



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

January 1, 2013

TO: ALL STATE AGENCIES, SCHOOL DISTRICTS, MUNICIPALITIES, VOLUNTEER
FIRE COMPANIES AND POLITICAL SUBDIVISIONS

FROM: Theresa Newman
STATE CONTRACT PROCUREMENT OFFICER
302-857-4552

SUBJECT: **AWARD NOTICE, Addendum #3 – Extends Contract through 12/31/2016**
CONTRACT NO. GSS13649-SECC
Charitable Campaign Administrator



GOVERNMENT SUPPORT SERVICES – CONTRACTING

100 ENTERPRISE PLACE – SUITE 4 – DOVER, DE 19904-8202
PHONE: (302) 857-4550 – FAX: (302) 739-3779 – GSS.OMB.DELAWARE.GOV

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A. KEY CONTRACT INFORMATION

1. BACKGROUND

The State of Delaware, State Employees' Charitable Campaign (SECC) is organized to allow State employees to express their generosity and benefit a wide variety of charities, while minimizing workplace disruption and administrative costs. State employees participate in campaign leadership and solicitation. All contributions are entirely voluntary and directed to eligible charitable organizations of the employee's choice. The campaign is the sole appeal for charitable contributions utilizing payroll deductions from State employees. The Charitable Campaign Administrator shall provide campaign management and marketing support in accordance with SECC policies and procedures, reporting to the SECC Coordinator.

2. MANDATORY USE CONTRACT

REF: Title 29, Chapter 6911(d) Delaware Code. Every state department and agency within the Executive Branch and Judicial Branch of the state government shall procure all material, equipment and nonprofessional services through the statewide contracts administered by Government Support Services, Office of Management and Budget. Delaware State University, Delaware Technical and Community College, the operations funded by Public School Districts, Delaware Transit Corporation, the Legislative Branch and the Board of Pension Trustees and their consultants are specifically exempted from the requirements of this subsection.

3. CONTRACT PERIOD

Each contractor's contract shall be valid for a two (2) year period from January 1, 2013 through December 31, 2014. Each contract may be renewed for three (3) additional one (1) year periods through negotiation between the contractor and Government Support Services. Negotiation may be initiated no later than ninety (90) days prior to the termination of the current agreement.

This contract has been extended through December 31, 2015 under the same pricing, terms and conditions.

This contract has been extended through December 31, 2016 under the same pricing, terms and conditions.

4. VENDORS

United Way of Delaware
625 N. Orange Street, Third Floor
Wilmington, DE 19801-2247

Contact: Deborah Armstrong
Phone: 302-734-4770
Fax: 302-573-2420
darmstrong@uwde.org

FSF Vendor ID#: 0000024423

B. TERMS AND CONDITIONS

1. SHIPPING TERMS

F.O.B. destination; freight pre-paid.

2. PRICING

Pricing can be one of two options as determined by the State. Full administration of the SECC campaign as described in the RFP, administrative costs are limited to a maximum of 10% of contributions received. The second part will be for partial administration limited only to disbursing funds received, administrative costs are limited to a maximum of 5% of contributions received. The State would accomplish the registration and collection process if the awarded vendor is responsible only for partial administration.

YEAR	FULL ADMINISTRATION	PARTIAL ADMINISTRATION
2013	8.3%	3.3%
2014	8.2%	3.3%
2015	8.2%	3.3%
2016	8.2%	3.3%
2017	8.2%	3.3%

3. BILLING

The successful vendor is required to **"Bill as Shipped" to the respective ordering agency(s).** Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.

4. PURCHASE ORDERS

Agencies are required to identify the contract number Contract No. GSS13649-SECC on all Purchase Orders (P.O) and shall complete the same when entering P.O. information in the State's Financial Reporting System.

5. PAYMENT

The agencies or school districts involved will authorize and process for payment each invoice within thirty (30) days after the date of receipt. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.

6. PRODUCT SUBSTITUTION

All items delivered during the life of the contract shall be of the same type and manufacture as specified unless specific approval is given by Government Support Services to do otherwise. Substitutions may require the submission of written specifications and product evaluation prior to any approvals being granted.

7. ORDERING PROCEDURE

Successful contractors are required to have either a local telephone number within the (302) area code, a toll free (800) number, or agree to accept collect calls. Each agency is responsible for placing their orders and may be accomplished by written purchase order, telephone, fax or computer on-line systems. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.

8. HOLD HARMLESS

The contractor agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against any and all claims for injury, loss of life, or damage to or loss of use of property caused or alleged to be caused, by acts or omissions of the contractor, its employees, and invitees on or about the premises and which arise out of the contractor's performance, or failure to perform as specified in the Agreement.

9. NON-PERFORMANCE

In the event the contractor does not fulfill its obligations under the terms and conditions of this contract, the ordering agency may purchase equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the contractor. Under no circumstances shall monies be due the contractor in the event open market products can be obtained below contract cost. Any monies charged to the contractor may be deducted from an open invoice.

10. FORCE MAJEURE

Neither the contractor nor the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

11. AGENCY'S RESPONSIBILITIES

The Agency shall:

- a. Examine and review in detail all letters, reports, drawings and other documents presented by the Contractor to the Agency and render to the Contractor in writing, findings and decisions pertaining thereto within a reasonable time so as not to delay the services of Contractor.
- b. Give prompt written notice to the Contractor whenever the Agency observes or otherwise becomes aware of any development that affects the scope or timing of the Contractor's services.
- c. When an ordering agency first experiences a relatively minor problem or difficulty with a vendor, the agency will contact the vendor directly and attempt to informally resolve the problem. This includes failure to perform by the date specified and any unacceptable difference(s) between the purchase order and the merchandise received. Ordering agencies should stress to vendors that they should expedite correction of the differences because failure to reply may result in an unfavorable rating in the execution of the

awarded contract.

- d. The state has several remedies available to resolve non-performance issues with the contractor. The Agency should refer to the Contract Terms and Conditions to view these remedies. When a default occurs, the Agency should first review the contract to confirm that the issue is a part of the contract. If the issue is not covered by the contract, the state cannot expect the contractor to perform outside the agreement. If the issue is a part of the contract, the Agency or GSS - Contracting must then contact the contractor, discuss the reasons surrounding the default and establish a date when the contractor will resolve the non-performance issue.
- e. If there is a performance deficiency, a Corrective Action Report (CAR) may be used. Complete this form to report concerns with vendors or commodities. Be sure to furnish as much detail as possible. <http://gss.omb.delaware.gov/divisionwide/forms.shtml>.

12. PERMITS AND LICENSES

All necessary permits, licenses, insurance policies, etc. required by local, State or Federal laws, shall be provided by the Vendor at its own expense.

13. EXECUTIVE REQUIREMENT

The State Employees' Charitable Campaign is established and governed by the State of Delaware, [Executive Order 11](#). The Campaign Administrator shall manage the program fairly and equitably in accordance with all Executive policies established.

14. ESTABLISHED PHYSICAL PRESENCE

The SECC Campaign Administrator, must have an established physical presence in the State of Delaware, either in the form of an office or service facility which is staffed at least fifteen hours a week, or by making available its staff through scheduled appointments with Delaware residents or businesses at least fifteen hours a week.

15. CHARITABLE STATUS

The SECC Campaign Administrator must maintain a currently valid designation from the Internal Revenue Service as a section 501(c)(3) organization, and be eligible to receive tax-deductible contributions under Section 170 of the Internal Revenue Code.

16. NONDISCRIMINATION

The SECC Administrator shall have a policy and demonstrate a practice of nondiscrimination on the basis of race, color, religion, sex, age, national origin, or physical or mental disability, applicable to staff employment, and to memberships on its governing board.

17. SUBCONTRACTING

The awarded vendor shall not assign, subcontract, or otherwise transfer its duties and responsibilities to manage and administer the campaign unless expressly permitted to do so in writing by the Steering Committee.

18. USAGE REPORTS

A Usage Report shall be furnished on the 15th (or next business day after the 15th day) of each month by the successful Vendor **Electronically in Excel format** detailing the purchasing of all items on this contract. The reports shall be submitted electronically in EXCEL and sent as an attachment to vendorusage@state.de.us. It shall contain the six-digit department and organization code. Any exception to this mandatory requirement may result in cancellation of the award. Failure to provide the report with the minimum required information may also negate any contract extension clauses. Additionally, Vendors who are determined to be in default of this mandatory report requirement may have such conduct considered against them, in assessment of responsibility, in the evaluation of future proposals.

C. CAMPAIGN ADMINISTRATOR RESPONSIBILITIES

1. FINANCIAL ACCOUNTABILITY

The awarded vendor must serve as the central accounting point for contributions received from the State, and distribute funds to other participating charitable organizations.

Maintain a separate account and records for managing the income (including the interest income on the employee's contributions) and expenses of the SECC. Maintain all financial records and bank deposits pursuant to generally accepted accounting principles. Ensure that necessary controls are established to maintain accountability and disclosure.

Begin distribution of campaign funds received from State employees to participating charitable organizations within sixty days of such receipt of such funds, and submit to the SECC Coordinator an initial analysis of gross campaign income by state and agency payroll deduction donations, cash contributions, expenses and projected shrinkage. Thereafter, distribution of funds to charitable organizations will be made no less frequently than monthly.

Furnish an annual audit to the SECC Coordinator for the campaign year. The audit is to be submitted within 180 days of the end of the calendar year, and is to be certified by an independent public accountant. The audit shall be performed according to generally accepted accounting principles.

Distribute all campaign funds to approved charitable organizations in accordance with the following procedures:

Designated Funds – Designated funds and interest income will be distributed to the charitable organizations participating in the SECC.

Undesignated Funds – Undesignated funds will be distributed to each charitable organization based on its percentage of the total designation of funds raised in the campaign. Employees will be informed of this distribution of undesignated funds.

Deduction of Costs – Each participating organization will have withheld from its distribution of funds its share of campaign costs, which will be calculated on the basis of each participating organization percentage of the total funds raised.

Provide final payouts and reconciliation of reimbursement, interest and undesignated funds to be completed by March 31 for the previous year's campaign by agency and State.

Maintain a detailed schedule of the successful vendor's actual SECC administrative expenses.

Provide to the SECC Coordinator or designated representative a detailed report of actual SECC administrative expenses with itemized receipts. The report of actual SECC administrative expenses must be provided to the SECC Coordinator no later than March 31 or a mutually agreed upon delivery date.

2. PLEDGE SUPPORT

The awarded vendor shall offer pledge support for the campaign. Training will be provided for campaign representatives, coordinators and key workers to include online pledge procedures.

Prepare the annual pledge card and brochure consistent with regulations and SECC instructions. The successful vendor will submit all campaign materials to the SECC Coordinator for approval in accordance with predefined schedules.

Work with agency campaign officials to ensure no employee is coerced in any way regarding participation in the campaign or questioned as to his or her designation or its amount.

Maintain the donor privacy and honor employee requests that their names not be released for donor recognition.

3. CAMPAIGN MANAGEMENT

The awarded vendor shall provide campaign management support in accordance with SECC policies and procedures.

Assist the SECC Coordinator in setting the statewide campaign goal if required, and recommending individual agency goals as applicable. Provide a representative who also serves on the SECC Steering Committee as a non-voting member with required attendance at committee meetings.

Provide staff services to the State co-chairs, regional coordinators, SECC Coordinator, and other committees on behalf of the participating charitable organizations. Work with State Agency Coordinators to achieve a successful campaign.

Maintain records of meetings and activities performed in support of the SECC. Provide a planning calendar that identifies key campaign events and milestones to include, but not limited to:

- Major campaign events and meetings

- Review and update agency contributions

- SECC review of donor recognition items

- SECC Administrator review of campaign material such as pledge card, Resource Guide, posters, donor recognition items, reports, and invitations

- SECC Administrator review of materials for Coordinator's training and approval for any campaign events

- Publication and distribution schedule for campaign materials to participating State agencies

- Reporting and allocation of contributions

Provide written confirmation of pledges by February 28th, or mutually agreed upon delivery date, of each year to all state employees who contribute to the SECC through payroll deduction.

4. **ELECTRONIC PLEDGES**

Manage an electronic pledge (ePledge) process in agreement with the State's Payroll/Human Resource Statewide Technology (PHRST) system. The electronic pledge process must protect individual confidentiality and personal information. The data elements listed below are the only approved elements for release.

- Name
- Empl ID
- Department ID, Department Description, Location, Location Description

Strong password authentication shall be in compliance with the *Strong Password Authentication* standard directed by Delaware Department of Technology & Information (DTI).

Strong Password Authentication <http://dti.delaware.gov/pdfs/pp/StrongPasswordStandard.pdf>

Data shall be protected in accordance with *Web Application Security* standards to include Hypertext Transfer Protocol Secure (HTTPS) communications protocol policy established in the policy provided below.

Web Application Security <http://dti.delaware.gov/pdfs/pp/WebApplicationSecurity.pdf>

The SECC Coordinator has approval authority for pledge management processes. Any changes to service shall be approved by the SECC Coordinator prior to implementation.

5. **SECURE FILE TRANSPORT**

The awarded Vendor shall maintain network security policy compliance in accordance with *Secure File Transport* to secure data classified as confidential or higher per the *Data Classification Policy* when moving data. References to the policy documents are provided.

Data Classification Policy <http://dti.delaware.gov/pdfs/pp/DataClassificationPolicy.pdf>

Secure File Transport <http://dti.delaware.gov/pdfs/pp/SecureFileTransport.pdf>

6. **CAMPAIGN MARKETING**

The successful vendor shall provide campaign marketing support in accordance with SECC policies and procedures, and with the SECC Coordinator to include:

- Develop campaign themes, slogans and logos
- Produce videos, banners and printed materials
- Develop campaign strategies, timetables and staffing requirements

7. REPORTS

The following reports must be submitted to the SECC Coordinator:

A year end campaign report to the SECC Coordinator and to participating charitable organizations by February 28th of the year following each campaign. The report must provide the state agency breakdowns.

Monthly reports shall be provided to the SEC Coordinator with analysis of gross campaign income by state and agency payroll deduction donations, cash contributions, and expenses and projected shrinkage. Weekly reports shall be provided during the campaign period describing the campaign results including statistical and comparative data and as needed thereafter.

All reports shall include, at a minimum but not limited to, the following data:

Agency identification information

Current year and if possible three additional years of information for:

- Number of employees
- Number of Donors
- Percentage of participation
- Total amount pledged/contributed
- Percentage change in giving
- Per capita gift
- Average gift
- Number of leadership donors
- Amount pledged by leadership donors
- Summary information for the items above

Documents or information requested by the SECC Coordinator and/or Steering Committee members within 7 calendar days of the receipt of that request

Respond in a timely and appropriate manner to reasonable inquiries from participating organizations

Report donor information to recipient organizations subject to privacy request

Ensure that the SECC funding is uniquely identifiable to the receiving organizations and reconcilable apart and separate from other funding sources.

Provide the SECC Coordinator a copy of the successful vendor's notice to approved charitable organizations of the amount designated, if any, and the amount allocated from undesignated contributions by February 28th.

Maintain functional relationships with the Director, Office of Management and Budget. The SECC policies and procedures are established in Delaware Executive Order 11, and govern the approved vendor's reporting relationships as the SECC Administrator and that with the Director of the Delaware Office of Management and Budget. The SECC Coordinator is responsible for overseeing the performance and accountability of the approved vendor performing as the SECC Administrator. However, the Director is the final authority in interpretation of regulations and program policy. An approved vendor's failure to comply with program regulations may result in either disqualification from future services as the SECC Administrator, disqualification as an approved charitable organization, or both penalties.

8. **MEETING ATTENDANCE AND REPORTING**

A pre-performance meeting is required to select the reporting format, review performance requirements and method of reporting.

A quarterly report is required to be submitted to all Steering Committee members, leadership, and the contract manager. This report shall detail the progress, adjustments and assistance needed to successfully complete this project.

Weekly or Monthly conference calls or face-to-face meetings to discuss activities may be required.

Immediate Reporting – The Project Manager or his/her designee must immediately report any project team staffing changes to the SECC Coordinator.

The contractor's project manager or representative must serve on the SECC Steering Committee as a non-voting member with required attendance at committee meetings.

The contractor shall submit all electronic data (documents and reports) using software compatible with Microsoft Office (Word, Access, Publisher and Excel) which must be approved by the DTI representative.

D. **DEFINITIONS**

SECC: State Employees' Charitable Campaign

EXECUTIVE ORDER 11: The State of Delaware's Executive Order from the Office of the Governor, titled "*Reestablishment Of The State Employees' Charitable Campaign.*" The Executive Order is available at the link provided. http://governor.delaware.gov/orders/exec_order_11.shtml#TopOfPage

FOUNDATION: A not-for profit organization that makes grants to other organizations.

UMBRELLA ORGANIZATION: A vendor organization that serves as the administrative agency for at least four nonprofit organizations

INDIVIDUAL ORGANIZATION: An organization meeting the criteria set forth in [Executive Order 11](#) and that is not affiliated with a foundation or an umbrella organization.

STEERING COMMITTEE: Twelve State employee members appointed to serve at the pleasure of the Governor to develop schedules, policies, and procedures to implement Executive Order 11. The Steering Committee also develops, receives, and reviews applications for participation in the Campaign by foundations, umbrella organizations, and individual organizations.

SECC ADMINISTRATOR: A vendor/organization previously approved for participation in the campaign that manages and holds the responsibilities as described in this RFP.

SECC DEPARTMENT CHAIRPERSONS: Appointed by the State Department Secretary to provide leadership for the Department's/Agency's campaign by working with the SECC Steering Committee, SECC Coordinator, top management, labor leadership and campaign volunteers.

SECC DEPARTMENT CAPTAINS: Appointed by the SECC Department Chairperson to serve as a representative to your Department/Agency and SECC in the solicitation of every employee assigned in their relative Department/Agency.

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STEERING COMMITTEE CO-CHAIR: Position held by the Director of the Office of Management and Budget.

SECC COORDINATOR: Individual State employee with the responsibilities of oversight and adherence to the SECC policies, procedures and guidelines.