

CHAPTER III: INSTRUCTIONS

A. **BIDDER RESPONSIBILITY**

Each bidder shall be solely responsible for carefully examining the RFP, any addenda thereto, and all related materials and data referenced in the RFP. The bidder shall become fully aware of the nature, location, and scope of work, and the conditions to be encountered in performing the work.

B. **UNIVERSITY CONTACT**

Written questions or requests, and other matters pertaining to the RFP should be directed to either of the following University officials:

U.S. Mail:

Barbara Cooper or Bob Barden
Procurement and Business Contracts
University of California, Berkeley
Berkeley, CA 94720

Courier Service:

Barbara Cooper or Bob Barden
Procurement and Business Contracts
6701 San Pablo Avenue, Suite 218
University of California, Berkeley
Oakland, CA 94608

Telephone Number: (510) 231-5657 (Barbara Cooper)
(510) 642-0847 (Bob Barden)

Facsimile Machine Number: (510) 642-8604

E-Mail:

bcooper@uclink.berkeley.edu (Barbara Cooper)
purchas2@uclink4.berkeley.edu (Bob Barden)
Jackie.Ito-Woo@ucop.edu

(send e-mail messages to all three addresses)

C. PREREQUISITES TO AWARD

The specific conditions that a proposal and bidder must meet to be considered for award are as follows:

1. The bidder must meet the mandatory qualification criteria (refer to Section D of this Chapter); and
2. The number of points awarded to the bidder's proposal must meet or exceed a minimum point threshold, determined by the University.

D. MANDATORY QUALIFICATION CRITERIA

Each bidder shall meet all of the following mandatory qualification requirements to be considered for award under this RFP.

1. Experience

The bidder shall have at least three (3) years of experience in providing each of the services listed on the "Statement of Experience Form" (Bidder Response Form 2).

2. Commitments

If awarded the Agreement, the bidder shall agree to the following:

- a. To provide to the University, by no later than October 1, 1998, the final record layouts and data definitions for input files that campuses are to furnish to the vendor. The record layouts and the data definitions shall be developed in consultation with the University.
- b. To generate and mail the 1098-T Supplemental Notices, pursuant to IRS and University instructions.
- c. To generate and file the IRS Form 1098-T, pursuant to IRS instructions.
- d. To have the phone service staff and toll-free telephone system in place for handling telephone inquiries and requests from the University's public by no later than the day after the 1098-T Supplemental Notices are mailed.
- e. To work with the University to identify and implement mutually agreeable changes or enhancements to meet the University's needs.
- f. To assist in cost containment efforts and to have those cost savings accrue to the University.

3. Financial Responsibility

The bidder must have a sound financial position and the resources to perform the services required under the Agreement.

E. QUALIFICATION MATERIAL

Bidders who intend to respond to this RFP are required to submit the following documents, which must be received by the University Contact, whose name and address are provided in Section B of this Chapter, by the Deadline for Submitting Qualification Materials (refer to Section B “Schedule and Submittal Dates” of Chapter I. Bidders shall each submit sixteen (16) sets of the Qualification Materials.

1. Completed “Notice of Intent to Respond” (Bidder Response Form 1)

The bidder shall complete, in the space provided on the “Notice of Intent to Respond,” the name, mailing address, address for overnight deliveries, voice phone number, facsimile machine phone number, and a primary--and optional secondary--e-mail address of the person representing the bidder’s company. This point of contact will be used for all communications concerning this RFP. Each bidder shall designate only one such point of contact.

2. Financial Statements

The bidder shall provide a copy of its company’s audited financial statements for the last three (3) years, including the auditor’s unqualified opinion, a balance sheet, profit and loss statement, and statement of cash flows. If the bidder’s company is a subsidiary of a larger organization, financial data reflecting only the subsidiary organization’s financial position are to be submitted. These statements shall be prepared by a licensed Certified Public Accountant in accordance with the auditing standards for accounting and review services of the American Institute of Certified Public Accountants. All statements shall adhere to Generally Accepted Accounting Principles.

The bidder shall submit the financial statements to the University Contact, whose name and address are provided in Section B of this Chapter, by the Deadline for Submitting Financial Statements (refer to Section B “Schedule and Submittal Dates” of Chapter I).

PRIVACY NOTIFICATION TO BIDDERS:

The State of California Information Practices Act of 1977 requires the University to provide the following information to individuals who are asked to supply financial information about themselves:

The principal purpose for requesting a financial statement is to provide financial information to determine financial qualifications. University policy and State and Federal statutes authorize maintenance of this information.

Furnishing all information requested is mandatory. Failure to provide such information shall be considered non-responsive and may result in the automatic disqualification of the bidder's company as an eligible bidder.

The official responsible for maintaining the financial information furnished in response to this RFP is the Director of Materiel Management, University of California at Berkeley, 6701 San Pablo Avenue, Second Floor, Suite 218, Berkeley, CA 94720.

F. QUESTIONS, REQUESTS, ERRORS, AND RESPONSES

The bidder shall submit, by e-mail, questions about this RFP or services to be rendered to the University Contact, identified in Section B of this Chapter. University responses to questions, in written or oral form, shall not be deemed to amend the RFP unless and until the response is included in an addendum to the RFP. If the response to a question alters the RFP, it will be formally incorporated into the RFP by an addendum.

Bidders are encouraged to submit any requests for changes to the RFP document to the University as soon as possible. Each request should identify the material to be changed, the suggested change, and the reason for the request. University responses, in written or oral form, to requests to change the RFP document shall not be deemed to amend the RFP unless and until the response is included in an addendum to the RFP. If the University elects to change the RFP document, the change will be formally incorporated into the RFP as an amendment.

If a bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP (collectively, "error"), the bidder shall immediately send an e-mail notification of the error to the University Contact, identified in Section B of this Chapter, and request clarification or modification. If, prior to the date set for receipt of requests for changes, a bidder fails to notify the appropriate University Contact of an error of which the bidder knew or reasonably should have known, the bidder shall submit the proposal at its own risk and, if an Agreement is executed with that bidder, shall not be entitled to additional compensation or time by reason of the error or its later correction.

Request for changes to the RFP document must be sent via e-mail and must be received by the University Contact, identified in Section B of this Chapter, by 5 p.m., July 6, 1998.

G. *BIDDER CONFERENCE*

Bidders' attendance at this conference is strongly encouraged, as oral answers provided at the conference will not be subsequently communicated in written form, other than those that result in an amendment to the RFP.

Each bidder shall be limited to four (4) representatives. For planning purposes, the University requests that each bidder planning to attend this Conference send an e-mail notification to the University Contact, identified in Section B of this Chapter, on or before 5 p.m., June 24, 1998, with the names of the representatives who will be attending on behalf of the bidder. Bidders should bring a copy of this RFP to the meeting.

The Bidder Conference will be held on July 1, 1998, from 10 a.m. to approximately 4 p.m., at the Marriott Hotel in Oakland, CA. If all questions and issues are addressed in less time than anticipated, the Conference will adjourn earlier than originally scheduled.

Bidders are strongly advised to use the Conference as an opportunity to obtain answers to questions they have about the RFP. Bidders are encouraged to inspect the RFP material and are requested to submit questions via e-mail to the University Contact, identified in Section B of this Chapter, on or before 5 p.m., June 24, 1998.

The University will attempt to answer questions received on or before June 24, 1998, at the Conference; the University's response will not disclose the name of the bidder submitting the inquiry. The University also will accept oral questions during the Conference and will make a reasonable attempt to provide answers prior to its conclusion. Oral answers shall not be binding on the University. Bidders are solely responsible for any misunderstandings and misconceptions they have about the RFP.

All costs associated with the bidder's attendance at the Conference shall be borne entirely by the bidder.

H. *RFP AMENDMENTS*

The University may modify the RFP, prior to the date set for its receipt of proposals, by issuance of amendments, sent by one or more of the following means: e-mail, facsimile, overnight courier, or certified mail with return receipt requested. The amendments will be sent to all bidders from whom the University received a properly completed "Notice of Intent to Respond" (Bidder Response Form 1).

Any bidder who fails to receive such amendments shall not be relieved of any obligation under its proposal as submitted.

No oral or written statements made by the University's staff shall be considered an amendment to this RFP unless the statement is contained in a written document identified as a written amendment to this RFP.

I. RFP DISTRIBUTION

This RFP is available from the World Wide Web at the following University of California Web address: www.ucop.edu/sas/sfs/contracts. Bidders interested in submitting a proposal shall file a "Notice of Intent to Respond" (Bidder Response Form 1), pursuant to the instructions in this Chapter.

J. COSTS FOR PROPOSAL DEVELOPMENT

All costs associated with the development of the bidder's proposal shall be borne entirely by the bidder.

K. PRESENTATION

At the University's discretion, one or both of the bidders receiving the lowest and second lowest cost-per-quality-point awards may be required to make an oral presentation of their proposal. Such presentations provide an opportunity for the bidder to clarify the proposal to ensure thorough mutual understanding. Scheduling of the date, time, and location for these presentations will be arranged by the University Contact, identified in Section B of this Chapter. If any such meetings are held, they will be conducted separately with each selected bidder, and all costs associated with the bidder's attendance at that meeting shall be borne entirely by the bidder. Failure to comply with this presentation requirement may result in bidder disqualification.

Despite this provision for individual meetings with bidders, bidders are strongly discouraged from submitting proposals that are ambiguous or incomplete, contain contradictory information, or are in any other way unclear; the University may consider such proposals as non-responsive and disqualify the bidders without giving them any further opportunity to provide clarifications or additional explanations. An oral presentation and demonstration by a bidder may not be used as an opportunity to change the bidder's proposal, but only to clarify and demonstrate the proposal.

L. PROPOSAL FORMAT AND CONTENTS

The proposal shall be prepared in a straightforward and concise manner, identifying clearly and succinctly any and all Deviations, Enhancements, and other differences that exist between the proffered services and those described in Chapter IV "Basic

Services” of this RFP. **Emphasis should be placed on conformance to the RFP instructions, responsiveness to the RFP requirements, and completeness and clarity of content.** The proposal should include a Table of Contents that gives page numbers and should be in sufficient detail to facilitate easy reference to all requested and required information.

The proposal shall consist of the following parts:

1. Signed Proposal

The proposal shall be signed by an individual who is authorized to bind the bidder contractually and shall show the name of the company and the RFP identification number, “98-TRARFP/BC.” The signature should be presented at the beginning of the proposal. The name and title of the individual signing the form should be typed immediately below the signature.

An unsigned proposal shall be rejected.

2. Statement of Experience Form (Bidder Response Form 2)

The bidder shall provide the required information, as instructed on the Form, and include the completed Form with its proposal, following the bidder’s signature page.

3. Corporate Attributes

As part of its proposal, the bidder shall provide the information required, below. The responses to the Corporate Attributes items should be presented immediately following the completed “Statement of Experience Form” (Bidder Response Form 2).

If the bidder is concerned about the confidentiality of any of its responses to the items under “Corporate Attributes,” the bidder shall mark each of those responses as a “trade secret” (refer to Section N “Disclosure of Information” of this Chapter).

a. Corporate philosophy

An explanation of the bidder’s corporate philosophy and management style and how they are incorporated into the bidder’s organizational structure and day-to-day operation.

b. Present organizational charts

- 1) A chart that illustrates the entire company’s present organizational structure and, at a minimum, includes internal reporting lines, brief descriptions of job responsibilities, the number of employees in each job

classification, and the total number of employees in the bidder's organization.

- 2) A detailed chart that focuses on the part of the organization that would be involved in the support and delivery of the TRA services, including the systems and programming staff that would be responsible for developing and maintaining the TRA system and the staff that would be involved with answering phone inquiries and requests from the University's public. At a minimum, include the names, titles, a brief description of responsibilities, and the number of years that key individuals have been with the company.

c. **Systems and Use of Technology**

- 1) A description of the bidder's current host hardware and system software that would support the services under this Agreement, including, but not limited to, the following:
 - a) Manufacturer, model number, and other relevant specifications for the type of equipment used, including number of and specifications on peripherals.
 - b) Operating system and other major system software used, including, but not limited to, data base management system and software used for generating standard and ad-hoc reports.
- 2) An explanation of the types of technology and/or technological enhancements that have been implemented in the past two (2) years and the uses of that technology.
- 3) An explanation of the bidder's expectation as to the types of technological advances it expects to implement in the next three (3) to five (5) years, the uses of that technology, and the time table for implementation.
- 4) Recent history of downtime (from July 1, 1997 through April 30, 1998), including, but not limited to, the following:
 - a) Number of system outages;
 - b) Length of time of each system outage;
 - c) Total number of hours of system downtime;
 - d) Total number of hours system should have been operating;
 - e) Number of on-line system outages;

- f) Length of time of each on-line system outage; and
 - g) Total number of hours on-line system should have been operating.
- d. Corporate goals
- 1) A brief description of the bidder's long-term goals, including a response to the following questions:
 - a) What is the bidder's five-year plan?
 - b) What is the bidder's ten-year corporate vision?
 - c) What methods does the bidder use in developing its corporate goals?
 - d) Under what circumstances does the bidder consult with clients regarding corporate goals and long-range planning?

4. Client References

The bidder shall provide the required Client Reference information as part of its proposal and shall clearly identify where this information can be located in the bidder's proposal.

a. Current Clients

The bidder shall provide a list of all its current clients who contract with the bidder for one or more services that are similar to those the University desires.

- 1) client's name;
- 2) name of a contact person;
- 3) contact person's telephone number and address;
- 4) identify the type of service(s) the bidder provides that is similar to those the University desires;
- 5) number of years the client has had a contract with the bidder; and
- 6) date on which the contract is scheduled to expire.

b. Former Clients

The bidder shall provide a list of all its former clients who have had a contract with the bidder within the past eighteen (18) months for one or more services that are similar to those the University desires.

- 1) former client's name;
- 2) name of a contact person;
- 3) contact person's telephone number and address;
- 4) number of years the former client had a contract with the bidder;
- 5) month and year when the contract expired; and
- 6) reason client no longer contracts with the bidder.

5. Basic Services Form (Bidder Response Form 3)

Chapter IV "Basic Services" consists of a description, and in some cases, detailed specifications, of each of the services that the University either requires or desires and the fee for which shall be included on the "Schedule of Fees for Basic Services" (Price Sheet 1).

The bidder shall complete a "Basic Services Form" for each Basic Service that is highlighted in bold, italic type, in Chapter IV "Basic Services" of this RFP. The bidder shall record on the form the Section and Item number and title, as provided in Chapter IV "Basic Services" of this RFP, that correspond to the bidder's response. The bidder's response shall encompass all specifications, including specifications in subparagraphs, associated with a given Basic Service.

The purpose of the "Basic Services Form" is to provide a standard method by which bidders can clearly and accurately state the services they are offering relative to the University's specifications of each Basic Service. The bidder shall complete these forms in accordance with the instructions set forth in this Chapter.

The bidder may duplicate this Form from the master furnished with this RFP so that a sufficient supply is available. If an explanation or description extends beyond one page, the bidder shall continue its explanation or description on additional copies of the form and shall provide sufficient information on the continuation pages as to the specific item to which the response applies. The bidder shall number the pages so that the complete answer can be found easily.

If an item requires a written description or explanation, the bidder does not need to use complete sentences if clarity can be achieved without them.

The following is an explanation of the key components of the “Basic Services Form,” and instructions on when and how to complete them.

a. Compliance Level

The bidder shall record in the space reserved for “Compliance Level,” the letter that describes the highest compliance level that each of its proffered services will attain in meeting the University’s Basic Service specifications. (The bidder shall not be awarded any points for a Basic Service for which no compliance level rating has been recorded; however, if an Agreement is executed, the bidder, upon becoming the vendor, shall be held responsible for providing the Basic Service exactly as described by the University.) The bidder shall record one of the following compliance ratings for each highlighted Basic Service: “A,” “B,” or “C.” The compliance level rating definitions are as follows:

- 1) “A” = The bidder attests that—as of the date or within the time line specified by the University, or based on the date proposed in the bidder’s implementation schedule, if no date or time line is specified by the University—its proffered service shall, at a minimum, fully satisfy all of the University’s specifications in every way, without the imposition of additional limitations or restrictions beyond those that the University may have specified, and that the full cost to the University for such Basic Service is included in the prices quoted on the “Schedule of Fees for Basic Services” (Price Sheet 1). Additionally, the bidder agrees that, upon execution of the Agreement, the Basic Service responsibilities shall become obligations of the vendor, i.e., the “shoulds” used in reference to the bidder’s responsibilities in the description of a specific Basic Service in Chapter IV “Basic Services” of this RFP shall be interpreted as “shalls.”

Irrespective of whether the bidder’s comments, exhibits, or any other information that the bidder provides contradict the bidder’s “A”-rated compliance-level response, the bidder shall be held to its “A”-rated commitment if the bidder becomes the vendor.

No Deviations can be noted for “A”-rated Basic Services.

No explanations need be given for “A”-rated Basic Services.

The University shall not be subject to any additional fees for the bidder’s provision of “A”-rated Basic Services.

- 2) “B” = The bidder attests that—as of the date or within the time line specified by the University, or based on the date proposed in the bidder’s implementation schedule, if no date or time line is specified by

the University—its proffered service shall be similar, or shall serve a similar function, to the Basic Service, but acknowledges one or more of the following:

- a) not all of the University’s expectations will be met exactly as stated;
- b) limitations exist that could result in an overall reduction in service to the University, and
- c) the bidder proposes to charge the University an additional fee for some aspect, but not all, of its proffered service that meets either fully or partially the Basic Service specifications.

Except as otherwise indicated in the bidder’s proposal, the bidder agrees that, upon execution of the Agreement, the Basic Service responsibilities shall become obligations of the vendor, i.e., the “shoulds” used in reference to the bidder’s responsibilities in the description of a specific Basic Service in Chapter IV “Basic Services” of this RFP shall be interpreted as “shalls.”

- 3) “C” = The bidder acknowledges that one of the following is true:
 - a) as of the date or within the time line specified by the University, or by July 1, 1999, if no earlier date has been proposed in the bidder’s implementation schedule, the bidder will provide neither the Basic Service nor a similar service; or
 - b) the bidder’s proffered service either fully, or partially, meets the Basic Service specifications, but the bidder proposes to charge the University an additional fee for that Basic Service.

b. Deviations

This column is to be used by the bidder to disclose, in a succinct manner, all the ways that the bidder’s proffered service will deviate from the University’s specifications for a given Basic Service.

The reasons why the specifications may not be met include, but are not limited to, one or more of the following:

- 1) one or more aspects of the Basic Service will not be supported as of the date or within the time line specified by the University;
- 2) one or more aspects of the Basic Service is supported but at a reduced quantity, or at a reduced level or standard of service than that which the University desires;

- 3) the bidder proposes to charge an additional fee for one or more aspects of the Basic Service;
- 4) one or more aspects of the Basic Service is subject to conditions or restrictions not provided for in the University's specifications and could result in an overall reduction in service to the University;
- 5) the bidder proposes an alternative method or approach to satisfy the Basic Service specifications, and the proposed alternative does not meet all of the University's specifications; and/or
- 6) for other reasons than those stated, above, the bidder has knowledge that its proffered service will not meet the University's expectations.

No matter how insignificant a Deviation may be, or how immaterial a University specified feature or element of a service may seem, the bidder shall clearly identify, in this column of the "Basic Services Form," each and every feature, data element, or other aspect of the Basic Service that will not be provided exactly as specified by the University or for which an additional fee has been quoted on the "Schedule of Additional Fees—Basic Services" (Price Sheet 2b) [refer to Item 9.b.2) of this Section]. When identifying the aspect of the Basic Service specification(s) that will not be met or that will be subject to an additional charge, the bidder shall reference the specific item number to which the description of the Deviation applies and shall explain the reason for the Deviation.

If the bidder proposes an alternative approach or method to providing a Basic Service, in whole or in part, and the alternative approach falls short of meeting all of the University's specifications, the bidder shall include in the "Deviations" column of the form a description of the aspect of the Basic Service specification that will not be met; the bidder may use the "Comments" column (refer to Item 5. d. of this Section) of the "Basic Services Form" to explain the proposed alternative approach or method in greater detail.

For Basic Services with a Compliance Level rating of "B," the University will assume that the Basic Service specifications not identified by the bidder in the "Deviations" column of the form will be provided exactly as described in Chapter IV "Basic Service" of this RFP at no additional charge to the University.

The bidder shall complete the Deviations column of the "Basic Services Form" for each Basic Service that has a Compliance Level rating of "B." No Deviations shall be listed if the "Compliance Level is "A" or "C."

c. Enhancements

There are two columns to be used by the bidder to describe a proffered Enhancement to a Basic Service: "Description" and "Benefits."

The bidder shall identify each feature or aspect of its service that exceeds the University's Basic Service specifications and explain the specific manner by which the University will benefit from the Enhancement. If applicable, the bidder shall reference the specific item number to which the Enhancement description or benefits explanation applies. The bidder shall clearly delineate whether the Enhancement is a "mandatory enhancement," meaning that it is part of the bidder's standard service or system or whether it is available at the University's option.

The bidder is eligible to receive "bonus" points for Enhancements (refer to Section Q, Item 1 "Quality Points Possible" of this Chapter).

If the bidder proposes to charge the University an additional fee for a Basic Service augmentation, the bidder shall not use the "Enhancement" column to describe the augmentation but, rather, shall list it on the "Schedule of Additional Fees - Services Not Requested" (Price Sheet 2c) [refer to Item 9. b. 3) of this Section]; if more explanation is necessary than can be accommodated on the "Schedule of Additional Fees - Services Not Requested," the bidder may provide a more detailed explanation on the "Services for an Additional Fee Form - Services Not Requested" (Bidder Response Form 6c) [refer to Item 8. c. of this Section]. The bidder should use the "Comments" column of the "Basic Services Form" (refer to Item 5. d. of this Section) to direct the University to the appropriate section(s) of the proposal for more information.

The bidder may use the "Enhancements" columns ("Description" and "Benefits") of the "Basic Services Form" for each Basic Service that has a compliance level rating of "A" or "B." The bidder shall not use these columns for Basic Services that have a compliance level rating of "C."

d. Comments

This is an optional column for the bidder to provide additional information, such as to direct the University to other sections of the bidder's proposal, e.g., a reference to a particular exhibit or an item listed on one of the Schedules of Additional Fees. This column may also be used to provide explanations so that the University can better understand the bidder's proffered service and how it specifically addresses the University's needs. Bidders are reminded, however, that this column is not to be used to provide explanations or information that belong under the "Deviations" column of the form.

The completed set of “Basic Services Forms” should be presented immediately following the Corporate Attributes responses.

6. Basic Services Narrative Response Form (Bidder Response Form 4)

Bidders shall respond to the series of questions and/or required descriptions or explanations (“Narrative Response Items”) that are presented at the end of most Sections in Chapter IV “Basic Services” of the RFP. Bidders shall furnish the required information, using the “Basic Services Narrative Response Form.” If, however, the requested information is available elsewhere in the proposal, e.g., provided as an exhibit, the bidder may provide a summarized response on the “Basic Services Narrative Response Form” and direct the University to the appropriate section in the proposal for the more complete response. The bidder should provide thorough but concise responses.

The bidder may duplicate the “Basic Services Narrative Response Form” from the master furnished with this RFP so that a sufficient supply is available.

The bidder should complete one “Basic Services Narrative Response Form” for each “Narrative Response Item” and restate on the Form the Narrative Response Item. The completed “Basic Services Narrative Response Form” should be presented in the same order in which the “Narrative Response Items” are listed. The completed “Basic Services Narrative Response Form” for a given Section should be presented immediately following the completed set of “Basic Services Forms” (Bidder Response Form 3) for that same Section. If a response requires more than one page, additional pages may be used.

7. Additional Basic Services Form (Bidder Response Form 5)

The bidder shall complete the “Additional Basic Services Form” for each proffered “Additional Basic Service.” The University defines an “Additional Basic Service” as one that the bidder offers to provide at no extra cost to the University, but such service was not specified, in whole or in part, by the University in Chapter IV “Basic Services.” The bidder shall complete the “Additional Basic Services Form,” describing fully the proffered service and an explanation of how this service would provide a beneficial use to the University.

The bidder shall assign an item number to each Additional Basic Service, beginning with Item 1 and shall group all the Additional Basic Services under a new Section K, titled “Additional Basic Services,” which shall be incorporated into the bidder’s response to Chapter IV “Basic Services.”

If the bidder does not offer any Additional Basic Services, the bidder should type the word “None” on the “Additional Basic Services Form.”

The bidder is eligible to receive “bonus” points for Additional Basic Services (refer to Section Q, Item 1 “Quality Points Possible” of this Chapter.)

The completed “Additional Basic Services Form” should be presented, following the completed “Basic Services Narrative Response Form” that is associated with the last Section in Chapter IV.

8. Services for an Additional Fee Form (Bidder Response Forms 6a, 6b, and 6c)

The bidder shall complete the appropriate form for the services for which the bidder proposes to charge an additional fee beyond those quoted on the “Schedule of Fees for Basic Services” (Price Sheet 1).

The completed “Services for an Additional Fee Form” should be grouped by type, i.e., 6a, 6b, and 6c, and presented following the completed “Additional Basic Services Form” (Bidder Response Form 5).

a. Services for an Additional Fee Form - Chapter V (Bidder Response Form 6a)

- 1) Chapter V “Services for an Additional Fee” of the RFP consists of a description of the services that the University desires and for which the University is requesting a separate fee from those listed on the “Schedule of Fees for Basic Services” (Price Sheet 1).

The bidder shall complete a “Services for an Additional Fee Form - Chapter V” for each service the University has specified in Chapter V of the RFP. The bidder shall record on the form the item number and title, as provided in Chapter V of the RFP, that correspond to the bidder’s response.

The bidder shall describe its proffered service and clearly identify any University requested specifications that will not be met.

- 2) If the bidder proposes not to charge the University an additional fee beyond those quoted on the “Schedule of Fees for Basic Services” (Price Sheet 1) for the provision of one or more services described by the University in Chapter V “Services for an Additional Fee” of the RFP, the bidder shall indicate on both the “Services for an Additional Fee Form - Chapter V” and on the “Schedule of Additional Fees - Chapter V” (Price Sheet 2a) [refer to Item 9. b.1) of this Section] that the item will be provided at no additional fee. The bidder shall also complete the “Additional Basic Services Form” (Bidder Response Form 5), describing its proffered service, clearly identifying any University specifications that will not be met, describing any Enhancements that will be provided that exceed the University’s specifications, and explaining the benefits the University will accrue from those Enhancements.

The bidder shall reference on the “Services for an Additional Fee Form - Chapter V” (Bidder Response Form 6a), Schedule of Additional Fees - Chapter V (Price Sheet 2a), and “Additional Basic Services Form” (Bidder Response Form 5) the item number and title, as provided in Chapter V of the RFP, as well as cross-reference the new number assigned, pursuant to the “Additional Basic Services Form” instructions (refer to Item 7 of this Section), that corresponds to the bidder’s response.

- b. Services for an Additional Fee Form - Basic Services (Bidder Response Form 6b)

If the bidder proposes to charge an additional fee for a Basic Service, in whole or in part, and if more space is needed than is available on the “Schedule of Additional Fees—Basic Services” (Price Sheet 2b) [refer to Item 9. B. 2) of this Section] to provide an explanation or clarification to the University, the bidder shall use the “Services for an Additional Fee Form - Basic Services” to provide a more complete description of the Basic Service, or aspect of the Basic Service, to which the additional fee applies. To the extent possible, the bidder shall reference the original Section, item number, and title, as indicated in Chapter IV “Basic Services” of the RFP, for each item listed on the “Services for an Additional Fee Form - Basic Services.”

- c. Services for an Additional Fee Form - Services Not Requested (Bidder Response Form 6c)

If the bidder proposes to charge an additional fee for a service not specified by the University in either Chapter IV “Basic Services” or Chapter V “Services for an Additional Fee,” the bidder shall describe on the “Services for an Additional Fee Form—Services Not Requested” the service to which the additional fee applies.

- 9. Price Sheets (Price Sheets 1, 2a, 2b, and 2c)

The bidder shall present the completed “Schedule of Fees for Basic Services” (Price Sheet 1), “Schedule of Additional Fees - Chapter V” (Price Sheet 2a), “Schedule of Additional Fees - Basic Services (Price Sheet 2b), and “Schedule of Additional Fees - Services Not Requested” (Price Sheet 2c) as a group, following the completed “Services for an Additional Fee Form - Services Not Requested” (Bidder Response Forms 6c).

- a. Schedule of Fees for Basic Services (Price Sheet 1)

The bidder shall furnish a completed “Schedule of Fees for Basic Services” (Price Sheet 1). The prices quoted on the “Schedule of Fees for Basic Services” are to cover the cost of all services the bidder is committed to

provide as indicated in its proposal and shall represent an annual per unit fee. The prices quoted on the "Schedule of Fees for Basic Services" shall not, however, include the cost of systems development and other start-up costs; the prices shall include only that portion of the expense related to the on-going cost of delivering the services.

b. Schedule of Additional Fees (Price Sheets 2a, 2b, and 2c)

The bidder shall furnish the completed "Schedule of Additional Fees" price sheets. The primary purpose of these price sheets is to provide a standard method by which bidders can identify additional fees it proposes to charge the University beyond those quoted on the Schedule of Fees for Basic Services (Price Sheet 1). The instructions on the use of Price Sheets 2a, 2b, and 2c are provided below:

1) Schedule of Additional Fees - Chapter V (Price Sheet 2a)

The bidder shall furnish the relevant information on the "Schedule of Additional Fees - Chapter V" for each service described in Chapter V "Services for an Additional Fee."

If the bidder proposes not to charge any fees to the University beyond those quoted on the "Schedule of Fees for Basic Services" (Price Sheet 1) for one or more services, or aspects of a service, the bidder shall follow the instructions in Item 8. a. 2) of this Section.

2) Schedule of Additional Fees - Basic Services (Price Sheet 2b)

If the bidder proposes to charge an additional fee for services requested by the University in Chapter IV "Basic Services," the bidder shall furnish the information requested on the "Schedule of Additional Fees - Basic Services" for each service, or component of a service, to which the additional charge applies.

If no Basic Services are subject to an additional fee beyond those quoted on the "Schedule of Fees for Basic Services" (Price Sheet 1), the bidder shall type the word "None" on the form.

3) Schedule of Additional Fees - Services Not Requested (Price Sheet 2c)

If the bidder proposes to charge an additional fee for services not specifically requested by the University, the bidder shall furnish the relevant information on the "Schedule of Additional Fees - Services Not Requested" for each service, or component of a service, to which the additional charge applies.

If the bidder does not propose to charge any additional fees for services not specifically requested by the University, the bidder shall type the word "None" on the form.

The bidder shall provide sufficient information on the form, or if necessary, further information on the appropriate "Services for an Additional Fee Form" (i.e., Bidder Response Form 6a, 6b, or 6c) to make clear to the University the description of the item to which the fee applies (unit), the unit price, and the manner by which the fee would be calculated.

M. SUBMISSION OF PROPOSAL

1. Withdrawal and/or Resubmission

A bidder may withdraw its quotation any time prior to the fixed deadline for receipt of proposals (RFP Closing Date) by submitting to the University Contact, identified in Section B of this Chapter, a written notification of its withdrawal, signed by the bidder or its authorized agent. The bidder may thereafter submit a new or modified proposal prior to such date and time set for receipt of proposals.

2. Irrevocable Offer

Proposals in the possession of the University at the closing time for receipt of proposals will be considered final and will be held as an irrevocable offer for one hundred twenty (120) days from that date.

N. DISCLOSURE OF INFORMATION

All information and materials submitted to the University in response to this RFP may be reproduced by the University for the purpose of providing copies to authorized University personnel involved in the evaluation of the proposals but shall be exempt from public inspection under the California Public Records Act until such time as an Agreement is executed. Once an Agreement is executed, the California Public Records Act limits the University's ability to withhold data to trade secrets, as defined by statute. If a bidder's proposal contains any such trade secrets that the bidder does not want disclosed to the public, subsequent to the execution of the Agreement, each sheet of such information must be marked by the bidder as a "trade secret." If, after the Agreement is executed, a third party requests a copy of any bidder's proposal and such documents contain material marked "trade secret," the University shall withhold that information if it meets the statutory definition of trade secret and the bidder agrees to defend, indemnify, and hold harmless the University in any subsequent legal action based on its withholding.

The University shall have the right to use and disclose information marked as a "trade secret" under the following conditions:

1. Such information was already in possession of the University;
2. Such information has entered the public domain other than by the University's breach of any agreement to keep it confidential;
3. Such information is obtained lawfully from a third party; or
4. Such information has been provided to a third party without confidentiality obligations.

O. ACCEPTANCE OR REJECTION OF PROPOSALS

The University reserves the right to reject any and all proposals. Any deviations may result in a proposal's being considered non-responsive and, therefore, result in rejection of the proposal. The University reserves the right to re-solicit proposals. The University does not guarantee that an actual Agreement will ensue as a result of this RFP.

P. EVALUATION PROCEDURES

Proposals will be evaluated by the TRA RFP Committee, comprised of six (6) main campus representatives, three (3) University Extension representatives, and one (1) Office of the President representative; several other University representatives will be consulted during the evaluation process.

The overall perspective of the TRA RFP Committee will be the examination of each proposal to determine how effectively it satisfies this RFP within the guidelines provided.

The responsiveness of each proposal is determined as of the deadline for submission of the material.

1. Format Review

Proposals shall be reviewed for adherence to the RFP requirements. If a proposal fails to meet an RFP requirement, the University may reject it as non-responsive.

Exceptions taken in proposals, or irregularities therein, may be negotiated with or corrected by the bidder involved provided that, in the judgment of the University, such action conforms with the State competitive bidding statute applicable to the

University and to the University's procurement policies. Generally speaking, such exceptions or irregularities may be waived only if they do not produce a material advantage over other bidders, do not effect the amount of the bid, or do not give a benefit not allowed to the other bidders. The University's waiver of a non-material deviation or defect shall in no way modify the RFP documents or excuse the bidder from full compliance with the RFP specifications in the event an Agreement is executed with that bidder.

2. Evaluation Criteria

a. Mandatory Qualification Requirements and Client References

- 1) The bidder must meet all of the mandatory qualification criteria, including the experience requirements as stated on the "Statement of Experience Form" (Bidder Response Form 2).

Using the current and former client lists, furnished by the bidder, the University will contact some of the bidder's current and former clients to request that they validate the qualifications of the bidder and the accuracy of the claims made by the bidder in its proposal, and that they assess the bidder's ability to perform the types, level, and quality of services, and in the necessary quantities, that the University requires or desires. The University reserves the right to disqualify a bidder if any information obtained as a result of these client reference contacts reveals that, based on the bidder's current or recent performance, it is likely that the bidder would not be able to perform to the University's satisfaction. In the event a poor reference is given, the bidder will be given an opportunity to respond to the University's concerns before a final decision is made by the University on the bidder's eligibility.

- 2) Financial Statements

The University will apply various financial ratios in addition to other financial criteria in determining the financial responsibility of the bidder.

b. Corporate Attributes

Using the bidder's written responses to the Corporate Attributes issues and taking into account information from client references, the University will evaluate the Corporate Attributes based on the degree of compatibility of the bidder's philosophy, work style, and long-range goals with those of the University. The University will also take into consideration the experience of key individuals in the organization as well as of those who would be directly involved in handling the University's account, the systems resources to support the bidder's system, and the technological advances that the bidder has implemented and plans to implement to support the services it offers.

c. Relevance of Current and Prior Experience

Using the current and former client lists, furnished by the bidder, the University will contact some of the bidder's current and former clients to request information, enabling the University to evaluate how relevant and closely matched the bidder's current and/or prior experience is compared to the type of experience the University believes is desired or required.

d. Basic Services

The University will conduct a detailed evaluation of the bidder's proposal, including but not limited to, the completed "Basic Services Form" (Bidder Response Form 3), "Basic Services Narrative Response Form" (Bidder Response Form 4), and "Additional Basic Services Form" (Bidder Response Form 5) to determine how closely the proffered services meet the University's Basic Services specifications and needs, described in Chapter IV "Basic Services," and to assess the value to the University of any service enhancements. These determinations and assessments will be made by applying the following criteria:

- 1) Basic Service: the extent to which the Basic Service specifications will be met as of the date or within the time line specified by the University; of those that will not be met, their impact on the University and on individual campus operations on such matters as cost and workload. (Any Basic Service, in whole or in part, for which the bidder proposes to charge an additional fee will be treated as though that Basic Service, or aspect of that Basic Service, will not be met.)
- 2) Enhancement: the extent to which the enhancement upgrades the quality of the Basic Service, based on the University's assessment of the value of the benefits to be gained.

e. Additional Basic Services

The Additional Basic Services offered by the bidder will be evaluated as a total package, based on the University's assessment of the value of the benefits to be gained.

f. Services for an Additional Fee

None of the services listed on any of the "Schedule of Additional Fees" (Price Sheets 2a-c) will be included in the proposal evaluation process, unless the bidder proposes not to charge the University an additional fee to provide one or more items described by the University in Chapter V "Services for an Additional Fee" and has so indicated that fact on the "Schedule of Additional Fees - Chapter V" (Price Sheet 2a). Chapter V services for which the

University will not be charged an additional fee will be classified and treated as "Additional Basic Services."

Q. BASIS OF AWARD

This RFP will be awarded on a two-step basis: first will be a determination as to bidder qualification, including financial responsibility and bidder experience, and second will be an evaluation of the merits of the proposal. Only those bidders meeting the financial responsibility criteria and whose clients validate the other required qualification criteria, i.e., that the bidder has the required types of experience, shall be considered for the second step of the evaluation process.

1. Quality Points Possible

Using the evaluation criteria provided in Section P, Item 2 "Evaluation Criteria" of this Chapter, the University will evaluate the bidder's proposal and assign quality points to the bidder's proposal.

The quality points are divided into two categories: base and bonus points. Base points are the quality points available for the bidder's responses to the Corporate Attributes, Relevance of Current and Prior Experience, and to the Basic Services, including Narrative Response Items that the University specified in Chapter IV of the RFP; bonus points are for Enhancements to the Basic Services and for Additional Basic Services.

2. Quality Point Value

The final Quality Point Value for a proposal will be the average of the quality points (both base and bonus) awarded by the TRA RFP Committee to each Group.

3. Cost Calculation

The TRA RFP Committee will use the figures quoted on the "Schedule of Fees for Basic Services" (Price Sheet 1) to calculate an annual cost figure.

4. Cost-Per-Quality Point Score Determination

The following formula will be used to compute the bidder's cost-per-quality point score:

Annual Cost

----- x 100,000 = cost-per-quality point score

Quality Point Value

5. The bidder whose proposal has the lowest cost-per-quality point score will be awarded the opportunity to engage in final negotiations on the provisions of the Agreement. If, however, the University and the bidder with the lowest cost-per-quality point score are unable to reach agreement, the University reserves the right to cease negotiations with that bidder and either award the bidder with the next lowest quality point score the opportunity to negotiate or reject all proposals. If the parties are unable to reach agreement, the University reserves the right to cease negotiations with the second bidder and either award the bidder with the third lowest quality point score the opportunity to negotiate, or reject all proposals, and so on until either agreement on the provisions of the Agreement is reached or the University rejects all proposals.

Attached as Appendix 5 to this RFP is a copy of the Agreement that the successful bidder is expected to execute at the end of negotiations. Bidder acceptance of the terms and conditions set forth in Appendix 5 is highly desirable and will be factored into the evaluation of bids. Article 4 "Prices" is non-negotiable and acceptance of it is mandatory. It is expected that the only areas of negotiation will be Article 7 "Terms of Payment," Article 11.A. "Ownership of Data," Article 15 "Termination," and Article 19 "Contractor's Liability and Insurance Requirements." Bidder must identify any exceptions to the Agreement's terms and conditions and any additional terms it wishes to propose. It is, however, highly desirable that additional terms be kept to a minimum.