three (3) one-year periods through June 30, 2024 covering FY22, FY23 and FY24 (renewal terms). Contractor’s performance may be reviewed by Board and/or Department staff to inform continuation of the Contract.

**Statements of Work:** During the term of the Contract, and prior to each audit and consulting project, the selected Contractor and the Department shall define the Services to be provided in a “statement of work,” which shall include the maximum cost of the Services to be provided by the Contractor based on the Contractor’s rates and estimated hours 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 – 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 FY21 shall be negotiated in good faith and mutually agreed upon by the Department and the Contractor.

##  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. 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 Board reserves the right to cancel this RFP for any reason prior to the issuance of a notice of intent to award a Contract. The Board does not guarantee to purchase any specific dollar amount. Proposals that stipulate that the Board 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.

# Preparing and Submitting a Proposal

## General Instructions

The evaluation and selection of a Contractor(s) 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, and in the format requested, may be the basis for rejecting a Proposal.

Elaborate Proposals (e.g., expensive artwork), 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

### ****Hard and Electronic Copies, Redacting****

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

* **One (1) original hard copy Proposal, clearly labeled “ORIGINAL;”**
* **Three (3) identical paper copies of the original paper Proposal, marked as “COPY.”**
* **One (1) USB flash drive, which includes three (3) folders:**
	+ **Folder 1 containing one electronic Proposal file in Microsoft Word 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. One file for the entire proposal is required. The file must be labeled “[Proposer Name] PROPOSAL.” The file must have the same pagination as Proposer’s original hard copy. Do not include the Cost Proposal in this folder.**
	+ **Folder 2 (only required if Proposer includes confidential or proprietary information within its Proposal) containing one electronic Proposal file in Microsoft Word and/or Adobe Acrobat 9.0 (or above) format** **EXCLUDING or REDACTING all confidential and proprietary information/documents. This file must be labeled “[Proposer Name] REDACTED PROPOSAL.” This is the file that will be submitted to requestors for open records requests. Note that no matter what method the Proposer uses to redact documents, the Department is not responsible for checking that the redactions match the Proposer’s 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, e-mailed, or transferred via any electronic means, and somehow loses its redactions in that process. The redacted file must have the same pagination as Proposer’s original hard copy Proposal. Do not include the Cost Proposal in this folder.**
* **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 the Designation of Confidential and Proprietary Information only once. Add as many lines/pages as necessary.**
	+ **Folder 3 containing the Excel Cost Proposal labeled “[Proposer Name] COST PROPOSAL.” Note: costs provided in Proposer’s Cost Proposal shall NOT be redacted for confidentiality. Do not convert the Cost Proposal to a .pdf document, only the paper copy of the Cost Proposal is required to be signed.**

**IMPORTANT:**

* **Do not lock or password protect the USB drive.**
* **Clearly mark the exterior of the USB flash drive with Proposer’s name and the RFP number.**
* **Flash drives must be free** of all malware, ransomware, viruses, spyware, worms, Trojans, or anything that is designed to perform malicious operations on a computer.

### Cost Proposal

**This section is scored. (200 total points)**

One original paper copy of FORM H - Cost Proposal must be placed in a sealed envelope and submitted in the box containing the Proposals. Each page of the Cost Proposal must contain the Proposer’s name. Mark the outside of the envelope with:

* “[Proposer's Name and Address]”
* Title: COST PROPOSAL, RFP ETI0049

**IMPORTANT: Proposer’s Cost Proposal shall only be included: a) electronically within a separate file folder on the Proposer’s USB flash drive submitted to the Department as instructed above, and b) in paper form submitted in a sealed envelope as instructed above.**

**See Section 8 below for further instructions on completing FORM H.**

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

**Proposals received after the date and time specified in Section 1.9 Calendar of Events will not be accepted and will be disqualified. Receipt of a Proposal by the State** of Wisconsin **mail system does not constitute receipt of a Proposal by the Department, for the purposes of this RFP. 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. Proposers may request, via an email to the address listed in Section 1.4, the time and date their Proposal was received by the Department.**

**Proposals submitted via fax or e-mail will not be accepted.**

### Proposal Packaging

The Proposal must be packaged, sealed and show all of the following information on the outside of the package:

* Proposer's company name and address
* RFP Number: ***RFP ETI0049***
* **Proposal** Due Date (as specified in Section 1.9 Calendar of Events)

## 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

* **Proposals must be typed and submitted on 8.5 by 11-inch paper and bound securely.**
* **Only provide promotional materials if they are relevant to a specific requirement of this RFP. If provided, all materials must be included with the response to the relevant requirement and clearly identified as “promotional materials.” Electronic access to such materials is preferred, which includes flash drives and web links.**

|  |  |
| --- | --- |
| **FRONT COVER** | **Front Cover Requirements**Include at a minimum the following information:* **Proposer's company name;**
* **Title: *Proposal Response for the Wisconsin Department of Employee Trust Funds;***
* **RFP ETI0049; and,**
* **Proposal submission** date.
 |
| **TABLE OF CONTENTS** | **Table of Contents Requirements**Include at a minimum the following information:* Listing of each TAB number;
* Listing of each TAB description; and,
* Listing of each TAB page number.
 |
| **TAB 1** | **General Information and Forms**Provide the following 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:
1. Name and address of company
2. Name, title and signature of Proposer’s authorized representative
3. Name, title, telephone number and e-mail address of representatives who may be contacted by the Department if questions arise regarding the Proposal
4. **ETI0049**
5. Executive Summary

Include all of the following completed forms: * FORM A – Proposal Checklist
* FORM B – Mandatory Proposer Qualifications
* FORM C – Subcontractor Information
* FORM D – Request for Proposal Signature Page
* FORM E – Vendor Information
* FORM F – Vendor References
* FORM G – Designation of Confidential and Proprietary Information

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 is mandatory also. **If the Proposer cannot agree to each item, the Proposer must so specify and provide the reason for the disagreement in Tab 3 – Assumptions and Exceptions – of the Proposer’s response.*** 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: Proposer’s Cost Proposal must be submitted as stated in Section 2.3.2 above.** |
| **TAB 2** | **Response to GENERAL and TECHNICAL QUESTIONNAIRES** * Appendix 1 – General Questionnaire
* Appendix 2 – Technical Questionnaire

**Responses are scored. (300 total points for the General Questionnaire and 500 total points for the Technical Questionnaire)**The purpose of these questionnaires is to provide the Department and the Board 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 – Technical Questionnaire with a detailed written response. The Proposer must provide sufficient detail for the evaluation committee, the Board 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. audited financial statements, 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 to that effect.If the Proposer has assumptions and/or exceptions to any RFP term, condition, appendix, or form, follow the following instructions:Instructions:* Regardless of any proposed assumption or exception, the Proposal as presented must include all Services requested.
* If the Proposer cannot agree to a term or condition as written, 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 color coded or highlighted, which requires the Proposer’s response be printed in color. 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:
* Department Terms and Conditions Assumptions and Exceptions
* RFP/Appendix/Form Assumptions and Exceptions

Supplemental Information – IMPORTANTThe 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

|  |  |  |
| --- | --- | --- |
| Ref. No. | Document | Item/Section |
| 1 | Appendix 3 | 3.0 Legal Relations |
| 2 | Appendix 3 | 6.0 Audit Provision |
| 3 | Appendix 3 | 12.0 Liquidated Damages |
| 4 | Appendix 3 | 13.0 Contract Dispute Resolution |
| 5 | Appendix 3 | 14.0 Controlling Law |
| 6 | Appendix 3 | 16.0 Termination of the Contract |
| 7 | Appendix 3 | 17.0 Termination for Cause |
| 8 | Appendix 3 | 18.0 Remedies of the Department |
| 9 | Appendix 3 | 22.0 Confidential Information and HIPAA Business Associate Agreement |
| 10 | Appendix 3 | 23.0 Indemnification |
| 11 | Appendix 3 | 25.0 Right to Publish or Disclose  |
| 12 | Appendix 3 | 28.0 Data Security and Privacy Agreement |
| 13 | Appendix 3 | 39.0 Assignment |

 |

## Multiple Proposals

Multiple alternative Proposals from a Proposer are not permissible.

## 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 will initially be reviewed to determine if Mandatory requirements are met and if all required Proposal components are received. Failure to submit a complete Proposal may result in rejection of the entire Proposal. Failure to meet Mandatory requirements as stated in FORM B - Mandatory Proposer Qualifications, or failure to follow the required instructions for completing the Proposal as specifically outlined in this RFP may result in rejection of the Proposal. Failure to provide a complete Cost Proposal will result in rejection of a Proposal.

## Clarification Process

The Proposer must be able to perform Services according to the requirements contained in this RFP. 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 Proposer’s 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 (Appendix 2) | 500 | 50% |
| 8 | Cost Proposal (FORM H) | 200 | 20% |
|  | **Total** | **1,000** | **100%** |

## Method to Score Cost Proposals

## The Proposer’s Cost Proposal with the lowest average blended rate for the FY20 Services 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. This may include presentations to supplement or clarify information in the Proposal or demonstrations of Proposer’s key tools and reporting capabilities, and interviews with key Department staff, evaluation committee members, and Board members.

The Department will make every reasonable attempt to schedule each oral presentation or demonstration at a time that is agreeable to the Proposer. Presentations will be held in Madison, Wisconsin. 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 of the Proposer’s clients, Subcontractors, and/or references.

## 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. Information regarding the Proposals will be presented to the Board. One or more Proposals may be presented to the Board for award based on the results of the general, technical and initial cost evaluations. If the evaluation committee conducted oral presentations or demonstrations, the award will be based on the results of the presentations or demonstrations as well. The Proposal(s) determined to best meet the Department’s goals may be selected by the Board for further action, including oral presentations or demonstrations to the Board. The Board reserves the right not to award a Contract. If contract negotiations cannot be concluded successfully with the selected Proposer(s), the Board may negotiate a Contract with another Proposer.

## 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.

## Right to Reject Proposals and Negotiate Contract Terms

This RFP does not commit the Board to awarding a Contract, or paying any cost incurred in the preparation of a Proposal in response to the RFP. The Board 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 Board. The Board shall be the sole judge as to compliance with the instructions contained in this RFP.

The Board may negotiate the terms of the Contract(s), including the award amount and the Contract length, with the selected Proposer(s) prior to entering into a Contract. The Board 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 Board’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 Board.

##  Appeals Process

Protests of the Board’s intent to award a contract(s) must be made in writing and according to the Board’s Policy for Vendor Procurement Appeals located at <http://etf.wi.gov/boards/gov_manual_retirement/vendor-procurement-appeals.pdf>. A vendor who wants to appeal the award must first send a written notice indicating that the vendor wants to appeal the award decision. The notice must be 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** |
| Employee Trust Funds Board  | Employee Trust Funds Board |
| c/o Robert J. Conlin, Secretary | c/o Robert J. Conlin, Secretary |
| Wisconsin Department of Employee Trust Funds | Wisconsin Department of Employee Trust Funds |
| 4822 Madison Yards Way | PO Box 7931 |
| Madison, WI 53705-9100 | Madison WI 53707-7931 |

Following the notice of intent to appeal, the formal written appeal must be submitted to the Board, c/o the Secretary of the Department 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 Statutes and Wisconsin Administrative Codes that are alleged to have been violated. The vendor can appeal only once per award.

The subjective judgment of evaluation committee members is not appealable. Following Board action, a written decision will be sent to the vendor. The decision of the Board regarding any appeals is final.

# MANDATORY PROPOSER QUALIFICATIONS

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

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

The requirements on Form B are Mandatory. Failure to comply with one or more of the Mandatory qualifications may disqualify the Proposer.

# 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 – 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.

**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 2.4.1 – Tab 3 instructions.**

# 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 general requirements contained in this RFP.

All Proposers must respond to the questions/requirements in Appendix 1 – General Questionnaire according to the instructions in Sections 2.3 and 2.4 above.

# TECHNICAL qUESTIONNAIRE

**This section is scored. (500 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 – Technical Questionnaire according to the instructions in Sections 2.3 and 2.4.

The Proposer must provide sufficient detail for the Board and the Department to understand how the Proposer will comply with each requirement. If the Proposer believes their qualifications go beyond the minimum requirements or add value, the Proposer should indicate those capabilities in each section. Associated costs should be listed in the Cost Proposal only.

**Fees related to any Services should not be included in this section but must be included in the Cost Proposal**.

# COST PROPOSAL

**This section is scored. (200 total points)**

FORM H – Cost Proposal Workbook is available on the Department’s extranet site at: https://etfonline.wi.gov/etf/internet/RFP/rfp.html

All Proposers must complete the Cost Proposal Workbook. Instructions on how to submit the Cost Proposal Workbook are provided in Section 2.3.2 above and in the Instruction Tab within the Cost Proposal Workbook.

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) and amendments will incorporate all terms and conditions in this RFP, including all attachments, exhibits, forms, appendices, etc., made a part of this RFP, and Contractor’s Proposal, and subsequent statements of work.

## Board and Department Authority

This solicitation is authorized under Chapter 40 of the Wisconsin State Statutes. Procurement statutes and rules that govern other State agencies may not be applicable. All decisions and actions under this RFP are solely under the authority of the Board. The Department is acting as an agent of the Board in carrying out any directives or decisions relating to this RFP, the Contract and subsequent awards. The Department is the sole point of contact for Board contracting.

## Payment Terms

* Contractor shall invoice the Department after each audit or consulting project is completed for Services provided.
* 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 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.
* Any work performed by the Contractor that is outside the scope of the RFP and any 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.