



**State of Delaware  
Department of Human Resources  
Statewide Benefits Office**

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**STATE EMPLOYEE BENEFITS COMMITTEE**

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**Request for Proposal  
for the State of Delaware's  
Flexible Spending Account/Pre-Tax Commuter Programs  
and COBRA Administration**

***Release Date: January 28, 2019***

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**Addendum #1  
February 15, 2019**

**DHR18003-FSA\_COBRA**

97 Commerce Way, Suite 201 • Dover, DE 19904  
Phone (800) 489-8933 Fax (302) 739-8339 [www.de.gov/statewidebenefits](http://www.de.gov/statewidebenefits)



will be required to accurately report on the participation by Diversity Suppliers which includes: minority (MBE), woman (WBE), veteran owned business (VOBE), or service disabled veteran owned business (SDVOBE) under this awarded contract. The reported data elements shall include but not be limited to: name of state contract/project, the name of the Diversity Supplier, Diversity Supplier contact information (phone, email), type of product or service provided by the Diversity Supplier and any minority, women, veteran, or service disabled veteran certifications for the subcontractor (State OSD certification, Minority Supplier Development Council, Women's Business Enterprise Council, VetBiz.gov).

Accurate 2nd Tier Reports shall be submitted to the Office of Supplier Diversity on the 15<sup>th</sup> (or next business day) of the month following each quarterly period. For consistency, quarters shall be considered to end the last day of March, June, September and December of each calendar year. Contract spend during the covered periods shall result in a report even if the contract has expired by the report due date. *You will be asked for this information and the SBO will submit this report on your behalf.*

### **Minimum Requirements:**

5. *Exceptions to Requirements*, Page 34 – Please delete this term. The topic is covered in detail in another section.
6. Clarification to Section 1.0, *Core Capabilities and Experience*, #1.02(a) and (b), page 35 - Paragraph 1.02 is an explanation of the required references/clients and Paragraph 1.02(a) and (b) are the formatting description of the information required. The State understands that not all of your FSA clients offer a PTC program. As stated in the mandatory conference call, in order to understand the depth and breadth of your experience with clients of similar size and complexity, additional references are welcome and encouraged.
7. Section 9.0, *Legal* - Page 69, add Paragraph 9.38 as follows:

Please confirm your understanding and acceptance that the State is not responsible for incorrect redactions or reviewing your submission to determine whether or not any information asserted as confidential and proprietary is redacted. Mistakes in redactions are the sole responsibility of the bidder.

8. Section 9.0, *Legal* - Page 69, add Paragraph 9.39 as follows:

State whether or not you are providing any information you declare to be confidential or proprietary for the purpose of exclusion from the public record under 29 Del. C. ch. 100, Delaware Freedom of Information Act. If so, you must follow the directions for submission in the *Confidentiality of Documents* and *Submission of Proposal* sections.

### **Questionnaire:**

9. *Bidder Profile – All Services (FSA, PTC and COBRA)* - Page 72, add Paragraph A.13 as follows:

Please provide demonstration websites for member and administration (super-user) websites for your FSA/PTC programs and an administration (super-user) website for COBRA services.

## Section V. Technical Standards and Security Requirements

10. Paragraph 1.b.ii. on Page 80 – Only the name of a software-type program is requested as “the system”.
11. Paragraph 1.b.iii. on Page 81 – Only the name of a software-type program is requested as “the encryption method”.
12. *Terms and Conditions, Appendix J1*, Page 82 – The last sentence in the second paragraph is deleted and replaced as follows:

Do not provide a detailed explanation of your capabilities at this time; simply a confirmation or acceptance. Additional information may be requested at a later date.

13. *Appendix C, Performance Guarantees, Page 87 – Future Contract Development*. The sentence is deleted in its entirety and replaced as follows:

The State will prepare the first draft of the professional services agreement by incorporating all the terms of the RFP and the vendor’s bid responses. The vendor is expected to review the draft in a timely manner so that a fully executed contract be in place no later than the effective date, 07/01/20. Additionally, vendor shall not respond with suggested changes that were not in the RFP or bid response. Wholesale changes should not be required nor numerous drafts necessary.

14. *Appendix E, RFP Terms and Conditions Exception Tracking Chart*, Page 92. The introductory paragraph is deleted in its entirety and replaced as follows:

Please see *Discrepancies, Revisions and Omissions* in the RFP in the General Terms and Conditions, Section B, for the directions on how to use this form and deadline for submission. This Appendix is **only** for the purpose of submitting an objection to any discrepancies, omissions, unclear or ambiguous intent or meaning, or terms you consider not appropriate to the services in the *Scope of Services, Terms and Conditions* or *Minimum Requirements*. This form is **not** to be used for exceptions in your bid response.

(continued)

**Section C, Submission of Proposal**, beginning on Page 25:

Paragraphs 1, 2, 3 and 4 are deleted and replaced as follows with Paragraphs 1 through 6. Therefore, the current Paragraph 5 is re-numbered as 7 and so on. Substitution:

**C. Submission of Proposal**

**1. General Directions for Hard Copies –**

- a. For each section, such as the minimum requirements and questionnaire, and for each attachment/exhibit you reference, separate the materials with tabs. Please include a table of contents.
- b. Please use double-sided copies where it is logical to do so; for example, a section of six or more pages.
- c. Please use locking binders so the rings don't separate in shipping. Do not use spiral binding because we have to add the responses to follow-up questions to your bid response binder.
- d. Please use multiple smaller binders instead of one large 6" binder, for example. A very large and heavy binder is hard to manage. A suggestion might be to have the appendices and exhibits in their own binder.
- e. For reports or documents of fifty or more pages, do not include a hard copy. Use a sheet that references the electronic version of the document.
- f. Please submit **three (3) complete hard copies** of your proposal. *Complete* means that it includes all information you may deem proprietary and confidential. In other words, the information deemed proprietary and confidential must not be redacted because then we can't read it. Send to the following address:

Ms. Laurene Eheman, RFP and Contract Manager  
Department of Human Resources  
Statewide Benefits Office  
97 Commerce Way, Suite 201  
Dover, DE 19904  
Phone: (302) 739-8331

**2. General Directions for Electronic Copies –**

- a. Include a *complete* non-redacted electronic copy of your proposal in a PDF format on its own CD or flash drive. You must scan all the documents; for example, a signed cover letter, the signed Officer's Statement and any exhibits.
- b. You must divide your bid into PDFs of manageable sections for easier readability. We will not accept a bid with one PDF of the entire bid response!

- c. The file names of the documents must be short. Include a short version of your company name but do not include, the reference number of this RFP, the words “State of Delaware” or “Delaware”. Simply use a title of the document; for example, “ABC Co - Minimum Requirements”, “L&C - Appendix A – Performance Guarantees”, or “John’s Mgt Co - Exhibit 1 – John Doe’s Resume”.
- d. The following documents are to ALSO be included in Word format:
  - i. Minimum Requirements
  - ii. Questionnaire
  - iii. Appendix Q, *Fee Quote*
- e. Please label the CD or flash drive with your company name and carefully package it for shipping.

**3. Confidential Information, Generally -**

- a. Confidential and proprietary information identified in the attorney’s letter and redacted from the vendor’s proposal will be treated as confidential during the evaluation process.
- b. Administrative fees of the winning bidder are not considered confidential and proprietary after the bidder has an executed contract with the State. Please refer to the section entitled *Required Reporting of Fees and 2<sup>nd</sup> Tier Spend* in Section B, *General Terms and Conditions*.

**4. Directions for Confidential and Proprietary Submission, if any –**

- a. Any information you deem confidential and proprietary as identified in the attorney’s letter must be redacted. The State is not responsible for incorrect redactions or reviewing your submission to determine whether or not the information asserted as confidential and proprietary is redacted. Mistakes in redactions are the sole responsibility of the bidder.
- b. In order to preserve the confidential and proprietary status of the appropriately designated portion of your bid, your bid must be submitted in accordance with the submission requirements stated below:
  - i. A separate, sealed envelope labeled “Confidential and Proprietary Information” with the RFP name included must contain:
    - 1. A signed letter from the proposing firm’s legal counsel describing the documents in the envelope, representing in good faith that the information in each document is not public record as defined by FOIA at 29 Del. C. § 10002(d) and state the reasons that each document meets

the said definitions. The letter must list the topic and corresponding requirement or question with a reference to that section, number, question and page number, not just the titles of the appendices, exhibits or question numbers. If your bid contains the phrase “confidential and proprietary” on each page, such status will not automatically be granted.

2. Non-redacted hard copies of that information – those single pages - the firm is seeking to be treated as confidential and proprietary. This is to comply with the required submission format and so the State can match the information identified in the letter with the text without going through the entire bid.

ii. Non-redacted electronic hard copy - The attorney’s letter and non-redacted set of single pages as described above must also be provided electronically. Scan the attorney’s letter and pages into one PDF. (A CD or flash drive of this PDF does not need to be included in the envelope.)

**5. Directions for the Redacted Hard and Electronic Copy, if applicable –**

- a. Redaction Method - You must use a software program that has a redaction feature, such as Adobe. If you simply use a black highlight, the text can still be seen on a hard copy and it can be reversed on the Word version.
- b. Hard Copy - A *complete* and separate hard copy is needed with the redacted materials. Imagine you are flipping through the hard copy. You would see that section on a page with information blacked out (redacted) that the author considers confidential and proprietary. If an entire document, section or exhibit consisting of multiple pages is considered confidential and proprietary, use a blank page with a reference to the missing information. For example, “Appendix C – *Disaster Recovery Plan* – is confidential and proprietary and is not public record as defined by FOIA at 29 Del. C. § 10002(d)”.
- c. PDF - A *complete* electronic copy is needed with the redacted materials in a PDF format. We need this separate complete electronic copy to use for FOIA requests. You must scan all the documents as directed above in the *General Directions for Electronic Copies* above.

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6. **Questions and Summary** –

The person who is putting together the hard and electronic copies is welcome to, and encouraged to, contact Ms. Laurene Eheman directly by phone at 302-760-7060 to discuss the requirements and ask questions. (7:30 a.m. to 4:00 p.m. EST)

<b>Summary</b>	<b>Hard Copies</b>	<b>Electronic Copies on one CD or Flash Drive</b>
Confidential and Proprietary Information, <u>if any</u> : The attorney’s cover letter along with one set of the non-redacted pages that match the information listed in the attorney’s cover letter - not the complete bid.	1 in a marked and sealed envelope	Scanned as one PDF document
Complete bid <u>with</u> redacted sections	1	Only PDF versions
Complete bid <u>without</u> redacted sections	3	PDFs, and, Word versions of only the sections listed in Paragraph 2(d)