

**REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES**  
**Register of Regulations Rewrite**  
**ISSUED BY DIVISION OF RESEARCH**  
**CONTRACT NUMBER LEG-20411-REGS**

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**I. Overview**

The State of Delaware Department of the Division of Research, seeks professional services to rewrite of the Register of Regulations publication process. This request for proposals (“RFP”) is issued pursuant to 29 *Del. C.* §§ [6981 and 6982](#).

The proposed schedule of events subject to the RFP is outlined below:

Public Notice	Date: ___February 14, 2020_____
Deadline for Questions	Date: ___March 10, 2020_____
Response to Questions Posted by:	Date: _____March 20, 2020_____
Deadline for Receipt of Proposals (Local Time)	Date: ___April 6, 2020_____at 1:00 PM
Estimated Notification of Award	Date: _____May 14, 2020___

Each proposal must be accompanied by a transmittal letter which briefly summarizes the proposing firm’s interest in providing the required professional services. The transmittal letter must also clearly state and justify any exceptions to the requirements of the RFP which the applicant may have taken in presenting the proposal. (Applicant exceptions must also be recorded on Attachment 3).

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Furthermore, the transmittal letter must attest to the fact, at a minimum, that the Vendor shall not store or transfer non-public State of Delaware data outside of the United States. For technology related solicitations, Vendors may refer to the Delaware Department of Technology and Information identified terms and conditions included in this solicitation.

The State of Delaware reserves the right to deny any and all exceptions taken to the RFP requirements.

**MANDATORY PREBID MEETING**

A mandatory pre-bid meeting has been scheduled for February 25, 2020 at 9:00AM (EST). **This is a mandatory meeting.** If a Vendor does not attend this meeting, they shall be disqualified and shall not be considered for further evaluation.

**II. Scope of Services**

The Division of Research seeks a vendor to develop a browser based tool that would update the Registrar of Regulations website to allow for two interfaces with log-in capabilities, one for agencies for submission of regulation documents for publication and one for the Registrar of Regulations staff, for proofing and administrative purposes. Please see **Appendix B** for Scope of Work/Detailed Business Requirements.

**III. Required Information**

The following information shall be provided in each proposal in the order listed below. Failure to respond to any request for information within this proposal may result in rejection of the proposal at the sole discretion of the State.

**A. Minimum Requirements**

1. Provide Delaware license(s) and/or certification(s) necessary to perform services as identified in the scope of work.

Prior to the execution of an award document, the successful Vendor shall either furnish the Agency with proof of State of Delaware Business Licensure or initiate the process of application where required.

2. Vendor shall provide responses to the Request for Proposal (RFP) scope of work and clearly identify capabilities as presented in the General Evaluation Requirements below.
3. Complete all appropriate attachments and forms as identified within the RFP.
4. Proof of insurance and amount of insurance shall be furnished to the Agency prior to the start of the contract period and shall be no less than as identified in the bid solicitation, Section V, Item 8, subsection g (insurance).

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**B. General Evaluation Requirements**

1. Experience and Reputation
2. Expertise in automated document publishing
3. Capacity to meet requirements (size, financial condition, etc.)
4. Location (geographical)
5. Demonstrated ability
6. Familiarity with public work and its requirements
7. Distribution of work to individuals and firms or economic considerations
8. Other criteria necessary for a quality cost-effective project

**IV. Professional Services RFP Administrative Information**

**A. RFP Issuance**

**1. Public Notice**

Public notice has been provided in accordance with 29 *Del. C.* [§6981](#).

**2. Obtaining Copies of the RFP**

This RFP is available in electronic form through the State of Delaware Procurement website at [www.bids.delaware.gov](http://www.bids.delaware.gov) . Paper copies of this RFP will not be available.

**3. Assistance to Vendors with a Disability**

Vendors with a disability may receive accommodation regarding the means of communicating this RFP or participating in the procurement process. For more information, contact the Designated Contact no later than ten days prior to the deadline for receipt of proposals.

**4. RFP Designated Contact**

All requests, questions, or other communications about this RFP shall be made in writing to the State of Delaware. Address all communications to the person listed below; communications made to other State of Delaware personnel or attempting to ask questions by phone or in person will not be allowed or recognized as valid and may disqualify the vendor. Vendors should rely only on written statements issued by the RFP designated contact.

**JANET ROBERSON  
DIVISION OF RESEACH  
DELAWARE GENERAL ASSEMBLY  
411 LEGISLATIVE AVE.  
DOVER, DE 19901  
JANET.ROBERSON@DELAWARE.GOV**

To ensure that written requests are received and answered in a timely manner, electronic mail (e-mail) correspondence is acceptable, but other forms of delivery, such as postal and courier services can also be used.

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**5. Consultants and Legal Counsel**

The State of Delaware may retain consultants or legal counsel to assist in the review and evaluation of this RFP and the vendors' responses. Bidders shall not contact the State's consultant or legal counsel on any matter related to the RFP.

**6. Contact with State Employees**

Direct contact with State of Delaware employees other than the State of Delaware Designated Contact regarding this RFP is expressly prohibited without prior consent. Vendors directly contacting State of Delaware employees risk elimination of their proposal from further consideration. Exceptions exist only for organizations currently doing business in the State who require contact in the normal course of doing that business.

**7. Organizations Ineligible to Bid**

Any individual, business, organization, corporation, consortium, partnership, joint venture, or any other entity including subcontractors currently debarred or suspended is ineligible to bid. Any entity ineligible to conduct business in the State of Delaware for any reason is ineligible to respond to the RFP.

**8. Exclusions**

The Proposal Evaluation Team reserves the right to refuse to consider any proposal from a vendor who:

- a. Has been convicted for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;
- b. Has been convicted under State or Federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty that currently and seriously affects responsibility as a State contractor;
- c. Has been convicted or has had a civil judgment entered for a violation under State or Federal antitrust statutes;
- d. Has violated contract provisions such as;
  - 1) Known failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
  - 2) Failure to perform or unsatisfactory performance in accordance with terms of one or more contracts;
- e. Has violated ethical standards set out in law or regulation; and
- f. Any other cause listed in regulations of the State of Delaware determined to be serious and compelling as to affect responsibility as a State contractor, including suspension or debarment by another governmental entity for a cause listed in the regulations.

**B. RFP Submissions**

**1. Acknowledgement of Understanding of Terms**

By submitting a bid, each vendor shall be deemed to acknowledge that it has carefully read all sections of this RFP, including all forms, schedules and exhibits hereto, and has fully informed itself as to all existing conditions and limitations.

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**2. Proposals**

To be considered, all proposals must be submitted in writing and respond to the items outlined in this RFP. The State reserves the right to reject any non-responsive or non-conforming proposals. Each proposal must be submitted with two (2) paper copies and two (2) electronic copy on CD or DVD media disk, or USB memory drive. Please provide a separate electronic pricing file from the rest of the RFP proposal responses.

All properly sealed and marked proposals are to be sent to the State of Delaware and received no later than **1:00 PM (Local Time) on April 6, 2020**. The Proposals may be delivered by Express Delivery (e.g., FedEx, UPS, etc.), US Mail, or by hand to:

**JANET ROBERSON  
THE DIVISION OF RESEARCH  
DELAWARE GENERAL ASSEMBLY  
411 LEGISLATIVE AVE  
DOVER, DE 19901**

**Vendors are directed to clearly print “BID ENCLOSED” and “CONTRACT NO. LEG-20411-REGS” on the outside of the bid submission package.**

Any proposal received after the Deadline for Receipt of Proposals date shall not be considered and shall be returned unopened. The proposing vendor bears the risk of delays in delivery and any costs for returned proposals. The contents of any proposal shall not be disclosed as to be made available to competing entities during the negotiation process.

Upon receipt of vendor proposals, each vendor shall be presumed to be thoroughly familiar with all specifications and requirements of this RFP. The failure or omission to examine any form, instrument or document shall in no way relieve vendors from any obligation in respect to this RFP.

**3. Proposal Modifications**

Any changes, amendments or modifications to a proposal must be made in writing, submitted in the same manner as the original response and conspicuously labeled as a change, amendment or modification to a previously submitted proposal. Changes, amendments or modifications to proposals shall not be accepted or considered after the hour and date specified as the deadline for submission of proposals.

**4. Proposal Costs and Expenses**

The State of Delaware will not pay any costs incurred by any Vendor associated with any aspect of responding to this solicitation, including proposal preparation, printing or delivery, attendance at vendor’s conference, system demonstrations or negotiation process.

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**5. Proposal Expiration Date**

Prices quoted in the proposal shall remain fixed and binding on the bidder at least through May 31, 2022. The State of Delaware reserves the right to ask for an extension of time if needed.

**6. Late Proposals**

Proposals received after the specified date and time will not be accepted or considered. To guard against premature opening, sealed proposals shall be submitted, plainly marked with the proposal title, vendor name, and time and date of the proposal opening. Evaluation of the proposals is expected to begin shortly after the proposal due date. To document compliance with the deadline, the proposal will be date and time stamped upon receipt.

**7. Proposal Opening**

The State of Delaware will receive proposals until the date and time shown in this RFP. Proposals will be opened in the presence of State of Delaware personnel. Any unopened proposals will be returned to the submitting Vendor.

There will be no public opening of proposals but a public log will be kept of the names of all vendor organizations that submitted proposals. The contents of any proposal shall not be disclosed in accordance with [Executive Order # 31](#) and Title 29, Delaware Code, [Chapter 100](#).

**8. Non-Conforming Proposals**

Non-conforming proposals will not be considered. Non-conforming proposals are defined as those that do not meet the requirements of this RFP. The determination of whether an RFP requirement is substantive or a mere formality shall reside solely within the State of Delaware.

**9. Concise Proposals**

The State of Delaware discourages overly lengthy and costly proposals. It is the desire that proposals be prepared in a straightforward and concise manner. Unnecessarily elaborate brochures or other promotional materials beyond those sufficient to present a complete and effective proposal are not desired. The State of Delaware's interest is in the quality and responsiveness of the proposal.

**10. Realistic Proposals**

It is the expectation of the State of Delaware that vendors can fully satisfy the obligations of the proposal in the manner and timeframe defined within the proposal. Proposals must be realistic and must represent the best estimate of time, materials and other costs including the impact of inflation and any economic or other factors that are reasonably predictable.

The State of Delaware shall bear no responsibility or increase obligation for a vendor's failure to accurately estimate the costs or resources required to meet the obligations defined in the proposal.

**11. Confidentiality of Documents**

Subject to applicable law or the order of a court of competent jurisdiction to the contrary, all documents submitted as part of the vendor's proposal will be treated as

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confidential during the evaluation process. As such, vendor proposals will not be available for review by anyone other than the State of Delaware/Proposal Evaluation Team or its designated agents. There shall be no disclosure of any vendor's information to a competing vendor prior to award of the contract unless such disclosure is required by law or by order of a court of competent jurisdiction.

The State of Delaware and its constituent agencies are required to comply with the State of Delaware Freedom of Information Act, [29 Del. C. § 10001, et seq. \("FOIA"\)](#). FOIA requires that the State of Delaware's records are public records (unless otherwise declared by FOIA or other law to be exempt from disclosure) and are subject to inspection and copying by any person upon a written request. Once a proposal is received by the State of Delaware and a decision on contract award is made, the content of selected and non-selected vendor proposals will likely become subject to FOIA's public disclosure obligations.

The State of Delaware wishes to create a business-friendly environment and procurement process. As such, the State respects the vendor community's desire to protect its intellectual property, trade secrets, and confidential business information (collectively referred to herein as "confidential business information"). Proposals must contain sufficient information to be evaluated. If a vendor feels that they cannot submit their proposal without including confidential business information, they must adhere to the following procedure or their proposal may be deemed unresponsive, may not be recommended for selection, and any applicable protection for the vendor's confidential business information may be lost.

In order to allow the State to assess its ability to protect a vendor's confidential business information, vendors will be permitted to designate appropriate portions of their proposal as confidential business information.

Vendor(s) may submit portions of a proposal considered to be confidential business information in a separate, sealed envelope labeled "Confidential Business Information" and include the specific RFP number. The envelope must contain a letter from the Vendor'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 29 Del. C. § 10002, and briefly stating the reasons that each document meets the said definitions.

Upon receipt of a proposal accompanied by such a separate, sealed envelope, the State of Delaware will open the envelope to determine whether the procedure described above has been followed. A vendor's allegation as to its confidential business information shall not be binding on the State. The State shall independently determine the validity of any vendor designation as set forth in this section. Any vendor submitting a proposal or using the procedures discussed herein expressly accepts the State's absolute right and duty to independently assess the legal and factual validity of any information designated as confidential business information. Accordingly, Vendor(s) assume the risk that confidential business information included within a proposal may enter the public domain.

**12. Price Not Confidential**

Vendors shall be advised that as a publicly bid contract, no Vendor shall retain the right to declare their pricing confidential.

**13. Multi-Vendor Solutions (Joint Ventures)**

Multi-vendor solutions (joint ventures) will be allowed only if one of the venture partners is designated as the “**prime contractor**”. The “**prime contractor**” must be the joint venture’s contact point for the State of Delaware and be responsible for the joint venture’s performance under the contract, including all project management, legal and financial responsibility for the implementation of all vendor systems. If a joint venture is proposed, a copy of the joint venture agreement clearly describing the responsibilities of the partners must be submitted with the proposal. Services specified in the proposal shall not be subcontracted without prior written approval by the State of Delaware, and approval of a request to subcontract shall not in any way relieve Vendor of responsibility for the professional and technical accuracy and adequacy of the work. Further, vendor shall be and remain liable for all damages to the State of Delaware caused by negligent performance or non-performance of work by its subcontractor or its sub-subcontractor.

Multi-vendor proposals must be a consolidated response with all cost included in the cost summary. Where necessary, RFP response pages are to be duplicated for each vendor.

**a. Primary Vendor**

The State of Delaware expects to negotiate and contract with only one “prime vendor”. The State of Delaware will not accept any proposals that reflect an equal teaming arrangement or from vendors who are co-bidding on this RFP. The prime vendor will be responsible for the management of all subcontractors.

Any contract that may result from this RFP shall specify that the prime vendor is solely responsible for fulfillment of any contract with the State as a result of this procurement. The State will make contract payments only to the awarded vendor. Payments to any-subcontractors are the sole responsibility of the prime vendor (awarded vendor).

Nothing in this section shall prohibit the State of Delaware from the full exercise of its options under Section IV.B.18 regarding multiple source contracting.

**b. Sub-contracting**

The vendor selected shall be solely responsible for contractual performance and management of all subcontract relationships. This contract allows subcontracting assignments; however, vendors assume all responsibility for work quality, delivery, installation, maintenance, and any supporting services required by a subcontractor.

Use of subcontractors must be clearly explained in the proposal, and major subcontractors must be identified by name. **The prime vendor shall be wholly responsible for the entire contract performance whether or not subcontractors are used.** Any sub-contractors must be approved by State of Delaware.

**c. Multiple Proposals**

A primary vendor may not participate in more than one proposal in any form. Sub-contracting vendors may participate in multiple joint venture proposals.

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**14. Sub-Contracting**

The vendor selected shall be solely responsible for contractual performance and management of all subcontract relationships. This contract allows subcontracting assignments; however, vendors assume all responsibility for work quality, delivery, installation, maintenance, and any supporting services required by a subcontractor.

Use of subcontractors must be clearly explained in the proposal, and subcontractors must be identified by name. Any sub-contractors must be approved by State of Delaware.

**15. Discrepancies and Omissions**

Vendor is fully responsible for the completeness and accuracy of their proposal, and for examining this RFP and all addenda. Failure to do so will be at the sole risk of vendor. Should vendor find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any questions arise concerning this RFP, vendor shall notify the State of Delaware's Designated Contact, in writing, of such findings at least ten (10) days before the proposal opening. This will allow issuance of any necessary addenda. It will also help prevent the opening of a defective proposal and exposure of vendor's proposal upon which award could not be made. All unresolved issues should be addressed in the proposal.

Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the Designated Contact, in writing, at least ten (10) calendar days prior to the time set for opening of the proposals.

**a. RFP Question and Answer Process**

The State of Delaware will allow written requests for clarification of the RFP. All questions shall be received no later than **March 10, 2020**. All questions will be consolidated into a single set of responses and posted on the State's website at [www.bids.delaware.gov](http://www.bids.delaware.gov) by the date of **March 20, 2020**. Vendor names will be removed from questions in the responses released. Questions should be submitted in the following format. Deviations from this format will not be accepted.

Section number

Paragraph number

Page number

Text of passage being questioned

Questions not submitted electronically shall be accompanied by a CD and questions shall be formatted in Microsoft Word.

**16. State's Right to Reject Proposals**

The State of Delaware reserves the right to accept or reject any or all proposals or any part of any proposal, to waive defects, technicalities or any specifications (whether they be in the State of Delaware's specifications or vendor's response), to sit and act as sole judge of the merit and qualifications of each product offered, or to solicit new

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proposals on the same project or on a modified project which may include portions of the originally proposed project as the State of Delaware may deem necessary in the best interest of the State of Delaware.

**17. State's Right to Cancel Solicitation**

The State of Delaware reserves the right to cancel this solicitation at any time during the procurement process, for any reason or for no reason. The State of Delaware makes no commitments expressed or implied, that this process will result in a business transaction with any vendor.

This RFP does not constitute an offer by the State of Delaware. Vendor's participation in this process may result in the State of Delaware selecting your organization to engage in further discussions and negotiations toward execution of a contract. The commencement of such negotiations does not, however, signify a commitment by the State of Delaware to execute a contract nor to continue negotiations. The State of Delaware may terminate negotiations at any time and for any reason, or for no reason.

**18. State's Right to Award Multiple Source Contracting**

Pursuant to 29 *Del. C.* [§ 6986](#), the State of Delaware may award a contract for a particular professional service to two or more vendors if the agency head makes a determination that such an award is in the best interest of the State of Delaware.

**19. Potential Contract Overlap**

Vendors shall be advised that the State, at its sole discretion, shall retain the right to solicit for goods and/or services as required by its agencies and as it serves the best interest of the State. As needs are identified, there may exist instances where contract deliverables, and/or goods or services to be solicited and subsequently awarded, overlap previous awards. The State reserves the right to reject any or all bids in whole or in part, to make partial awards, to award to multiple vendors during the same period, to award by types, on a zone-by-zone basis or on an item-by-item or lump sum basis item by item, or lump sum total, whichever may be most advantageous to the State of Delaware.

**20. Supplemental Solicitation**

The State reserves the right to advertise a supplemental solicitation during the term of the Agreement if deemed in the best interest of the State.

**21. Notification of Withdrawal of Proposal**

Vendor may modify or withdraw its proposal by written request, provided that both proposal and request is received by the State of Delaware prior to the proposal due date. Proposals may be re-submitted in accordance with the proposal due date in order to be considered further.

Proposals become the property of the State of Delaware at the proposal submission deadline. All proposals received are considered firm offers at that time.

**22. Revisions to the RFP**

If it becomes necessary to revise any part of the RFP, an addendum will be posted on the State of Delaware's website at [www.bids.delaware.gov](http://www.bids.delaware.gov) . The State of Delaware is

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not bound by any statement related to this RFP made by any State of Delaware employee, contractor or its agents.

**23. Exceptions to the RFP**

Any exceptions to the RFP, or the State of Delaware's terms and conditions, must be recorded on Attachment 3. Acceptance of exceptions is within the sole discretion of the evaluation committee.

**24. Business References**

Provide at least three (3) business references consisting of current or previous customers of similar scope and value using Attachment 5. Include business name, mailing address, contact name and phone number, number of years doing business with, and type of work performed. Personal references cannot be considered.

**25. Award of Contract**

The final award of a contract is subject to approval by the State of Delaware. The State of Delaware has the sole right to select the successful vendor(s) for award, to reject any proposal as unsatisfactory or non-responsive, to award a contract to other than the lowest priced proposal, to award multiple contracts, or not to award a contract, as a result of this RFP.

Notice in writing to a vendor of the acceptance of its proposal by the State of Delaware and the subsequent full execution of a written contract will constitute a contract, and no vendor will acquire any legal or equitable rights or privileges until the occurrence of both such events.

**a. RFP Award Notifications**

After reviews of the evaluation committee report and its recommendation, and once the contract terms and conditions have been finalized, the State of Delaware will award the contract.

The contract shall be awarded to the vendor whose proposal is most advantageous, taking into consideration the evaluation factors set forth in the RFP.

It should be explicitly noted that the State of Delaware is not obligated to award the contract to the vendor who submits the lowest bid or the vendor who receives the highest total point score, rather the contract will be awarded to the vendor whose proposal is the most advantageous to the State of Delaware. The award is subject to the appropriate State of Delaware approvals.

After a final selection is made, the winning vendor will be invited to negotiate a contract with the State of Delaware; remaining vendors will be notified in writing of their selection status.

**26. Cooperatives**

Vendors, who have been awarded similar contracts through a competitive bidding process with a cooperative, are welcome to submit the cooperative pricing for this solicitation. **State of Delaware terms will take precedence.**

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**C. RFP Evaluation Process**

An evaluation team composed of representatives of the State of Delaware will evaluate proposals on a variety of quantitative criteria. Neither the lowest price nor highest scoring proposal will necessarily be selected.

The State of Delaware reserves full discretion to determine the competence and responsibility, professionally and/or financially, of vendors. Vendors are to provide in a timely manner any and all information that the State of Delaware may deem necessary to make a decision.

**1. Proposal Evaluation Team**

The Proposal Evaluation Team shall be comprised of representatives of the State of Delaware. The Team shall determine which vendors meet the minimum requirements pursuant to selection criteria of the RFP and procedures established in 29 *Del. C.* §§ [6981 and 6982](#). Professional services for this solicitation are considered under 29 *Del. C.* §6982(b). The Team may negotiate with one or more vendors during the same period and may, at its discretion, terminate negotiations with any or all vendors. The Team shall make a recommendation regarding the award to the Director of the Division of Research, who shall have final authority, subject to the provisions of this RFP and 29 *Del. C.* § [6982\(b\)](#), to award a contract to the successful vendor in the best interests of the State of Delaware.

**2. Proposal Selection Criteria**

The Proposal Evaluation Team shall assign up to the maximum number of points for each Evaluation Item to each of the proposing vendor's proposals. All assignments of points shall be at the sole discretion of the Proposal Evaluation Team.

The proposals shall contain the essential information on which the award decision shall be made. The information required to be submitted in response to this RFP has been determined by the State of Delaware to be essential for use by the Team in the bid evaluation and award process. Therefore, all instructions contained in this RFP shall be met in order to qualify as a responsive and responsible contractor and participate in the Proposal Evaluation Team's consideration for award. Proposals which do not meet or comply with the instructions of this RFP may be considered non-conforming and deemed non-responsive and subject to disqualification at the sole discretion of the Team.

The Team reserves the right to:

- Select for contract or for negotiations a proposal other than that with lowest costs.
- Reject any and all proposals or portions of proposals received in response to this RFP or to make no award or issue a new RFP.
- Waive or modify any information, irregularity, or inconsistency in proposals received.
- Request modification to proposals from any or all vendors during the contract review and negotiation.
- Negotiate any aspect of the proposal with any vendor and negotiate with more than one vendor at the same time.
- Select more than one vendor pursuant to 29 *Del. C.* §[6986](#). Such selection will be based on the following criteria:

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- The Division of Research does not, at this time, intend to award to multiple vendors.

**Criteria Weight**

All proposals shall be evaluated using the same criteria and scoring process. The following criteria shall be used by the Evaluation Team to evaluate proposals:

<b>Criteria</b>	<b>Weight</b>
The qualifications and experience of the persons to be assigned to the project.	<b>20</b>
Familiarity and experience creating and running similar workflow and web publishing projects, including the ability to perform the work in a timely manner, company oversight and on-going project support and maintenance.	<b>30</b>
Experience with the creation of official, certified document publishing.	<b>20</b>
References	<b>10</b>
Potential income projection, substantiated by prior project management of similar scope and content.	<b>10</b>
Pricing	<b>10</b>
<b>Total</b>	<b>100%</b>

Vendors are encouraged to review the evaluation criteria and to provide a response that addresses each of the scored items. Evaluators will not be able to make assumptions about a vendor's capabilities so the responding vendor should be detailed in their proposal responses.

**3. Proposal Clarification**

The Evaluation Team may contact any vendor in order to clarify uncertainties or eliminate confusion concerning the contents of a proposal. Proposals may not be modified as a result of any such clarification request.

**4. References**

The Evaluation Team may contact any customer of the vendor, whether or not included in the vendor's reference list, and use such information in the evaluation process. Additionally, the State of Delaware may choose to visit existing installations of comparable systems, which may or may not include vendor personnel. If the vendor is involved in such site visits, the State of Delaware will pay travel costs only for State of Delaware personnel for these visits.

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**5. Oral Presentations**

After initial scoring and a determination that vendor(s) are qualified to perform the required services, selected vendors may be invited to make oral presentations to the Evaluation Team. All vendor(s) selected will be given an opportunity to present to the Evaluation Team.

The selected vendors will have their presentations scored or ranked based on their ability to successfully meet the needs of the contract requirements, successfully demonstrate their product and/or service, and respond to questions about the solution capabilities.

The vendor representative(s) attending the oral presentation shall be technically qualified to respond to questions related to the proposed system and its components. All of the vendor's costs associated with participation in oral discussions and system demonstrations conducted for the State of Delaware are the vendor's responsibility.

**V. Contract Terms and Conditions**

**1. Contract Use by Other Agencies**

**REF: Title 29, Chapter [6904\(e\)](#) Delaware Code.** If no state contract exists for a certain good or service, covered agencies may procure that certain good or service under another agency's contract so long as the arrangement is agreeable to all parties. Agencies, other than covered agencies, may also procure such goods or services under another agency's contract when the arrangement is agreeable to all parties.

**2. Cooperative Use of Award**

As a publicly competed contract awarded in compliance with 29 DE Code Chapter 69, this contract is available for use by other states and/or governmental entities through a participating addendum. Interested parties should contact the State Contract Procurement Officer identified in the contract for instruction. Final approval for permitting participation in this contract resides with the Director of Government Support Services and in no way places any obligation upon the awarded vendor(s).

**3. As a Service Subscription**

As a Service subscription license costs shall be incurred at the individual license level only as the individual license is utilized within a fully functioning solution. Subscription costs will not be applicable during periods of implementation and solution development prior to the State's full acceptance of a working solution. Additional subscription license requests above actual utilization may not exceed 5% of the total and are subject to Delaware budget and technical review.

**4. General Information**

- a. The term of the contract between the successful bidder and the State shall be for two (2) years with two (2) optional extensions for a period of one (1) year for each extension.
- b. The selected vendor will be required to enter into a written agreement with the State of Delaware. The State of Delaware reserves the right to incorporate standard State contractual provisions into any contract negotiated as a result of a proposal submitted in response to this RFP. Any proposed modifications to the terms and conditions of the standard contract are subject to review and approval

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by the State of Delaware. Vendors will be required to sign the contract for all services, and may be required to sign additional agreements.

- c. The selected vendor or vendors will be expected to enter negotiations with the State of Delaware, which will result in a formal contract between parties. Procurement will be in accordance with subsequent contracted agreement. This RFP and the selected vendor's response to this RFP will be incorporated as part of any formal contract.
- d. The State of Delaware's standard contract will most likely be supplemented with the vendor's software license, support/maintenance, source code escrow agreements, and any other applicable agreements. The terms and conditions of these agreements will be negotiated with the finalist during actual contract negotiations.
- e. The successful vendor shall promptly execute a contract incorporating the terms of this RFP within twenty (20) days after award of the contract. No vendor is to begin any service prior to receipt of a State of Delaware purchase order signed by two authorized representatives of the agency requesting service, properly processed through the State of Delaware Accounting Office and the Department of Finance. The purchase order shall serve as the authorization to proceed in accordance with the bid specifications and the special instructions, once it is received by the successful vendor.
- f. If the vendor to whom the award is made fails to enter into the agreement as herein provided, the award will be annulled, and an award may be made to another vendor. Such vendor shall fulfill every stipulation embraced herein as if they were the party to whom the first award was made.
- g. The State reserves the right to extend this contract on a month-to-month basis for a period of up to three months after the term of the full contract has been completed.
- h. Vendors are not restricted from offering lower pricing at any time during the contract term.

**5. Collusion or Fraud**

Any evidence of agreement or collusion among vendor(s) and prospective vendor(s) acting to illegally restrain freedom from competition by agreement to offer a fixed price, or otherwise, will render the offers of such vendor(s) void.

By responding, the vendor shall be deemed to have represented and warranted that its proposal is not made in connection with any competing vendor submitting a separate response to this RFP, and is in all respects fair and without collusion or fraud; that the vendor did not participate in the RFP development process and had no knowledge of the specific contents of the RFP prior to its issuance; and that no employee or official of the State of Delaware participated directly or indirectly in the vendor's proposal preparation.

Advance knowledge of information which gives any particular vendor advantages over any other interested vendor(s), in advance of the opening of proposals, whether in response to advertising or an employee or representative thereof, will potentially void that particular proposal.

**6. Lobbying and Gratuities**

Lobbying or providing gratuities shall be strictly prohibited. Vendors found to be lobbying, providing gratuities to, or in any way attempting to influence a State of

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Delaware employee or agent of the State of Delaware concerning this RFP or the award of a contract resulting from this RFP shall have their proposal immediately rejected and shall be barred from further participation in this RFP.

The selected vendor will warrant that no person or selling agency has been employed or retained to solicit or secure a contract resulting from this RFP upon agreement or understanding for a commission, or a percentage, brokerage or contingent fee. For breach or violation of this warranty, the State of Delaware shall have the right to annul any contract resulting from this RFP without liability or at its discretion deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

All contact with State of Delaware employees, contractors or agents of the State of Delaware concerning this RFP shall be conducted in strict accordance with the manner, forum and conditions set forth in this RFP.

**7. Solicitation of State Employees**

Until contract award, vendors shall not, directly or indirectly, solicit any employee of the State of Delaware to leave the State of Delaware's employ in order to accept employment with the vendor, its affiliates, actual or prospective contractors, or any person acting in concert with vendor, without prior written approval of the State of Delaware's contracting officer. Solicitation of State of Delaware employees by a vendor may result in rejection of the vendor's proposal.

This paragraph does not prevent the employment by a vendor of a State of Delaware employee who has initiated contact with the vendor. However, State of Delaware employees may be legally prohibited from accepting employment with the contractor or subcontractor under certain circumstances. Vendors may not knowingly employ a person who cannot legally accept employment under state or federal law. If a vendor discovers that they have done so, they must terminate that employment immediately.

**8. General Contract Terms**

**a. Independent Contractors**

The parties to the contract shall be independent contractors to one another, and nothing herein shall be deemed to cause this agreement to create an agency, partnership, joint venture or employment relationship between parties. Each party shall be responsible for compliance with all applicable workers compensation, unemployment, disability insurance, social security withholding and all other similar matters. Neither party shall be liable for any debts, accounts, obligations or other liability whatsoever of the other party or any other obligation of the other party to pay on the behalf of its employees or to withhold from any compensation paid to such employees any social benefits, workers compensation insurance premiums or any income or other similar taxes.

It may be at the State of Delaware's discretion as to the location of work for the contractual support personnel during the project period. The State of Delaware may provide working space and sufficient supplies and material to augment the Contractor's services.

**b. Temporary Personnel are Not State Employees Unless and Until They are Hired**

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Vendor agrees that any individual or group of temporary staff person(s) provided to the State of Delaware pursuant to this Solicitation shall remain the employee(s) of Vendor for all purposes including any required compliance with the Affordable Care Act by the Vendor. Vendor agrees that it shall not allege, argue, or take any position that individual temporary staff person(s) provided to the State pursuant to this Solicitation must be provided any benefits, including any healthcare benefits by the State of Delaware and Vendor agrees to assume the total and complete responsibility for the provision of any healthcare benefits required by the Affordable Care Act to aforesaid individual temporary staff person(s). In the event that the Internal Revenue Service, or any other third party governmental entity determines that the State of Delaware is a dual employer or the sole employer of any individual temporary staff person(s) provided to the State of Delaware pursuant to this Solicitation, Vendor agrees to hold harmless, indemnify, and defend the State to the maximum extent of any liability to the State arising out of such determinations.

Notwithstanding the content of the preceding paragraph, should the State of Delaware subsequently directly hire any individual temporary staff employee(s) provided pursuant to this Solicitation, the aforementioned obligations to hold harmless, indemnify, and defend the State of Delaware shall cease and terminate for the period following the date of hire. Nothing herein shall be deemed to terminate the Vendor's obligation to hold harmless, indemnify, and defend the State of Delaware for any liability that arises out of compliance with the ACA prior to the date of hire by the State of Delaware. Vendor will waive any separation fee provided an employee works for both the vendor and hiring agency, continuously, for a three (3) month period and is provided thirty (30) days written notice of intent to hire from the agency. Notice can be issued at second month if it is the State's intention to hire.

**c. ACA Safe Harbor**

The State and its utilizing agencies are not the employer of temporary or contracted staff. However, the State is concerned that it could be determined to be a Common-law Employer as defined by the Affordable Care Act ("ACA"). Therefore, the State seeks to utilize the "Common-law Employer Safe Harbor Exception" under the ACA to transfer health benefit insurance requirements to the staffing company. The Common-law Employer Safe Harbor Exception can be attained when the State and/or its agencies are charged and pay for an "Additional Fee" with respect to the employees electing to obtain health coverage from the Vendor.

The Common-law Employer Safe Harbor Exception under the ACA requires that an Additional Fee must be charged to those employees who obtain health coverage from the Vendor, but does not state the required amount of the fee. The State requires that all Vendors shall identify the Additional Fee to obtain health coverage from the Vendor and delineate the Additional Fee from all other charges and fees. The Vendor shall identify both the Additional Fee to be charged and the basis of how the fee is applied (i.e. per employee, per invoice, etc.). The State will consider the Additional Fee and prior to award reserves the right to negotiate any fees offered by the Vendor. Further, the Additional Fee shall be separately scored in the proposal to ensure that neither prices charged nor the Additional Fee charged will have a detrimental effect when selecting vendor(s) for award.

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**d. Licenses and Permits**

In performance of the contract, the vendor will be required to comply with all applicable federal, state and local laws, ordinances, codes, and regulations. The cost of permits and other relevant costs required in the performance of the contract shall be borne by the successful vendor. The vendor shall be properly licensed and authorized to transact business in the State of Delaware as provided in 30 *Del. C.* § [2502](#).

Prior to receiving an award, the successful vendor shall either furnish the State of Delaware with proof of State of Delaware Business Licensure or initiate the process of application where required. An application may be requested in writing to: Division of Revenue, Carvel State Building, P.O. Box 8750, 820 N. French Street, Wilmington, DE 19899 or by telephone to one of the following numbers: (302) 577-8200—Public Service, (302) 577-8205—Licensing Department.

Information regarding the award of the contract will be given to the Division of Revenue. Failure to comply with the State of Delaware licensing requirements may subject vendor to applicable fines and/or interest penalties.

**e. Notice**

Any notice to the State of Delaware required under the contract shall be sent by registered mail to:

**THE DIVISION OF RESEARCH  
DELAWARE GENERAL ASSEMBLY  
411 LEGISLATIVE AVE  
DOVER, DE 19901  
ATTN: JANET ROBERSON**

**f. Indemnification**

**1. General Indemnification**

By submitting a proposal, the proposing vendor agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the State of Delaware, its agents and employees from any and all liability, suits, actions, or claims, together with all costs, expenses for attorney's fees, arising out of the vendor's, its agents and employees' performance work or services in connection with the contract.

**2. Proprietary Rights Indemnification**

Vendor shall warrant that all elements of its solution, including all equipment, software, documentation, services and deliverables, do not and will not infringe upon or violate any patent, copyright, trade secret or other proprietary rights of any third party. In the event of any claim, suit or action by any third party against the State of Delaware, the State of Delaware shall promptly notify the vendor in writing and vendor shall defend such claim, suit or action at vendor's expense, and vendor shall indemnify the State of Delaware against any loss, cost, damage, expense or liability arising out of such claim, suit or action (including, without limitation, litigation costs, lost employee time, and counsel fees) whether or not such claim, suit or action is successful.

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If any equipment, software, services (including methods) products or other intellectual property used or furnished by the vendor (collectively "Products") is or in vendor's reasonable judgment is likely to be, held to constitute an infringing product, vendor shall at its expense and option either:

- a. Procure the right for the State of Delaware to continue using the Product(s);
- b. Replace the product with a non-infringing equivalent that satisfies all the requirements of the contract; or
- c. Modify the Product(s) to make it or them non-infringing, provided that the modification does not materially alter the functionality or efficacy of the product or cause the Product(s) or any part of the work to fail to conform to the requirements of the Contract, or only alters the Product(s) to a degree that the State of Delaware agrees to and accepts in writing.

**g. Insurance**

1. Vendor recognizes that it is operating as an independent contractor and that it is liable for any and all losses, penalties, damages, expenses, attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of any nature, arising out of the vendor's negligent performance under this contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the vendor in their negligent performance under this contract.
2. The vendor shall maintain such insurance as will protect against claims under Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this contract. The vendor is an independent contractor and is not an employee of the State of Delaware.
3. As a part of the contract requirements, the contractor must obtain at its own cost and expense and keep in force and effect during the term of this contract, including all extensions, the minimum coverage limits specified below with a carrier satisfactory to the State. All contractors must carry the following coverage depending on the type of service or product being delivered.
  - a. Worker's Compensation and Employer's Liability Insurance in accordance with applicable law.
  - b. Commercial General Liability - \$1,000,000 per occurrence/\$3,000,000 per aggregate.
  - c. Automotive Liability Insurance covering all automotive units used in the work (including all units leased from and/or provided by the State to Vendor pursuant to this Agreement as well as all units used by Vendor, regardless of the identity of the registered owner, used by Vendor for completing the Work required by this Agreement to include but not limited to transporting Delaware clients or staff), providing coverage on a primary non-contributory basis with limits of not less than:
    1. \$1,000,000 combined single limit each accident, for bodily injury;

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2. \$250,000 for property damage to others;
3. \$25,000 per person per accident Uninsured/Underinsured Motorists coverage;
4. \$25,000 per person, \$300,000 per accident Personal Injury Protection (PIP) benefits as provided for in 21 Del. C. §2118; and
5. Comprehensive coverage for all leased vehicles, which shall cover the replacement cost of the vehicle in the event of collision, damage or other loss.

The successful vendor must carry at least one of the following depending on the scope of work being performed.

- a. Medical/Professional Liability - \$1,000,000 per occurrence/\$3,000,000 per aggregate
- b. Miscellaneous Errors and Omissions - \$1,000,000 per occurrence/\$3,000,000 per aggregate
- c. Product Liability - \$1,000,000 per occurrence/\$3,000,000 aggregate

Should any of the above described policies be cancelled before expiration date thereof, notice will be delivered in accordance with the policy provisions.

Before any work is done pursuant to this Agreement, the Certificate of Insurance and/or copies of the insurance policies, referencing the contract number stated herein, shall be filed with the State. The certificate holder is as follows:

THE DIVISION OF RESEARCH  
Contract No: LEG-20411-REGS  
State of Delaware  
Delaware General Assembly  
411 Legislative Ave.  
Dover, DE 19901

Nothing contained herein shall restrict or limit the Vendor's right to procure insurance coverage in amounts higher than those required by this Agreement. To the extent that the Vendor procures insurance coverage in amounts higher than the amounts required by this Agreement, all said additionally procured coverages will be applicable to any loss or claim and shall replace the insurance obligations contained herein.

To the extent that Vendor has complied with the terms of this Agreement and has procured insurance coverage for all vehicles Leased and/or operated by Vendor as part of this Agreement, the State of Delaware's self-insured

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insurance program shall not provide any coverage whether coverage is sought as primary, co-primary, excess or umbrella insurer or coverage for any loss of any nature.

In no event shall the State of Delaware be named as an additional insured on any policy required under this agreement.

4. The vendor shall provide a Certificate of Insurance (COI) as proof that the vendor has the required insurance. The COI shall be provided to agency contact prior to any work being completed by the awarded vendor(s).
5. The State of Delaware shall not be named as an additional insured.
6. Should any of the above described policies be cancelled before expiration date thereof, notice will be delivered in accordance with the policy provisions.

**h. Performance Requirements**

The selected Vendor will warrant that it possesses, or has arranged through subcontractors, all capital and other equipment, labor, materials, and licenses necessary to carry out and complete the work hereunder in compliance with any and all Federal and State laws, and County and local ordinances, regulations and codes.

**i. BID BOND**

There is no Bid Bond Requirement.

**j. PERFORMANCE BOND**

Contractors awarded contracts are required to furnish a 100% Performance Bond in accordance with Delaware Code Title 29, Section 6927, to the State of Delaware for the benefit of The Division of Research with surety in the amount of 100% of the specific award. Said bonds shall be conditioned upon the faithful performance of the contract. This guarantee shall be submitted using Attachment 10 in the form of a good and sufficient bond drawn upon an Insurance or Bonding Company authorized to do business in the State of Delaware.

**k. Vendor Emergency Response Point of Contact**

The awarded vendor(s) shall provide the name(s), telephone, or cell phone number(s) of those individuals who can be contacted twenty four (24) hours a day, seven (7) days a week where there is a critical need for commodities or services when the Governor of the State of Delaware declares a state of emergency under the Delaware Emergency Operations Plan or in the event of a local emergency or disaster where a state governmental entity requires the services of the vendor. Failure to provide this information could render the proposal as non-responsive.

In the event of a serious emergency, pandemic or disaster outside the control of the State, the State may negotiate, as may be authorized by law, emergency performance from the Contractor to address the immediate needs of the State, even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

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**I. Warranty**

The Vendor will provide a warranty that the deliverables provided pursuant to the contract will function as designed for a period of no less than one (1) year from the date of system acceptance. The warranty shall require the Vendor correct, at its own expense, the setup, configuration, customizations or modifications so that it functions according to the State's requirements.

**m. Costs and Payment Schedules**

All contract costs must be as detailed specifically in the Vendor's cost proposal. No charges other than as specified in the proposal shall be allowed without written consent of the State of Delaware. The proposal costs shall include full compensation for all taxes that the selected vendor is required to pay.

The State of Delaware will require a payment schedule based on defined and measurable milestones. Payments for services will not be made in advance of work performed. The State of Delaware may require holdback of contract monies until acceptable performance is demonstrated (as much as 25%).

**n. Liquidated Damages**

The State of Delaware may include in the final contract liquidated damages provisions for non-performance.

**o. Dispute Resolution**

At the option of the parties, they shall attempt in good faith to resolve any dispute arising out of or relating to this Agreement promptly by negotiation between executives who have authority to settle the controversy and who are at a higher level of management than the persons with direct responsibility for administration of this Agreement. All offers, promises, conduct and statements, whether oral or written, made in the course of the negotiation by any of the parties, their agents, employees, experts and attorneys are confidential, privileged and inadmissible for any purpose, including impeachment, in arbitration or other proceeding involving the parties, provided evidence that is otherwise admissible or discoverable shall not be rendered inadmissible.

If the matter is not resolved by negotiation, as outlined above, or, alternatively, The Division of Research elects to proceed directly to mediation, then the matter will proceed to mediation as set forth below. Any disputes, claims or controversies arising out of or relating to this Agreement shall be submitted to mediation by a mediator selected by the parties. If the matter is not resolved through mediation, it may be submitted for arbitration or litigation. The Division of Research reserves the right to proceed directly to arbitration or litigation without negotiation or mediation. Any such proceedings held pursuant to this provision shall be governed by Delaware law and venue shall be in Delaware. Each party shall bear its own costs of mediation, arbitration or litigation, including attorneys' fees.

**p. Remedies**

Except as otherwise provided in this solicitation, including but not limited to Section 8.o above, all claims, counterclaims, disputes, and other matters in question between the State of Delaware and the Contractor arising out of, or relating to, this

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solicitation, or a breach of it may be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of Delaware.

**q. Termination of Contract**

The contract resulting from this RFP may be terminated as follows by The Division of Research.

**1. Termination for Cause**

If, for any reasons, or through any cause, the Vendor fails to fulfill in timely and proper manner its obligations under this Contract, or if the Vendor violates any of the covenants, agreements, or stipulations of this Contract, the State shall thereupon have the right to terminate this contract by giving written notice to the Vendor of such termination and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the Vendor under this Contract shall, at the option of the State, become its property, and the Vendor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials which is usable to the State.

On receipt of the contract cancellation notice from the State, the Vendor shall have no less than five (5) days to provide a written response and may identify a method(s) to resolve the violation(s). A vendor response shall not effect or prevent the contract cancellation unless the State provides a written acceptance of the vendor response. If the State does accept the Vendor's method and/or action plan to correct the identified deficiencies, the State will define the time by which the Vendor must fulfill its corrective obligations. Final retraction of the State's termination for cause will only occur after the Vendor successfully rectifies the original violation(s). At its discretion the State may reject in writing the Vendor's proposed action plan and proceed with the original contract cancellation timeline.

**2. Termination for Convenience**

The State may terminate this Contract at any time by giving written notice of such termination and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, models, photographs, reports, supplies, and other materials shall, at the option of the State, become its property and the Vendor shall be entitled to receive compensation for any satisfactory work completed on such documents and other materials, and which is usable to the State.

**3. Termination for Non-Appropriations**

In the event the General Assembly fails to appropriate the specific funds necessary to enter into or continue the contractual agreement, in whole or part, the agreement shall be terminated as to any obligation of the State requiring the expenditure of money for which no specific appropriation is available at the end of the last fiscal year for which no appropriation is available or upon the exhaustion of funds. This is not a termination for convenience and will not be converted to such.

**r. Non-discrimination**

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In performing the services subject to this RFP the vendor, as set forth in Title 19 Delaware Code Chapter 7 section [711](#), will agree that it will not discriminate against any employee or applicant with respect to compensation, terms, conditions or privileges of employment because of such individual's race, marital status, genetic information, color, age, religion, sex, sexual orientation, gender identity, or national origin. The successful vendor shall comply with all federal and state laws, regulations and policies pertaining to the prevention of discriminatory employment practice. Failure to perform under this provision constitutes a material breach of contract.

**s. Covenant against Contingent Fees**

The successful vendor will warrant that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission or percentage, brokerage or contingent fee excepting bona-fide employees, bona-fide established commercial or selling agencies maintained by the Vendor for the purpose of securing business. For breach or violation of this warranty the State of Delaware shall have the right to annul the contract without liability or at its discretion to deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

**t. Vendor Activity**

No activity is to be executed in an off shore facility, either by a subcontracted firm or a foreign office or division of the vendor. The vendor must attest to the fact that no activity will take place outside of the United States in its transmittal letter. Failure to adhere to this requirement is cause for elimination from future consideration.

**u. Vendor Responsibility**

The State will enter into a contract with the successful Vendor(s). The successful Vendor(s) shall be responsible for all products and services as required by this RFP whether or not the Vendor or its subcontractor provided final fulfillment of the order. Subcontractors, if any, shall be clearly identified in the Vendor's proposal by completing Attachment 6, and are subject the approval and acceptance of The Division of Research.

**v. Personnel, Equipment and Services**

1. The Vendor represents that it has, or will secure at its own expense, all personnel required to perform the services required under this contract.
2. All of the equipment and services required hereunder shall be provided by or performed by the Vendor or under its direct supervision, and all personnel, including subcontractors, engaged in the work shall be fully qualified and shall be authorized under State and local law to perform such services.
3. None of the equipment and/or services covered by this contract shall be subcontracted without the prior written approval of the State. Only those subcontractors identified in Attachment 6 are considered approved upon award. Changes to those subcontractor(s) listed in Attachment 6 must be approved in writing by the State.

**w. Fair Background Check Practices**

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Pursuant to 29 Del. C. [§6909B](#), the State does not consider the criminal record, criminal history, credit history or credit score of an applicant for state employment during the initial application process unless otherwise required by state and/or federal law. Vendors doing business with the State are encouraged to adopt fair background check practices. Vendors can refer to 19 Del. C. [§711\(q\)](#) for applicable established provisions.

**x. Vendor Background Check Requirements**

Vendor(s) selected for an award that access state property or come in contact with vulnerable populations, including children and youth, shall be required to complete background checks on employees serving the State's on premises contracts. Unless otherwise directed, at a minimum, this shall include a check of the following registry:

- Delaware Sex Offender Central Registry at:  
<https://sexoffender.dsp.delaware.gov/>

Individuals that are listed in the registry shall be prevented from direct contact in the service of an awarded state contract, but may provide support or off-site premises service for contract vendors. Should an individual be identified and the Vendor(s) believes their employee's service does not represent a conflict with this requirement, may apply for a waiver to the primary agency listed in the solicitation. The Agency's decision to allow or deny access to any individual identified on a registry database is final and at the Agency's sole discretion.

By Agency request, the Vendor(s) shall provide a list of all employees serving an awarded contract, and certify adherence to the background check requirement. Individual(s) found in the central registry in violation of the terms stated, shall be immediately prevented from a return to state property in service of a contract award. A violation of this condition represents a violation of the contract terms and conditions, and may subject the Vendor to penalty, including contract cancellation for cause.

Individual contracts may require additional background checks and/or security clearance(s), depending on the nature of the services to be provided or locations accessed, but any other requirements shall be stated in the contract scope of work or be a matter of common law. The Vendor(s) shall be responsible for the background check requirements of any authorized Subcontractor providing service to the Agency's contract.

**y. Drug Testing Requirements for Large Public Works**

Pursuant to 29 Del.C. [§6908\(a\)\(6\)](#), effective as of January 1, 2016, OMB has established regulations that require Contractors and Subcontractors to implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds. The regulations establish the mechanism, standards and requirements of a Mandatory Drug Testing Program that will be incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 Del.C. [§6962](#).

Final publication of the identified regulations can be found at the following:

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[4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects](#)

**z. Work Product**

All materials and products developed under the executed contract by the vendor are the sole and exclusive property of the State. The vendor will seek written permission to use any product created under the contract.

**aa. Contract Documents**

The RFP, the purchase order, the executed contract and any supplemental documents between the State of Delaware and the successful vendor shall constitute the contract between the State of Delaware and the vendor. In the event there is any discrepancy between any of these contract documents, the following order of documents governs so that the former prevails over the latter: contract, State of Delaware's RFP, Vendor's response to the RFP and purchase order. No other documents shall be considered. These documents will constitute the entire agreement between the State of Delaware and the vendor.

**bb. Applicable Law**

The laws of the State of Delaware shall apply, except where Federal Law has precedence. The successful vendor consents to jurisdiction and venue in the State of Delaware.

In submitting a proposal, Vendors certify that they comply with all federal, state and local laws applicable to its activities and obligations including:

1. the laws of the State of Delaware;
2. the applicable portion of the Federal Civil Rights Act of 1964;
3. the Equal Employment Opportunity Act and the regulations issued there under by the federal government;
4. a condition that the proposal submitted was independently arrived at, without collusion, under penalty of perjury; and
5. that programs, services, and activities provided to the general public under resulting contract conform with the Americans with Disabilities Act of 1990, and the regulations issued there under by the federal government.

If any vendor fails to comply with (1) through (5) of this paragraph, the State of Delaware reserves the right to disregard the proposal, terminate the contract, or consider the vendor in default.

The selected vendor shall keep itself fully informed of and shall observe and comply with all applicable existing Federal and State laws, and County and local ordinances, regulations and codes, and those laws, ordinances, regulations, and codes adopted during its performance of the work.

**cc. Severability**

If any term or provision of this Agreement is found by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, the same shall not affect the other terms or provisions hereof or the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary in the court's opinion to render such term or provision enforceable, and the rights and obligations

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of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.

**dd. Assignment Of Antitrust Claims**

As consideration for the award and execution of this contract by the State, the Vendor hereby grants, conveys, sells, assigns, and transfers to the State of Delaware all of its right, title and interest in and to all known or unknown causes of action it presently has or may now or hereafter acquire under the antitrust laws of the United States and the State of Delaware, regarding the specific goods or services purchased or acquired for the State pursuant to this contract. Upon either the State's or the Vendor notice of the filing of or reasonable likelihood of filing of an action under the antitrust laws of the United States or the State of Delaware, the State and Vendor shall meet and confer about coordination of representation in such action.

**ee. Scope of Agreement**

If the scope of any provision of the contract is determined to be too broad in any respect whatsoever to permit enforcement to its full extent, then such provision shall be enforced to the maximum extent permitted by law, and the parties hereto consent and agree that such scope may be judicially modified accordingly and that the whole of such provisions of the contract shall not thereby fail, but the scope of such provisions shall be curtailed only to the extent necessary to conform to the law.

**ff. Affirmation**

The Vendor must affirm that within the past five (5) years the firm or any officer, controlling stockholder, partner, principal, or other person substantially involved in the contracting activities of the business is not currently suspended or debarred and is not a successor, subsidiary, or affiliate of a suspended or debarred business.

**gg. Audit Access to Records**

The Vendor shall maintain books, records, documents, and other evidence pertaining to this Contract to the extent and in such detail as shall adequately reflect performance hereunder. The Vendor agrees to preserve and make available to the State, upon request, such records for a period of five (5) years from the date services were rendered by the Vendor. Records involving matters in litigation shall be retained for one (1) year following the termination of such litigation. The Vendor agrees to make such records available for inspection, audit, or reproduction to any official State representative in the performance of their duties under the Contract. Upon notice given to the Vendor, representatives of the State or other duly authorized State or Federal agency may inspect, monitor, and/or evaluate the cost and billing records or other material relative to this Contract. The cost of any Contract audit disallowances resulting from the examination of the Vendor's financial records will be borne by the Vendor. Reimbursement to the State for disallowances shall be drawn from the Vendor's own resources and not charged to Contract cost or cost pools indirectly charging Contract costs.

**hh. IRS 1075 Publication (If Applicable)**

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**1. Performance**

In performance of this contract, the Contractor agrees to comply with and assume responsibility for compliance by his or her employees with the following requirements:

All work will be performed under the supervision of the contractor or the contractor's responsible employees.

The contractor and the contractor's employees with access to or who use FTI must meet the background check requirements defined in IRS Publication 1075.

Any Federal tax returns or Federal tax return information (hereafter referred to as returns or return information) made available shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Inspection by or disclosure to anyone other than an officer or employee of the contractor is prohibited.

All returns and return information will be accounted for upon receipt and properly stored before, during, and after processing. In addition, all related output and products will be given the same level of protection as required for the source material.

No work involving returns and return information furnished under this contract will be subcontracted without prior written approval of the IRS.

The contractor will maintain a list of employees authorized access. Such list will be provided to the agency and, upon request, to the IRS reviewing office.

The agency will have the right to void the contract if the contractor fails to provide the safeguards described above.

The contractor shall comply with agency incident response policies and procedures for reporting unauthorized disclosures of agency data.

**2. Criminal/Civil Sanctions**

Each officer or employee of any person to whom returns or return information is or may be disclosed shall be notified in writing by such person that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized herein, and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized herein constitutes a felony punishable upon conviction by a fine of as much as \$5,000 or imprisonment for as long as five years, or both, together with the costs of prosecution. Such person shall also notify each such officer and employee that any such unauthorized future disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount

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not less than \$1,000 with respect to each instance of unauthorized disclosure. These penalties are prescribed by IRCs 7213 and 7431 and set forth at 26 CFR 301.6103(n)-1.

Each officer or employee of any person to whom returns or return information is or may be disclosed shall be notified in writing by such person that any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Inspection by or disclosure to anyone without an official need-to-know constitutes a criminal misdemeanor punishable upon conviction by a fine of as much as \$1,000.00 or imprisonment for as long as 1 year, or both, together with the costs of prosecution. Such person shall also notify each such officer and employee that any such unauthorized inspection or disclosure of returns or return information may also result in an award of civil damages against the officer or employee [United States for Federal employees] in an amount equal to the sum of the greater of \$1,000.00 for each act of unauthorized inspection or disclosure with respect to which such defendant is found liable or the sum of the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure plus in the case of a willful inspection or disclosure which is the result of gross negligence, punitive damages, plus the costs of the action. The penalties are prescribed by IRCs 7213A and 7431 and set forth at 26 CFR 301.6103(n)-1.

Additionally, it is incumbent upon the contractor to inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. 552a. Specifically, 5 U.S.C. 552a(i)(1), which is made applicable to contractors by 5 U.S.C. 552a(m)(1), provides that any officer or employee of a contractor, who by virtue of his/her employment or official position, has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

Granting a contractor access to FTI must be preceded by certifying that each individual understands the agency's security policy and procedures for safeguarding IRS information. Contractors must maintain their authorization to access FTI through annual recertification. The initial certification and recertification must be documented and placed in the agency's files for review. As part of the certification and at least annually afterwards, contractors must be advised of the provisions of IRCs 7431, 7213, and 7213A (see Exhibit 4, Sanctions for Unauthorized Disclosure, and Exhibit 5, Civil Damages for Unauthorized Disclosure). The training provided before the initial certification and annually thereafter must also cover the incident response policy and procedure for reporting unauthorized disclosures and data breaches. (See Section 10 ) For both the initial certification and the annual certification, the contractor must sign, either with ink or electronic signature, a confidentiality statement certifying their understanding of the security requirements.

### 3. Inspection

The IRS and the Agency, with 24 hour notice, shall have the right to send its inspectors into the offices and plants of the contractor to inspect facilities and operations performing any work with FTI under this contract for compliance with requirements defined in IRS Publication 1075. The IRS' right of inspection shall include the use of manual and/or automated scanning tools to perform compliance and vulnerability assessments of information technology (IT) assets that access, store, process or transmit FTI. On the basis of such inspection, corrective actions may be required in cases where the contractor is found to be noncompliant with contract safeguards.

#### ii. Other General Conditions

1. **Current Version** – “Packaged” application and system software shall be the most current version generally available as of the date of the physical installation of the software.
2. **Current Manufacture** – Equipment specified and/or furnished under this specification shall be standard products of manufacturers regularly engaged in the production of such equipment and shall be the manufacturer's latest design. All material and equipment offered shall be new and unused.
3. **Volumes and Quantities** – Activity volume estimates and other quantities have been reviewed for accuracy; however, they may be subject to change prior or subsequent to award of the contract.
4. **Prior Use** – The State of Delaware reserves the right to use equipment and material furnished under this proposal prior to final acceptance. Such use shall not constitute acceptance of the work or any part thereof by the State of Delaware.
5. **Status Reporting** – The selected vendor will be required to lead and/or participate in status meetings and submit status reports covering such items as progress of work being performed, milestones attained, resources expended, problems encountered and corrective action taken, until final system acceptance.
6. **Regulations** – All equipment, software and services must meet all applicable local, State and Federal regulations in effect on the date of the contract.
7. **Assignment** – Any resulting contract shall not be assigned except by express prior written consent from the Agency.
8. **Changes** – No alterations in any terms, conditions, delivery, price, quality, or specifications of items ordered will be effective without the written consent of the State of Delaware.
9. **Billing** – The successful vendor is required to "Bill as Shipped" to the respective ordering agency(s). Ordering agencies shall provide contract number, ship to and bill to address, contact name and phone number.
10. **Payment** – The State reserves the right to pay by Automated Clearing House (ACH), Purchase Card (P-Card), or check. The agencies will authorize and process for payment of each invoice within thirty (30) days after the date of receipt of a correct invoice. Vendors are invited to offer in their proposal value added discounts (i.e. speed to pay discounts for specific payment terms). Cash or separate discounts should be computed and incorporated as invoiced.
11. **W-9** - The State of Delaware requires completion of the [Delaware Substitute Form W-9](#) through the Supplier Public Portal at

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<https://esupplier.erp.delaware.gov> to make payments to vendors. Successful completion of this form enables the creation of a State of Delaware vendor record.

- 12. Purchase Orders** – Agencies that are part of the First State Financial (FSF) system are required to identify the contract number LEG-20411-REGS on all Purchase Orders (P.O.) and shall complete the same when entering P.O. information in the state’s financial reporting system.
- 13. Purchase Card** – The State of Delaware intends to maximize the use of the P-Card for payment for goods and services provided under contract. Vendors shall not charge additional fees for acceptance of this payment method and shall incorporate any costs into their proposals. Additionally there shall be no minimum or maximum limits on any P-Card transaction under the contract.
- 14. Additional Terms and Conditions** – The State of Delaware reserves the right to add terms and conditions during the contract negotiations.

## VI. RFP Miscellaneous Information

### 1. No Press Releases or Public Disclosure

The State of Delaware reserves the right to pre-approve any news or broadcast advertising releases concerning this solicitation, the resulting contract, the work performed, or any reference to the State of Delaware with regard to any project or contract performance. Any such news or advertising releases pertaining to this solicitation or resulting contract shall require the prior express written permission of the State of Delaware.

The State will not prohibit or otherwise prevent the awarded vendor(s) from direct marketing to the State of Delaware agencies, departments, municipalities, and/or any other political subdivisions, however, the Vendor shall not use the State’s seal or imply preference for the solution or goods provided.

### 2. Definitions of Requirements

To prevent any confusion about identifying requirements in this RFP, the following definition is offered: The words *shall*, *will* and/or *must* are used to designate a mandatory requirement. Vendors must respond to all mandatory requirements presented in the RFP. Failure to respond to a mandatory requirement may cause the disqualification of your proposal.

### 3. Production Environment Requirements

The State of Delaware requires that all hardware, system software products, and application software products included in proposals be currently in use in a production environment by a least three other customers, have been in use for at least six months, and have been generally available from the manufacturers for a period of six months. Unreleased or beta test hardware, system software, or application software will not be acceptable.

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**VII. Attachments**

The following attachments and appendixes shall be considered part of the solicitation:

- Attachment 1 – No Proposal Reply Form
- Attachment 2 – Non-Collusion Statement
- Attachment 3 – Exceptions
- Attachment 4 – Confidentiality and Proprietary Information
- Attachment 5 – Business References
- Attachment 6 – Subcontractor Information Form
- Attachment 7 – Monthly Usage Report
- Attachment 8 – Subcontracting (2<sup>nd</sup> Tier Spend) Report
- Attachment 9 – Office of Supplier Diversity Application
- Attachment 10 – Performance Bond
- Appendix A – Minimum Response Requirements
- Appendix B – Scope of Work / Technical Requirements

*[balance of page is intentionally left blank]*

## **IMPORTANT – PLEASE NOTE**

- **Attachments 2, 3, 4, and 5 must be included in your proposal**
- Attachment 6 must be included in your proposal if subcontractors will be involved
- Attachments 7 and 8 represent required reporting on the part of awarded vendors. Those bidders receiving an award will be provided with active spreadsheets for reporting.

### **REQUIRED REPORTING**

One of the primary goals in administering this contract is to keep accurate records regarding its actual value/usage. This information is essential in order to update the contents of the contract and to establish proper bonding levels if they are required. The integrity of future contracts revolves around our ability to convey accurate and realistic information to all interested parties.

A complete and accurate Usage Report (Attachment 7) shall be furnished in an Excel format and submitted electronically, no later than the 15th (or next business day after the 15th day) of each month, detailing the purchasing of all items and/or services on this contract. The reports shall be completed in Excel format, using the template provided, and submitted as an attachment to Janet Roberson, with a copy going to the contract officer identified as your point of contact. Submitted reports shall cover the full month (Report due by January 15<sup>th</sup> will cover the period of December 1 – 31.), contain accurate descriptions of the products, goods or services procured, purchasing agency information, quantities procured and prices paid. Reports are required monthly, including those with “no spend”. Any exception to this mandatory requirement or failure to submit complete reports, or in the format required, may result in corrective action, up to and including the possible 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.

In accordance with Executive Order 44, the State of Delaware is committed to supporting its diverse business industry and population. The successful Vendor 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). The format used for Subcontracting 2<sup>nd</sup> Tier report is shown as in Attachment 8.

Accurate 2nd tier reports shall be submitted to the contracting Agency’s Office of Supplier Diversity at [vendorusage@delaware.gov](mailto:vendorusage@delaware.gov) 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.

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Attachment 1

**NO PROPOSAL REPLY FORM**

Contract No. LEG-20411-REGS

Contract Title: REGISTER  
REGULATIONS REWRITE

OF

To assist us in obtaining good competition on our Request for Proposals, we ask that each firm that has received a proposal, but does not wish to bid, state their reason(s) below and return in a clearly marked envelope displaying the contract number. This information will not preclude receipt of future invitations unless you request removal from the Vendor's List by so indicating below, or do not return this form or bona fide proposal.

Unfortunately, we must offer a "No Proposal" at this time because:

- \_\_\_\_\_ 1. We do not wish to participate in the proposal process.
- \_\_\_\_\_ 2. We do not wish to bid under the terms and conditions of the Request for Proposal document. Our objections are:  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 3. We do not feel we can be competitive.
- \_\_\_\_\_ 4. We cannot submit a Proposal because of the marketing or franchising policies of the manufacturing company.
- \_\_\_\_\_ 5. We do not wish to sell to the State. Our objections are:  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 6. We do not sell the items/services on which Proposals are requested.
- \_\_\_\_\_ 7. Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
FIRM NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_ We wish to remain on the Vendor's List **for these goods or services.**

\_\_\_\_\_ We wish to be deleted from the Vendor's List **for these goods or services.**

**PLEASE FORWARD NO PROPOSAL REPLY FORM TO THE CONTRACT OFFICER IDENTIFIED.**

**CONTRACT NO.:** LEG-20411-REGS  
**CONTRACT TITLE:** Register of Regulations Rewrite  
**DEADLINE TO RESPOND:** Enter Contract Due Date at 1:00 PM (Local Time)

**NON-COLLUSION STATEMENT**

This is to certify that the undersigned Vendor has neither directly nor indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this proposal, **and further certifies that it is not a sub-contractor to another Vendor who also submitted a proposal as a primary Vendor in response to this solicitation** submitted this date to the State of Delaware, The Division of Research

It is agreed by the undersigned Vendor that the signed delivery of this bid represents, subject to any express exceptions set forth at Attachment 3, the Vendor's acceptance of the terms and conditions of this solicitation including all specifications and special provisions.

**NOTE:** Signature of the authorized representative **MUST** be of an individual who legally may enter his/her organization into a formal contract with the State of Delaware, The Division of Research.

COMPANY NAME _____	Check one)	Corporation
NAME OF AUTHORIZED REPRESENTATIVE (Please type or print) _____		Partnership
		Individual

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

COMPANY ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

FEDERAL E.I. NUMBER \_\_\_\_\_ STATE OF DELAWARE LICENSE NUMBER \_\_\_\_\_

	Certification type(s)	Circle all that apply
COMPANY CLASSIFICATIONS:  CERT. NO.:	Minority Business Enterprise (MBE)	Yes No
	Woman Business Enterprise (WBE)	Yes No
	Disadvantaged Business Enterprise (DBE)	Yes No
	Veteran Owned Business Enterprise (VOBE)	Yes No
	Service Disabled Veteran Owned Business Enterprise (SDVOBE)	Yes No

[The above table is for informational and statistical use only.]

PURCHASE ORDERS SHOULD BE SENT TO:  
(COMPANY NAME) \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

**AFFIRMATION:** Within the past five years, has your firm, any affiliate, any predecessor company or entity, owner, Director, officer, partner or proprietor been the subject of a Federal, State, Local government suspension or debarment?

YES \_\_\_\_\_ NO \_\_\_\_\_ if yes, please explain \_\_\_\_\_

**THIS PAGE SHALL HAVE ORIGINAL SIGNATURE, BE NOTARIZED AND BE RETURNED WITH YOUR PROPOSAL**

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

City of \_\_\_\_\_ County of \_\_\_\_\_ State of \_\_\_\_\_





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Attachment 5

Contract No. LEG-20411-REGS  
Contract Title: Register of Regulations Rewrite

BUSINESS REFERENCES

List a minimum of three business references, including the following information:

- Business Name and Mailing address
- Contact Name and phone number
- Number of years doing business with
- Type of work performed

Please do not list any State Employee as a business reference. If you have held a State contract within the last 5 years, please provide a separate list of the contract(s).

1. **Contact Name & Title:**

**Business Name:**

**Address:**

**Email:**

**Phone # / Fax #:**

**Current Vendor (YES or NO):**

**Years Associated & Type of Work Performed:**


2. **Contact Name & Title:**

**Business Name:**

**Address:**

**Email:**

**Phone # / Fax #:**

**Current Vendor (YES or NO):**

**Years Associated & Type of Work Performed:**


3. **Contact Name & Title:**

**Business Name:**

**Address:**

**Email:**

**Phone # / Fax #:**

**Current Vendor (YES or NO):**

**Years Associated & Type of Work Performed:**


**STATE OF DELAWARE PERSONNEL MAY NOT BE USED AS REFERENCES.**

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**Attachment 6**

SUBCONTRACTOR INFORMATION FORM

<b>PART I – STATEMENT BY PROPOSING VENDOR</b>		
1. CONTRACT NO. LEG-20411-REGS	2. Proposing Vendor Name:	3. Mailing Address
<b>4. SUBCONTRACTOR</b>		
a. NAME	4c. Company OSD Classification:  Certification Number: _____	
b. Mailing Address:	4d. Women Business Enterprise <input type="checkbox"/> Yes <input type="checkbox"/> No 4e. Minority Business Enterprise <input type="checkbox"/> Yes <input type="checkbox"/> No 4f. Disadvantaged Business Enterprise <input type="checkbox"/> Yes <input type="checkbox"/> No 4g. Veteran Owned Business Enterprise <input type="checkbox"/> Yes <input type="checkbox"/> No 4h. Service Disabled Veteran Owned Business Enterprise <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. DESCRIPTION OF WORK BY SUBCONTRACTOR		
6a. NAME OF PERSON SIGNING	7. BY ( <i>Signature</i> )	8. DATE SIGNED
6b. TITLE OF PERSON SIGNING		
<b>PART II – ACKNOWLEDGEMENT BY SUBCONTRACTOR</b>		
9a. NAME OF PERSON SIGNING	10. BY ( <i>Signature</i> )	11. DATE SIGNED
9b. TITLE OF PERSON SIGNING		

**\* Use a separate form for each subcontractor**







**The Office of Supplier Diversity (OSD) has moved to the  
Division of Small Business (DSB)**

Supplier Diversity Applications can be found here:  
<https://gss.omb.delaware.gov/osd/>

Completed Applications can be emailed to: [OSD@Delaware.gov](mailto:OSD@Delaware.gov)

For more information, please send an email to OSD:  
[OSD@Delaware.gov](mailto:OSD@Delaware.gov) or call 302-577-8477

Self-Register to receive business development information here:  
<http://directory.osd.gss.omb.delaware.gov/self-registration.shtml>

**New Address for OSD:**

Office of Supplier Diversity (OSD)  
State of Delaware  
Division of Small Business  
820 N. French Street, 10<sup>th</sup> Floor  
Wilmington, DE 19801

Telephone: 302-577-8477 Fax: 302-736-7915  
Email: [OSD@Delaware.gov](mailto:OSD@Delaware.gov)  
Web site: <https://gss.omb.delaware.gov/osd/>

**Dover address for the Division of Small Business**

**Local applicants may drop off applications here:**

Division of Small Business  
99 Kings Highway  
Dover, DE 19901  
Phone: 302-739-4271

Submission of a completed Office of Supplier Diversity (OSD) application is optional and does not influence the outcome of any award decision.

**PERFORMANCE BOND**

Bond Number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, that we, \_\_\_\_\_, as principal ("**Principal**"), and \_\_\_\_\_, a \_\_\_\_\_ corporation, legally authorized to do business in the State of Delaware, as surety ("**Surety**"), are held and firmly bound unto the \_\_\_\_\_ ("**Owner**") (*insert State agency name*), in the amount of \_\_\_\_\_ (\$\_\_\_\_\_), to be paid to **Owner**, for which payment well and truly to be made, we do bind ourselves, our and each and every of our heirs, executors, administrations, successors and assigns, jointly and severally, for and in the whole, firmly by these presents.

Sealed with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if **Principal**, who has been awarded by **Owner** that certain contract known as Contract No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Contract"), which Contract is incorporated herein by reference, shall well and truly provide and furnish all materials, appliances and tools and perform all the work required under and pursuant to the terms and conditions of the Contract and the Contract Documents (as defined in the Contract) or any changes or modifications thereto made as therein provided, shall make good and reimburse **Owner** sufficient funds to pay the costs of completing the Contract that **Owner** may sustain by reason of any failure or default on the part of **Principal**, and shall also indemnify and save harmless **Owner** from all costs, damages and expenses arising out of or by reason of the performance of the Contract and for as long as provided by the Contract; then this obligation shall be void, otherwise to be and remain in full force and effect.

**Surety**, for value received, hereby stipulates and agrees, if requested to do so by **Owner**, to fully perform and complete the work to be performed under the Contract pursuant to the terms, conditions and covenants thereof, if for any cause **Principal** fails or neglects to so fully perform and complete such work.

**Surety**, for value received, for itself and its successors and assigns, hereby stipulates and agrees that the obligation of **Surety** and its bond shall be in no way impaired or affected by any extension of time, modification, omission, addition or change in or to the Contract or the work to be performed thereunder, or by any payment thereunder before the time required therein, or by any waiver of any provisions thereof, or by any assignment, subletting or other transfer thereof or of any work to be performed or any monies due or to become due thereunder; and **Surety** hereby waives notice of any and all such extensions, modifications, omissions, additions, changes, payments, waivers, assignments, subcontracts and transfers and hereby expressly stipulates and agrees that any and all things done and omitted to be done by and in relation to assignees, subcontractors, and other transferees shall have the same effect as to **Surety** as though done or omitted to be done by or in relation to **Principal**.

**Surety** hereby stipulates and agrees that no modifications, omissions or additions in or to the terms of the Contract shall in any way whatsoever affect the obligation of **Surety** and its bond.

Any proceeding, legal or equitable, under this Bond may be brought in any court of competent jurisdiction in the State of Delaware. Notices to **Surety** or Contractor may be mailed or delivered to them at their respective addresses shown below.

IN WITNESS WHEREOF, **Principal** and **Surety** have hereunto set their hand and seals, and such of them as are corporations have caused their corporate seal to be hereto affixed and these presents to be signed by their duly authorized officers, the day and year first above written.

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The Division of Research

**PRINCIPAL**

\_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

**SURETY**

\_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

## Appendix A - MINIMUM MANDATORY SUBMISSION REQUIREMENTS

Each vendor solicitation response should contain at a minimum the following information:

1. Transmittal Letter as specified on page 1 of the Request for Proposal including an Applicant's experience, if any, providing similar services.
2. The remaining vendor proposal package shall identify how the vendor proposes meeting the contract requirements and shall include pricing. Vendors are encouraged to review the Evaluation criteria identified to see how the proposals will be scored and verify that the response has sufficient documentation to support each criteria listed.
3. Pricing as identified in the solicitation
4. One (1) complete, signed and notarized copy of the non-collusion agreement (See Attachment 2). Bid marked "ORIGINAL", **MUST HAVE ORIGINAL SIGNATURES AND NOTARY MARK.** All other copies may have reproduced or copied signatures – Form must be included.
5. One (1) completed RFP Exception form (See Attachment 3) – please check box if no information – Form must be included.
6. One (1) completed Confidentiality Form (See Attachment 4) – please check if no information is deemed confidential – Form must be included.
7. One (1) completed Business Reference form (See Attachment 5) – please provide references other than State of Delaware contacts – Form must be included.
8. One (1) complete and signed copy of the Subcontractor Information Form (See Attachment 6) for each subcontractor – only provide if applicable.
9. One (1) complete OSD application (See link on Attachment 9) – only provide if applicable

The items listed above provide the basis for evaluating each vendor's proposal. **Failure to provide all appropriate information may deem the submitting vendor as "non-responsive" and exclude the vendor from further consideration.** If an item listed above is not applicable to your company or proposal, please make note in your submission package.

Vendors shall provide proposal packages in the following formats:

1. Two (2) paper copies of the vendor proposal paperwork. **One (1) paper copy must be an original copy, marked "ORIGINAL" on the cover, and contain original signatures.**
2. Two (2) electronic copy of the vendor proposal saved to CD or DVD media disk, or USB memory stick. Copy of electronic price file shall be a separate file from all other files on the electronic copy. (If Agency has requested multiple electronic copies, each electronic copy must be on a separate computer disk or media).

## Appendix B - SCOPE OF WORK AND TECHNICAL REQUIREMENTS

# Regulations Application Rewrite Statement of Work

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## Introduction

The Delaware General Assembly has prepared the following Statement of Work (SOW) to detail services required for the **Register of Regulations Application Replacement** project (the “Project”) at the Delaware General Assembly, Division of Research. (“Customer”).

## Project Objective

In July of 1993, the General Assembly created the Office of the Registrar of Regulations. The first section of this subchapter stated the following:

### § 1131. Legislative findings.

The General Assembly has conferred on boards, commissions, departments and other agencies of the Executive Branch of State Government the authority to adopt regulations. The General Assembly has found that this delegation of authority has resulted in regulations being promulgated without effective review or oversight and conformity to legislative intent. The General Assembly finds that they must provide a procedure of oversight and review of regulations pursuant to this delegation of legislative power to curtail excessive regulations and to establish a system of accountability. It is the intent of this subchapter to establish an effective method of ongoing review, accountability and oversight of regulations. It is further the intent of this subchapter to provide review by requiring a comment period following the proposal of regulations and requiring the agency to review any comments submitted.

69 Del. Laws, c. 107, § 4; 71 Del. Laws, c. 48, § 1.;

The balance of the subchapter outlines the duties and responsibilities of the Registrar and state agencies. (A full text copy is available here: [online](#) | [pdf](#).)

One provision requires the publication, on a monthly basis, of any regulatory changes occurring in a particular month in a Register of Regulations.

The Delaware Regulations website contains, among other items, the monthly **Delaware Register of Regulations** and the **Delaware Administrative Code**, which is the official version of the regulations for the State of Delaware. The monthly Register is a compilation of all regulatory changes occurring in a given month. The Administrative Code is a topically oriented compilation of all regulations in effect.

Any Delaware Executive branch agency, boards and commissions and other quasi-government entities that wish to propose to formulate, adopt, amend, or repeal a regulation must abide by the provisions of the Delaware Administrative Procedures Act (APA). Delaware’s APA is based on a model act developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

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The purpose of the APA is to standardize the procedures and methods whereby certain state agencies exercise their statutory powers and to specify the manner and extent to which action by such agencies may be subjected to public comment and judicial review. (29 Del.C. § 10101)

The Division of Research Registrar of Regulations' update publishing process is dated and considered extremely manual. (Please see Appendix B, pages 9-32) Maintaining and ensuring the integrity of the official regulations of the State as well as the formatting standardization effort make the process very time consuming and duplicative on the part of the agencies that submit proposed regulations and the Registrar of Regulations staff. There are also several different programs and software systems that are needed and used for the current process.

The Division is requesting proposals to replace the publishing process with a modernized and more efficient solution, preferably on premises, that will provide a dashboard interface, allowing document submission by agencies, and outlining a working view and central archive for all regulations for the Registrar's office staff. The solution will also adhere to the detailed business requirements (Please see Appendix B) found in the RFP. In addition, the successful candidate would be expected to facilitate the moving of the current Registrar of Regulations and Administrative Code websites, including the migration of all digitally signed documents, site content and appropriate hyperlinking o the larger legis.delaware.gov website.

All software development is governed by the Standards and Policies put forth by the Department of Technology and Information and MUST be followed in all solutions provided to the State. Please see <https://dti.delaware.gov/technology-services/standards-and-policies/> for further details.

## Project Scope

THE FOLLOWING ITEMS ARE WITHIN THE SCOPE OF THIS PROJECT

1. Browser-based Agency Interface
2. Browser-based Registrar of Regulation Interface
3. Centralized Cumulative Table Archive with associated links
4. Regulation versions including:
  - a. Printed bound .PDF copy
  - b. Online authenticated .PDF copy
  - c. Online plain text copy
  - d. Online HTML copy
5. Integration with networked signing device
6. Public website Websites where the regulations are published are in scope:
  - a. <http://regulations.delaware.gov/>
  - b. <http://regulations.delaware.gov/AdminCode/>

## Customer Location

The following Customer location is included in the scope of this Project.

Delaware General Assembly  
Division of Research  
411 Legislative Ave.  
Dover, DE 19901

## Project Strategy

**The Division of Research requires the following as part of the project strategy**

### 1. Project Management/Implementation

#### A. Management, Administration and Governance

The contract that results from this RFP will be managed by the Department of Technology and Information (DTI) and the Division of Research. Together, they will provide the appropriate guidance and oversight to assure that the Vendor is performing the required scope of work, adhering to all terms of the contract and supporting the goals and objectives of the Regulations Rewrite project initiatives at the Contract level.

1. The State will designate a Project Manager (PM). The State PM will serve as the front-line resource on this project. All pertinent aspects of the contract, such as planning and design services, development and integration of the application solution into the overall Regulations Rewrite design, and priority of work will be coordinated through the State PM and approved by the State.
2. The Vendor shall designate a Project Manager (PM) who will be responsible for all activities on the contract from the Vendor's perspective. The Project Manager shall meet regularly with the State PM to review the Regulations Rewrite activity, status and prioritization of planned Regulations Rewrite progress, and to address any issues from either party.
3. The Vendor shall be responsible for the development, maintenance of the Regulations Rewrite, and shall be responsible for support for up to 1 year after initial following Implementation and final Project Sign-Off.
4. The Vendor shall work with the State to recommend and finalize a governance model that supports the goals and objectives of the State and scope of work within the Contract. This includes established procedures and approvals for timely completion of agreements, phases of project and follow up.

#### B. Application Management

##### 1. Architecture:

- a) The System should be deployed under a three-tier architecture;

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- b)The Architecture should adhere to the State of Delaware Technology Standards and Policies. Refer to <http://dti.delaware.gov/information/standards-policies.shtml>;
- c)Architecture should be flexible and scalable;
- d)The System should be based on a scalable design that could accommodate an increase in the number of users or workload by supplementing infrastructure without requiring redesign;
- e)System should support a Web based user interface with customizable start page;
- f) System should be capable of secure remote access with the same user interface and functionality, in accordance with State standards;
- g)New functionality should be incorporated without requiring System redesign or significant downtime;
- h)The System should support user configurable Business Logic without requiring extensive programming, especially for administrative roles;
- i) Content System should be able exchange data with the Delaware Legislative Information System (DELIS) and Blackboard applications using API's.
- j) The System should not be structured so as to maintain a single point of failure.

**2. High Level Functional Requirements**

- a)Ability to increase and decrease font size for viewing purposes only
- b)Solution should be compatible with all State approved browsers and devices.
- c)Solution should be compatible with State's supported version of applications (i.e., Word)
- d)Ability to extract all documents in a Portable Document Format (PDF) at all stages of the process.
- e)Defined statuses within the process (see Requirements Document, Appendix B, pg. 36, HL 01.05)
- f) Single Sign On capability for Role based access. The single sign on capability should follow State Standards including interacting with IAM (Identity Access Manager) and the State enterprise Single Sign On.
- g) Email notifications will be sent at various times throughout the workflow. Details will be defined in each process. Notification tracking of sent and receipt notifications for submissions, additional information requests, closure notifications etc.
- h)Document Management is required. The solution must be able to store, manage, version and track electronic documents.
- i) Version control of all Regulation Requests and supporting documents. Requests and documents will be saved within the Central Table in the appropriate segment. Draft, Active, Inactive. All final submissions published in the Register will be saved in the Central Table in the Master Index Segment. Defined in Appendix B, pg. 48, 49.
- j) Interface access will be role based. (see Requirements Document, Appendix B, pg. 15, HL 01.11)

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- k) Submitter role members will be assigned by the agency. The agency may have multiple administrators and drafters. RoR staff will maintain the list of roles for each agency. The Agency Coordinator will have the ability to add, subtract and reassign users to the user role within their agency.
- l) Data conversion is required from the DTI Web Server volumes 8-current and Lotus Notes DB volumes 1-7 that is currently storing the archived Regulations data in the following formats PDF, HTML, Text. Print versions of the Volumes are located in the Legislative Print Shop L drive L\LCGroup\ folders file name "yyyy registers and in the R drive of the RoR. Register Publication folders are named by volume. The data will be stored into the new application within the Central Table -Master Index segment.
- m) Status update changes are captured with a date mm/dd/yyyy and military timestamp.
- n) Ability to easily navigate to all interfaces and archives that the user role allows access to from within each screen.
- o) All Regulation Requests that are sitting at the following status: Draft, Agency Review- Pending Additional Information, and Reproposal after publication for 12 months with no activity will be automatically changed to the status of Inactive and saved in the Central Table Archive Inactive staging area.
- p) Requires the ability to use a wild card (\*) when conducting any searches within the system.
- q) Register of Regulation staff requires the ability to edit the content of all Notifications and messaging within the solution.
- r) All links within the interfaces and documents are required to be active and redirect to the appropriate location.
- s) Requires the ability to create additional roles after implementation.

**3. Technical**

- a) When preparing the Proposal in response to this RFP, bidders should specify the technical infrastructure which its proposed solution requires including all hardware, software, CPU, memory, storage, networking, operating system, databases, utilities, middleware, and applications required to deliver a fully functional solution in accordance with the scope of this RFP;
- b) The required technical platform must conform to the standards set forth by the State (see <http://dti.delaware.gov/information/standards-policies.shtml>).

**4. Database:**

- a) Some modifications can be made by System Administrator with no programming knowledge;
- b) **All** content should be hosted in a common database;
- c) Data should not be permanently replicated in order to deliver services;
- d) The database should guarantee data integrity;
- e) **All** operational requirements of data (Backup, Restore, Purging, etc.) should be managed through standard database tools or System management module
- f) The database should enforce secure access to its content;

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- g) The database should maintain a true audit trail of all access and modifications;
- h) The database should only be accessed by authorized System components and not by external applications;
- i) The database should be mined for management reporting;
- j) The database should be configured for 24 hours access;
- k) The database should be able to reconfigure its content for optimal system performance;
- l) The database should provide an interface to migrate the legacy data to the new system;

**5. Queries and Reports:**

- a) Agency requires the ability to generate and save custom reporting. The reports should be easily accessible after creation to be used again. All fields should be reportable. Reports should be saved on the users working view but available by search within the Dashboard.
- b) All plans and procedures for reporting data shall be made in consultation with and subject to approval of key stakeholders.
- c) The Reporting System should support automated report generation
- d) All reports should be generated through a secure, content sensitive Reporting System
- e) Register of Regulations staff requires the ability to generate and save custom reporting and statistics. All fields should be reportable. The reports should be easily accessible after creation to be used again after creation.

**6. Change Management**

- a) To the extent necessary, and agreed upon by both parties, the vendor shall provide consultation regarding change management practices

**7. Training –**

- a) **End User Training** - The vendor will train all Register of Regulations staff in the use of the system. Vendor provided computerized self-paced training modules are not mandatory but are highly desirable and information about these modules should be provided in the vendor's response. Training will be outlined in a training plan discussing expectations and schedules. A training planning session must be held to review the training plan prior to the first actual training session. This will enable State and Vendor staff to better communicate during these sessions. Vendor will detail in their proposal a training plan outline. All training will be held onsite or via Skype or computerized modules.
- b) **Operational Support Training** - Operational training will be required for product support including (but not limited to and depending on the hosting option) the following:
  - 1. Required operational activities, such as error/log file review and purge;

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2. Backup/Recovery procedures within the State's Backup/Recovery framework or hosted facility;
3. Disaster Recovery within the State's DR framework;
4. Routine network activities such as change of IP. The Vendor should recommend additional areas of training will be responsible for the State's operational personnel in all aspects of the solution required to support the system operationally.

c) **Knowledge transfer to State of Delaware Team** - The vendor is expected to bid a maintenance agreement and maintain the software on an ongoing basis. Knowledge transfer sufficient to support end user training, application support (if applicable), operational activities, such as back-up and recovery (if applicable), and disaster recovery planning will be required.

**8. Secure Web Services**

- a) The system must permit multiple users to be on the system and in the same applications at the same time
- b) The system must permit an authorized user to request and receive information, including automatic reports, via the browser.  
Ability to communicate with registered users: The Registrar or Regulations is interested in the ability to communicate information of interest to registered users of the web-based program through broadcast alerts and an information section on the homepage.

**9. Data Security and Confidentiality**

- a) The Vendor shall comply with Federal and State of Delaware security laws, regulations and rules.
- b) On-going compliance with Federal and State regulations & standards as part of software maintenance agreement
- c) For any breach or suspected breach of security of data, the Vendor shall:
  1. Notify the Delaware General Assembly immediately by telephone and by e-mail, and when applicable:
    - ii. Conduct an investigation,
    - iii. Confiscate and secure any evidence in conjunction with any such occurrences,
    - iv. Provide the Delaware General Assembly with a written report of the investigation within three (3) business days of first learning of the breach,
    - v. Subsequently supply a written report outlining the impact of the breach and the steps taken to correct the situation and prevent future breaches, and
    - vi. Assist the Delaware General Assembly, in communication to customers and stakeholders, including testifying, in any proceedings or hearings, which may be undertaken for any security violation.
  2. Follow the policies of the State of Delaware for security breach.  
<https://dti.delaware.gov/technology-services/standards-and-policies/>

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- d) System must provide Security Roles/Groups/Access Control Lists
- e) System must Secure remote access with a web browser
- f) System must provide Data encryption at all levels meeting Federal/State standards
- g) System must provide Transaction Audit trails
- h) If remote hosted by Vendor, they must provide Disaster Contingency Plan/Documentation
- i) Vendor is responsible for Application security code review and auditing during development for on-premises system
- j) If remote hosted by Vendor, the Vendor's System Architecture must include Test/Development/Production systems
- k) If remote hosted by Vendor, the Vendor's System design must have high level of availability
- l) Vendor must use Change Management Methodology
- m) Vendor must provide an Issues tracking database to generate problem tickets

**10. Hosting and Managed Services**

If Vendor hosted, the Vendor will be responsible for the acquisition and operation of all hardware, software and network support related to the system. The Vendor shall ensure that the system environment is used primarily to meet the objectives set forth by the State of Delaware in this RFP. The technical and professional activities required for establishing, managing, and maintaining the State's Register of Regulations system are the responsibilities of the Vendor. If State hosted, these objectives will need to be accommodated in the proposal

- a) The web portal hosting site environment shall include redundant power, fire suppression, and 24 hours per day, 365 days per year on-site security. The hosting environment shall include redundant Internet connectivity, redundant firewalls, Virtual Private Network (VPN) services, secured remote access methods, fault tolerant internal network with gigabit Ethernet backbone, clustered central file and database servers, load balanced, application, and web servers, hardware, accelerator, three tier development environment, nightly backups, and 24x365 monitoring of all services and servers.
- b) The Vendor shall provide scalable security solutions for web and Internet services at the network and application level that meet or exceed the State's security standards and policies. Examples may include secure sockets layer certificates, user authentication and single sign on (SSO), application firewalls, intrusion detection system (IDS) monitoring, public key infrastructure (PKI) and digital signatures. The Vendor shall submit a narrative response and diagram explaining the various elements of the network security architecture of their solution(s) including authentication options, privacy, backup and disaster recovery systems.
- c) The Vendor shall ensure that personal and private information held in State government custody and used in projects within the scope of this RFP is neither compromised nor inadvertently exposed. This includes established processes and procedures to ensure that confidential information cannot be accessed by unauthorized individuals.

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- d) The Vendor shall be responsible for all costs associated with the acquisition and maintenance of the hardware and software, as well as any telecommunications connections between the Vendor's and State's computing environments in support of system.
- e) If the Vendor chooses to use leased line connections, these connections shall be protected by a network security firewall. If the Vendor proposes to use any public, non-trusted medium (e.g., the 18
- f) Internet), the Vendor shall build and maintain a secure VPN. The Vendor must describe in detail the firewall and VPN design.
- g) In all cases, the Vendor shall submit a detailed narrative and system design including the hosted environment and all associated security devices. Modifications to this environment, including configuration changes, hardware or software changes, process changes and/or any variation that may impact the integrity of the submitted design, or compliance with State standards and policies, must be approved.

**11. Customer Service**

- a) The Vendor shall also include a description of how Customer support will be integrated into the design of the application itself.

**12. Organization and Staffing**

- a) The Vendor shall provide an organization chart reflecting the proposed staffing required to fully execute the Register of Regulations system. A comprehensive staffing plan shall outline Vendor staff responsibilities and office locations necessary to develop the Register of Regulations system and manage the Register of Regulations system environment.
- b) Vendor will be responsible for all updating of State data production systems. State staff will assist the Vendor in planning and testing all communication connections to State sites. If additional State government staff assistance is expected for Register of Regulations system, that assistance shall be specified in a proposal delivered to the State, specifically by role and involvement.
- c) The Vendor and all of Vendor's strategic business partners are required to adhere to and sign all applicable State policies related to technology use and security.
- d) The Vendor shall identify all of its strategic business partners who will be involved in any Register of Regulations system application development and/or operations.
- e) The Vendor will be solely and exclusively responsible for the hiring, firing, recruiting, managing, and training of its employees and subcontractors. The Vendor shall agree to undertake such background checks and other procedures reasonably requested by the State.

The State shall have the right at any time to require that the Vendor remove from interaction with State any Vendor's representative who the State believes is detrimental to its working relationship with the Vendor. The State will provide the Vendor with notice of its determination, and the reasons it requests the removal. If the State signifies that a potential security violation exists with respect to the request, the Vendor shall immediately remove such individual. The Vendor shall not

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assign the person to any aspect of the contract or future work orders without the State's consent.

**13. Applications Development Framework**

The Vendor shall describe its application development methodology. This description should include, but not be limited to, major project phases, project management processes, lists and descriptions of the project deliverables to be produced. The Vendor must identify all checkpoints within their methodology where State acceptance/signoff is required. In addition, the Vendor must explain how each of the following processes will be performed and what role the State would have in the process:

- a) Software Quality Assurance – review and audit of software products and activities to verify compliance with applicable procedures and standards (identify types of established procedures and standards).
- b) System testing – testing conducted to review product code for accuracy of processing as well as accuracy of operation.
- c) Acceptance testing verification and validation - verification that a product meets the specifications and validation that the product meets the Customer's needs.
- d) Risk Management - identification, analysis and prioritization of risks with associated plans to eliminate or mitigate those risks.
- e) Application Maintenance – general updates to a system including service packs and upgrades.

**14. Project Management**

- a) The Vendor shall describe its project management and execution methodology that delineates how the Vendor will manage the specific tasks and projects under this Contract. The Vendor shall comprehensively narrate how it will manage hosting and Agreements while ensuring completion of the scope of services, and accomplishing the required objectives.
- b) The Vendor shall produce a project schedule for all projects and tasks estimated to be greater than 3 months in duration. The work breakdown structure shall be constructed with sufficient granularity as to facilitate tracking activities on a bi-weekly basis (e.g., activities must have durations less than or equal to 80 hours). The State may review and adjust the installation and implementation schedule in coordination with the Vendor.
- c) The Vendor's Proposal must provide the following:
  - i. A project plan for implementation and ongoing support of the project. Staffing and timelines will be included in the plan. The following phases will be addressed:
  - ii. Initialization of project
  - iii. System hardware and software implementation
  - iv. Application development, implementation and training
  - v. On-going operations
  - vi. The approximate length of time required after award date, before services could be operational.
  - vii. Definition of the timeframes for each implementation activity and requirement to be fulfilled.

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- viii. A proposed installation schedule that identifies complete installation of all Vendor services.
- ix. Definition of any dependent services that would be the responsibility of the State and the timeframe.
- x. Architectural/Network Diagrams

**15. Pilot Testing Environment**

Before final acceptance of our Register of Regulations system, the Vendor shall provide a pilot implementation of the solution on an environment named by the State. Testing will vet data and interfaces for end users. . The testing period shall be decided by the State and the Vendor.

**16. Data Repository**

The Vendor shall describe how it would provide for the storage and management of data that is being utilized. This requirement includes provision for backup copies of the data, so that reconstruction of lost data does not involve the use of original data sets.

**17. Network Topology**

In order to provide for adequate network performance, if solution is not on premises, the engineering of network connections between the Vendor's data center(s) and servers, and their respective Internet Service Providers (ISPs) need to be understood. The Vendor shall describe how the data center(s) and/or servers will connect to its Internet Service Providers.

**18. State Technical and Architectural Standards**

- a) Compatibility and consistency with the State's technical architecture will minimize potential problem areas relative to interfacing with legacy state systems. These standards can be found here:  
<http://dti.delaware.gov/information/standards-policies.shtml>
- b) Variation from these standards and policies or from commonly accepted practice, must be specifically detailed.
- c) The Vendor shall describe its current web development strategy, tools used in support of existing Internet site projects, and future plans for web development tools.

**19. Software and Documentation Policy (Does not apply to on premises solution)**

- a) The Vendor shall deposit on a quarterly basis the most recent version of the source code and documentation of all applications under this RFP in an escrow account with a neutral third party mutually agreed to by the Vendor and the State. The cost of the escrow account must be borne by the Vendor. The Vendor shall agree to the following terms associated with all software, except third party licenses, associated with any applications or systems developed under this proposal: The State shall have the option, upon termination or expiration of the contract awarded under this RFP, in connection with all application and portal software, documentation and source code (whether originally developed by the Vendor or a third party), but not software or documentation created by third parties and purchased by Vendor, together with any software updates or upgrades made by the Vendor over the life of the contract, but excluding third party software, documentation, source code, object code, and updates, to exercise one or more of the following:

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- b) Contract with Vendor for a software license and ongoing support upon mutually agreeable terms and conditions; or Select a new Vendor and elect to have new Vendor support all existing systems; or Operate all existing systems under a perpetual software license including the transferable interests in any third party software licenses at the end of the Master Contract at no cost to the State.
- c) The Vendor shall allow the State to make additional modifications, upgrades, and enhancements to the software, or to purchase or otherwise acquire such modifications, upgrades, and enhancements, as it sees fit, for the purposes of maintaining and operating all of the current and new applications developed by the Vendor under the terms of the State's Contract.

**20. Security and Authentication Services**

- a) Vendors shall comply with and adhere to the State IT Security Policy and Standards where applicable. These policies may be revised from time to time and the Contractor shall comply with all such revisions. Updated and revised versions of the State IT Policy and Standards are available at: <http://dti.delaware.gov/information/standards-policies.shtml>.
- b) The Vendor shall ensure that State information is protected with reasonable security measures.
- c) The Vendor shall promote and maintain among the Vendor's employees and agents an awareness of the security needs of the State's information,
- d) The Vendor shall safeguard the confidentiality of information and the integrity and availability of data while it is created, entered, processed, communicated, transported, disseminated, stored, or disposed of by means of information technology,
- e) The Vendor shall ensure that appropriate security measures are put in place to protect the Vendor's internal systems from intrusions and other attacks, whether internal or external, e.g., message interception, tampering, redirection, or repudiation.

**i. Security Infrastructure**

- a. The Vendor shall fully describe its approach to security, including but not limited to, the use of firewall hardware and software and how these will be configured its network. The Vendor shall submit a narrative response explaining how its proposal addresses each element of the security infrastructure.
- b. The Vendor shall describe how the proposed infrastructure would assure confidentiality of data;
- c. The Vendor shall describe how the proposed infrastructure would in transit – provide the ability to execute secure, authenticated, two-way transactions as well as ensuring that all other data is encrypted beyond the reasonable threat of a malicious attack;
- d. The Vendor shall describe how the proposed infrastructure would in storage – ensure that all data will not be compromised;The Vendor shall describe how the proposed infrastructure would assure integrity of data – determine how

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to maintain data integrity and Customers' confidentiality and privacy; handle legal issues with regard to misuse or fraud and options for resolution;

- e. The Vendor shall describe how the proposed infrastructure would maintain access control – determine method needed to prohibit Customers from accessing data or computer facilities unless such access was expressly approved by the State
  - f. The Vendor shall describe how the proposed infrastructure would provide authentication – determine how to provide robust authentication services; and
  - g. The Vendor shall describe how the proposed infrastructure would provide audit capabilities – implement date-time stamp and an audit trail for identifying all network security breaches and attempted breaches; implement penetration analysis and intrusion detection policies to ensure that the application remains as secure as possible over time.
- f) Diagrams
- ii. The Vendor shall provide diagrams that detail its schema for network, server, and transaction security. The State requires data confidentiality, as through the use of standardized and widely distributed tools such as Secure Sockets Layer (SSL). The State requires data confidentiality, integrity and non-repudiation of transactions. The State expects the transaction to be protected in transit through the use of either private leased-lines or VPNs. Full audit trails must be maintained for transactions. Access controls must also be strictly enforced and audited.
  - g) Any and all remote administration of the hardware, operating system, or application software will require approved authentication techniques such as the use of strong, dual-factor authentication. The State requires that any and all remote support be conducted from within the United States unless otherwise specifically approved.
  - h) The security requirements of this section shall continue to apply to all State information in the possession of the Vendor after the expiration or cancellation of the Contract.
  - i) Access Identification and Authorization service applications and some Customer services will need to be accessed by a unique identification code assigned to an individual or entity using the solution. The Vendor shall describe recommended access security options in its proposal.
  - j) Privacy and Ownership of Information Protection of personal privacy must be an integral part of the business activities of the Vendor to ensure that there is no inappropriate use of State information at any time. To this end, the Vendor shall comply with the following conditions: Personal information obtained by the Vendor will become and remain property of the State. At no time will any information belonging to or intended for the State be copied, disclosed, or retained by the Vendor or any party related to the Vendor for subsequent use in any transaction that does not include the State. The Vendor may not use any personal information collected in connection with the State's Contract issued from this proposal for any purpose other than

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fulfilling the State's Contract. The State is the Data Custodian of the data and must approve all access to that data. The Vendor does not have any ownership over data at any time. Privacy policies established by governmental agencies or state or federal law must be complied with. Privacy policy statements as may be developed and amended from time to time by the State will be appropriately displayed on Agency web pages. In particular, the Vendor must provide sufficient security to protect the data of the State. The Vendor shall work with the State CM to identify the appropriate Data Custodians.

**k) Access to State Computer Networks**

- i. The Contractor shall not connect any of its own equipment to a State Local Area Network/Wide Area Network (LAN/WAN) without prior written approval by the State.
- ii. The Contractor shall complete any necessary paperwork for security access to sign on at the State's site if access is granted to the State's LAN/WAN, as directed and coordinated with the Delaware General Assembly ISO or as deemed appropriate by the State.

**l) Physical Security**

At all times at any facility, the Vendor's personnel shall ensure cooperation with State site requirements, which includes being prepared to be escorted at all times and providing information for State badging. Each person who is an employee or agent of the Vendor or subcontractor and not in possession of a State badge, shall display his or her company identification badge at all times while on State premises. Upon request of State personnel, each such employee or agent shall provide additional photo identification.

- m) **Security Clearances will be required by the State** – (see DTI Security Policy <http://dti.delaware.gov/information/standards-policies.shtml>)

**21. Service Level Agreements**

- a) The State, in conjunction with the selected Vendor, intends to establish Service Level Agreements (SLAs) for the development and on-going operations of Register of Regulations system.
- b) Given the magnitude and possible scope of the Register of Regulations system Contract, it is important that the Vendor and the State enter into a contractual relationship that succinctly defines service level agreements and commitments. It is the intent of this section to specifically define the minimum SLA criteria that is required by the State. The technical requirements that are presented throughout this RFP represent the State's minimum requirements. The Vendor shall detail in the RFP Proposal its understanding of and agreement to comply with the requirements each category, including how the Vendor will comply. The Vendor shall consider carefully the infrastructure and other resources that will be required to meet these SLAs.
- c) Quarterly reports will be used to verify and analyze Vendor conformance with the defined service level agreements. The State shall have access to all performance data, in raw and processed form, for the purpose of SLA verification.

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- d) Vendor will measure and report on at least a quarterly basis. Proposed measurement and reporting tools must be described, as well as how the State will receive the reports – e.g. via on-line access, or other means.

This SLA shall address performance of Register of Regulations system availability. Availability includes the hardware, system software, telecommunications and shared interface applications.

**a. Security Management**

This SLA shall address performance of security management. Security management includes all the components that make-up the security barriers to the application, data while being transmitted to or through the application and data available to the application. The security barriers may include firewalls, intrusion detection, virus protection, access control, authentication and other mechanism and techniques to ensure the system and data is protected.

**b. Application Availability**

This SLA shall address performance of the Register of Regulations system provided by the Vendor where the impact to the Customer community is isolated to the specific application and not all other applications on the host server.

**c. Availability**

The State's Register of Regulations system must be operational and available to Customers 24 hours a day, 365 days per year. The only exception will be for pre-defined systems administration and maintenance agreed upon within the defined Service Level Agreements. Scheduled downtime must be coordinated with and approved by the State with at least a seven (7) day advance notice prior to performing the scheduled downtime. Scheduled downtime must be scheduled during off-hours. The Vendor must describe its approach and experience on availability and the scheduling of routine maintenance downtime.

**d. Network and Server Performance Measurement**

Monitoring and measuring the end-to-end performance experienced by Customers can be facilitated by network management and monitoring tools. Vendor shall describe how it proposes to obtain measurements and report on an ongoing basis on the performance experienced by Customers from different locations within the network. Performance management tools must provide an integrated and time-synched mechanism with which the State and the Vendor can monitor server and network performance of all aspects of the transaction, excluding any client-side performance monitoring. Vendor must include a description of what automated tools will be employed and how on-line access to performance reports will be provided to the State. Also, the Vendor shall describe any use of sub-contractors or outsourced services to perform web site monitoring service functions.

**e. Disaster Recovery**

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The Vendor shall establish and maintain an alternative processing arrangement adequate to resume within 24 hours the application's processing services provided under the Contract, in the event the Hosted site or equipment is unavailable due to human error, equipment failure, man-made or natural disaster. Vendor shall describe in detail its approach for alternative processing arrangements; identify its alternative processing site; and its disaster recovery testing cycle.

**f. Performance Monitoring and Problem Resolution**

The Vendor shall describe its plans for performance monitoring and problem resolution. The Vendor shall describe procedures to be included for interfacing and consulting with hardware and software suppliers to identify and correct problems. The Vendor shall perform maintenance at times that will not adversely impact daily operations. The Vendor shall coordinate maintenance schedules and procedures based on the State's requirements. Vendor's plans for regularly performing normal and preventive software maintenance must be included in the proposal.

## 2. Availability and Security

The Division of Research is committed to providing the citizens of the State of Delaware with information that is readily available and is housed in a secure and protected environment. The solution should adhere to the Standards and Policies of the State of Delaware, found at <https://dti.delaware.gov/technology-services/standards-and-policies/>. The Division requires the following in this area:

1. Provide a web based solution, preferably on premises, with 99.9% availability, excluding scheduled maintenance.
  - a. The Division of Research should be notified every time the system is down for any reason.
2. Provide a description of the underlying technology of the application's platform. Please note the security layer used to protect submitted documents.

## 3. Data Management

The data owned by the Division of Research is classified as public. The solution must adhere to the Standards and Policies of the State of Delaware, found at <https://dti.delaware.gov/technology-services/standards-and-policies/>

## 4. Support and Maintenance

The Division of Research expects

## 5. Exit Criteria

- A. The selected vendor must satisfy the following exit criteria as part of the fulfillment of this contract. As the project in this document involves the development of software, the criteria relate to documentation, testing and test outcomes related to each stage of the project. These tests and the required test results are described in the table below:

<b>Project Phase</b>	<b>Required Action</b>	<b>Required Documentation (Customer approval required)</b>
Design	Technical Design: the proposed technical design must be fully documented.	Technical Design Document. This document must trace back to the Detailed business requirements document. (Appendix B)
Development	Unit Testing: Developers are required to test functional units of code and document all outcomes.	Unit Test log: developer certification that log is true, accurate and complete
Mid Development	Integration Testing: verifies the interfaces between the components specified in the technical design.	Execute integration test plan, document proof that data flows through every interface and component of the system as required.
Late Development	User Acceptance Testing: typical users of the system perform scripted tests	Executed UAT test plan. This plan must trace to the Technical Design Document and the Functional Design Document. Defect must be categorized by Severity and Priority. All defects must resolve to the client's satisfaction before final payment is made to the Vendor.
Post Development	Training: End users must be trained in the use of the new system including functions and features relevant to their particular role.	Complete training manual or computerized modules, per system role.

B. Warranty

The Vendor will provide a warranty that the deliverables provided pursuant to the contract will function as designed for a period of no less than on (1) year from the date of system acceptance. The warranty shall require the Vendor to correct, at its own

STATE OF DELAWARE  
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expense, the setup, configuration, customizations or modifications so that it functions according to the State's requirements.

## Appendix B: Statement of Work/Technical Requirements

# Detailed Requirements Document

PROJECT INFORMATION	
Contract Name:	Legislative Hall – Registrar of Regulation Rewrite requirements only
Contract #	C1906591
DOCUMENT INFORMATION	
Author:	Theresa Daniels
Contributor:	Angel Burack
Version:	02.01
Last Updated:	12/11/2019



Document Revision History			
Date Changed	Revisions	Changed By	Revision #
03.06.19	Initial version	Theresa Daniels	01.01
04.13.19	Added Central table requirements	Theresa Daniels	01.02
05.16.19	Reviewed requirements with the agency, added requirements for DELIS and Print Shop. Added additional notification wording.	Theresa Daniels	01.03
06.03.19	Clarified additional verbiage within requirements based on feedback from the agency	Theresa Daniels	01.04
06.04.19	Added specification on the Central table and Flagging requirement for Signed Final Orders	Theresa Daniels	01.05
10/23/2019	Review with markups for Yvette's consideration	Angel Burack	01.06
12/11/2019	Final review following discussion with RoR	Angel Burack	02.01

# Requirements

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## I. Project Overview

### A. Goals/Objectives

#### 1. Description

*The Division of Research Registrar of Regulations process is dated and considered extremely manual. Maintaining and ensuring the integrity of the official regulations of the State as well as the formatting standardization effort make the process very time consuming and duplicative on the part of the agencies that submit proposed regulations and the Registrar of Regulations staff. There are also several different programs and software systems that are required for the current process. In addition, certain standards must be met in order for the Division to comply with the Uniform Electronic Legal Material (UELMA) Act, 1 Del. C. Chapter 4. Automation of certain processes would help ensure efficient and effective compliance with UELMA.*

#### 2. Benefits

*The project is required to reduce the manual effort and increase the efficiency of the Registrar of Regulations staff. In addition, the project will allow the Registrar of Regulations staff to enforce formatting standards and maintain the integrity of the documents from initial creation through publication.*

*The solution will reduce effort required of the agencies by allowing the submission of Regulations and completion of the Regulatory Flexibility Analysis and Impact Statement forms from a single-entry screen. The solution will further minimize the manual effort required of the Registrar of Regulations staff for formatting regulations and will provide an increase in service to the Agencies by reducing the amount of time required when submitting a regulation for review.*

*In addition, the solution will reduce the number of software that is required to complete the process. The following applications will be eliminated from the process: FrameMaker, WebWorks Designer, WebWorks Stationery, WebWorks Express, Adobe Acrobat Pro, Adobe Dreamweaver, PaintShop Pro, and Lotus Notes.*

#### 3. Critical Success Factors

*The project will be a success when the agency interface allows the agencies to efficiently and effectively create, edit, modify, and submit Regulation requests in a timely manner and allow the agencies to track and review the regulation request from creation through publication.*

*The project will be a success for the Registrar of Regulations team when the manual effort to format, review, amend, and publish a regulation is primarily automated; thus, decreasing the amount of effort and time that a regulation is in the review stage.*

*The project will be a success when the Registrar of Regulations is no longer using Lotus Notes as an archive for all Regulations.*

### B. Scope of Project

*The intent of the project is to provide a solution for both the agency and Registrar of Regulation that will provide a dashboard interface, outlining a working view and central archive for all regulations. The solution will automatically format the regulations per the Registrar of Regulations defined standards.*

*The solution will also facilitate the automation of publishing the required documents in the expected format to a webpage. Included in the solution will be the refactoring/migration or design of the public facing website that is currently managed by the Registrar of Regulations.*

# Detailed Requirements

## THE FOLLOWING ITEMS ARE WITHIN THE SCOPE OF THIS PROJECT

1. *Browser-based Agency Interface*
2. *Browser-based Registrar of Regulation Interface*
3. *Centralized Cumulative Table Archive with associated links*
4. *Regulation versions including:*
  - a. *Printed bound .PDF copy*
  - b. *Online authenticated .PDF copy*
  - c. *Online plain text copy*
  - d. *Online HTML copy*
5. *Integration with networked signing device*
6. *Public website Websites where the regulations are published are in scope:*
  - a. <http://regulations.delaware.gov/>
  - b. <http://regulations.delaware.gov/AdminCode/>

## THE FOLLOWING ITEMS ARE OUTSIDE THE SCOPE OF THIS PROJECT

*Intentionally left blank*

### C. Assumptions

*Data conversion is required from the DTI Web Server and Lotus Notes DB that is currently storing the archived Regulations data in the following formats authenticated PDF, HTML, and Text into the new application.*

### D. Constraints/Inter Project Dependencies

*Solution must be compatible with the use of the Entrust Token ID to allow the staff to authenticate a regulation with the official Register Seal upon publishing to the Website. The solutions must work within the DTI Standards to allow Single Sign on capability. In addition, the solution must interact with the DELIS application to submit documents for publication to the Legislative Print Shop and to send regulatory notices to Committee chairs/members when necessary.*

### E. Risk Assessment

Project Risk Item	Detailed Mitigation Plan
Entrust Token / HSM Device compatibility	If the system is not compatible with the entrust token then the regulations will need to be downloaded from the solution, certified outside of the solution and reloaded into the solution to be archived and published.
Staff availability	Because the current regulations process is so manual, the bulk of the month is spent reviewing and publishing the regulations. Also, the regulations staff assists with supporting the Division with various session duties.

### F. Impact Assessment

*Implementation of the solution will affect all agencies within the State of Delaware.*

### G. Data Classification

**State of Delaware Public** – Information available to the general public; eligible for public access.

## Detailed Requirements

### H. Disaster Recovery Criticality Classification

*[The following requirements are needed for the Disaster Recovery Coordinator, who should be involved in these discussions.]*

<b>Impact of Non-availability</b>	
<i>Use the following category definitions to rate the impact of non-availability for each of the functions in the timeframes listed below.</i>	
Category	Definition
5	MINIMAL-Loss of business function does not have a direct impact on the department's ability to do business
4	LIMITED-Loss of business function is limited to only the person or department using the application. Loss of this business function has little or no effect on the state's ability to carry on business
3	MODERATE-Loss of business function affects multiple state agencies/school districts and their ability to operate. Loss of business function has a negative citizen impact
2	SIGNIFICANT-Loss of these business functions significantly reduces the effectiveness of the state's operations. Loss of business function has a negative citizen impact and affects the financial well-being of the state
1	CRITICAL-Loss of this business function threatens the ability for the state to operate. Loss of business function disrupts the security and well-being of the state.

Business Functions and Application Dependencies			Impact of Non-Availability			
<i>Identify Main Business Function and Major Activities of each</i>	<i>Identify all application dependencies for every activity</i>	<i>Impact on user base</i>	<i>Quantify consequence of loss by using impact categories for each time period.</i>			
Function	Supporting Application	Number of Users	2 days	1 week	1 month	3 months
State Agencies	Microsoft Word, Internet, Email, Adobe, Regulations and Administrative Code Websites	150 (+/-)	1	1	0	0
Registrar of Regulations	Microsoft Word, Internet, Email, Adobe, Regulations and Administrative Code Websites	5	1	1	0	0
Public	Regulations and Administrative Code Websites		0	1	0	0

**\*\*Impact of Non-Availability will vary depending on the timing of the outage.**

## Detailed Requirements

### II. Stakeholders

#### A. Decision Makers

NAME	JOB TITLE/ROLE	ORGANIZATION
Yvette Smallwood	Registrar of Regulations	Office of the Registrar of Regulations, Legislative Council, State of Delaware
Mark Cutrona	Director, Division of Research	Division of Research, State of Delaware

#### B. Subject Matter Experts

NAME	JOB TITLE/ROLE	ORGANIZATION
Yvette Smallwood	Registrar of Regulations	Office of the Registrar of Regulations, Legislative Council, State of Delaware
Victoria Schultes	Administrative specialist to the Registrar	Office of the Registrar of Regulations, Legislative Council, State of Delaware
Erika Schrader	Deputy Registrar of Regulations	Office of the Registrar of Regulations, Legislative Council, State of Delaware
Arun Reddy	Administrative Code Specialist (Contractor)	Office of the Registrar of Regulations, Legislative Council, State of Delaware

#### C. Application Users (Primary Users)

AGENCY	JOB TITLE/ROLE/GROUP
Registrar of Regulations	Proofing, Approvals
Division of Research	Support Staff for Registrar of Regulations
All Agencies	Drafting of Regulations; Regulations submissions

#### D. Target Audience (Secondary Users)

USER(S)	TYPE/ROLE
Delaware Citizens	Public that reference Regulations for their business, licensing, health, education and other requirements.

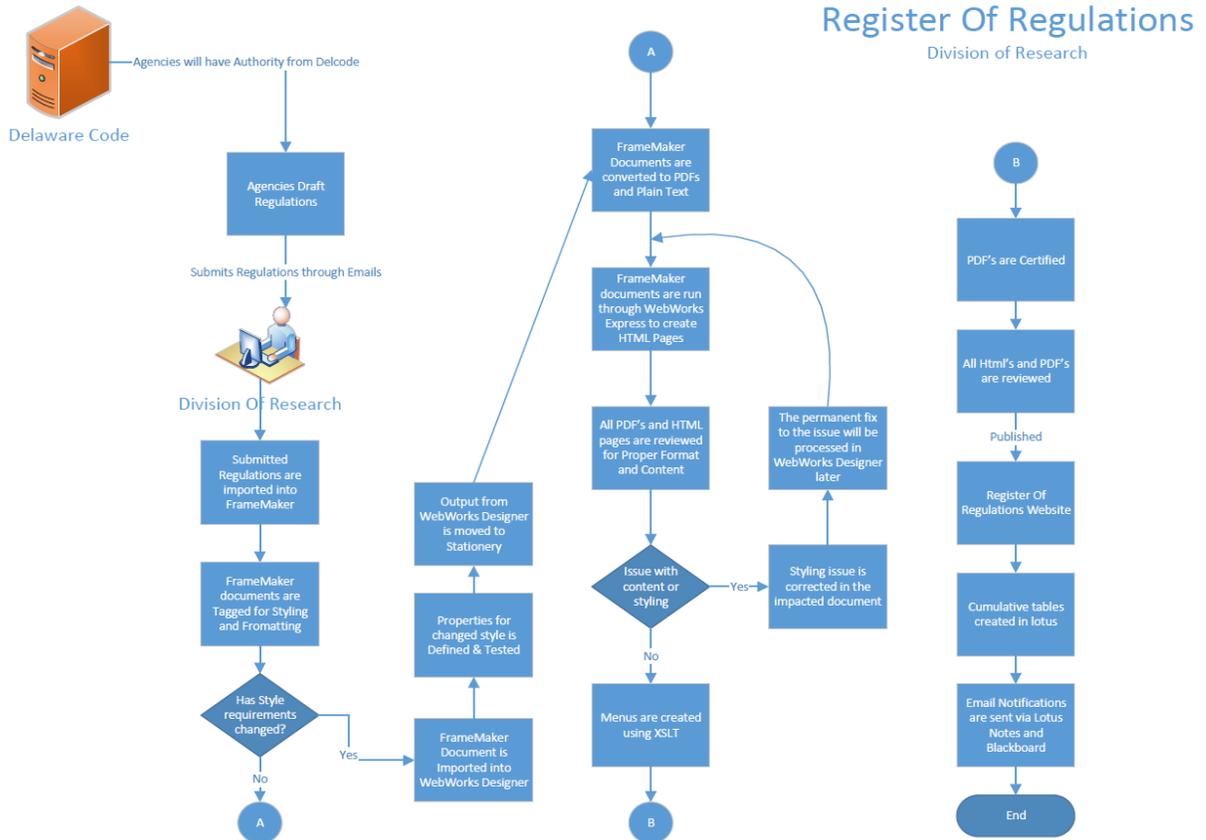
#### E. Interfaces

WHO/WHAT (NAME OF THE INTERFACE)	WHY (REASON FOR INTERFACE)	PRIMARY CONTACT NAME, PHONE #
DELIS	To request the Legislative Print Shop to print the Register and to send regulatory notices to Committee Chairs/Members.	Janet Roberson, IT Director; IRM, (302) 744-4204 Angel Burack, Deputy IT Director; SME, ISO (302) 744-4227
Entrust/HSM Device	Authentication of regulations documents	DTI SOC
Blackboard Connect	Email Notification to current Regulations Subscriptions.	DTI

# Detailed Requirements

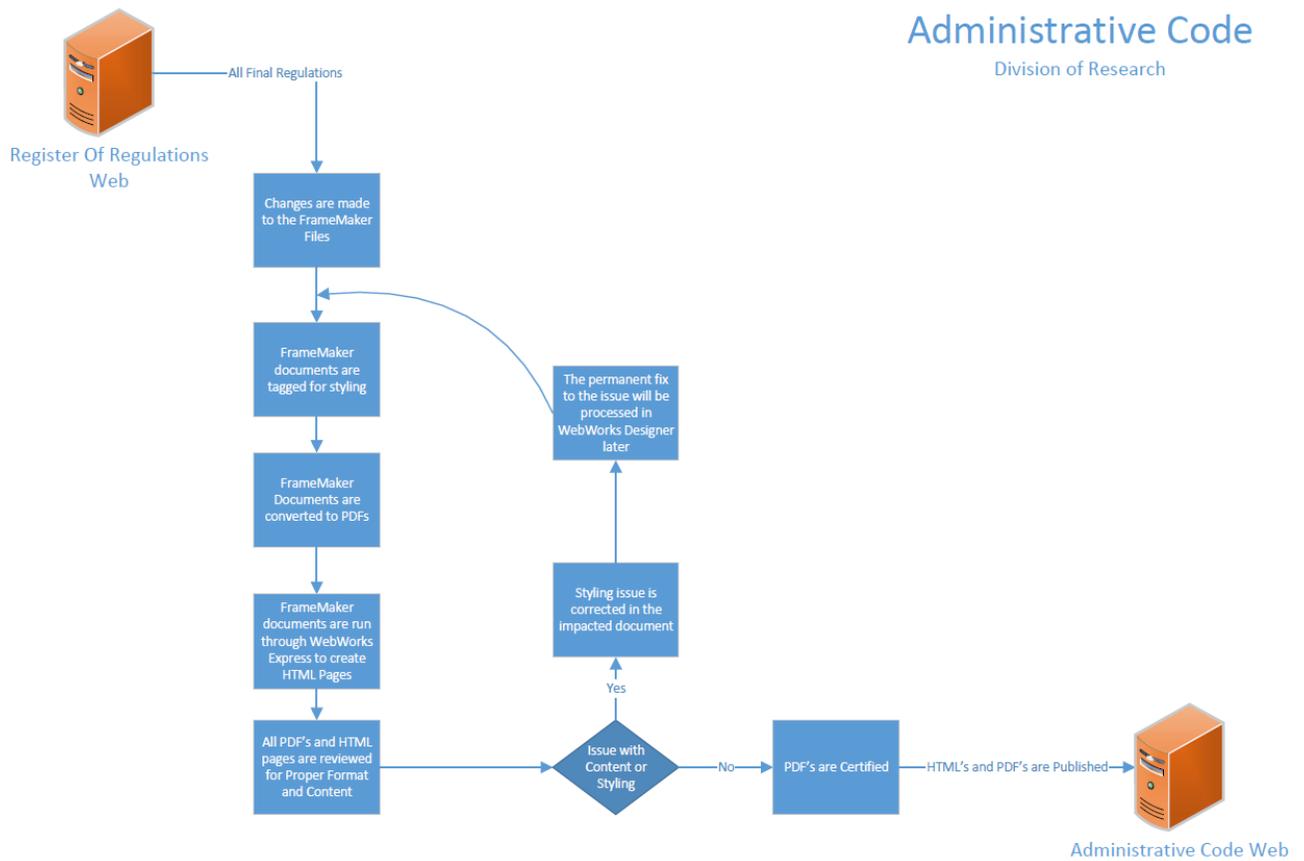
## III. Current Environment

### A. Current Environment Diagram(s)



# Detailed Requirements

Administrative Code  
Division of Research



## B. Current Environment Process Flow(s)

See Detailed Requirements Page 10-1 through 10-22

## C. Use Cases

See Detailed Requirements Page 10-1 through 10-22

# Regulations and Administrative Code Process

## Purpose

The purpose of this document is to define the existing tools used, and the processes incorporated by the Division of Research to publish Regulations and Administrative Code.

## Principle Contacts

Yvette Smallwood - [yvette.smallwood@delaware.gov](mailto:yvette.smallwood@delaware.gov)

Erika Schrader – [erika.schrader@delaware.gov](mailto:erika.schrader@delaware.gov)

## Tools & Software used in the Publication Process

### Microsoft Word

**Website:** <https://products.office.com/en-us/word>

Use Microsoft Word for the best word processing and document creation. With Word 2016 we've combined the features from previous versions to give you the best experience.

### FrameMaker

**Website:** <https://www.adobe.com/products/frameMaker.html> **Version: 11**

The 2017 release of Adobe FrameMaker is the industry-standard tool for authoring and publishing multilingual technical content across mobile, web, desktop, and print. Easily work with unstructured and structured content in the same documentation. Work faster and smarter with advanced XML/DITA capabilities. Publish content as Responsive HTML5, Mobile App, PDF, EPUB, and more.

### WebWorks ePublisher

**Website:** <http://www.webworks.com/Products/ePublisher/> **Version: 2016.1**

Its flagship solution, called the WebWorks ePublisher Platform, automates the conversion and compilation of source documents authored in popular formats such as DITA, Adobe FrameMaker, and Microsoft Word, transforming them into web applications and other end-user formats such as HTML, Microsoft HTML Help, PDF, and ePUB. Its flagship web application called WebWorks Help allows users of **ePublisher** to create and deliver a pure web application that consists solely of HTML, JavaScript, and CSS code. WebWorks Help has become an industry standard for many businesses throughout the world. In 2010, the company released its latest web application, WebWorks Reverb Help. Reverb Help addresses the specific needs of tablet computing and smartphone devices.

WebWorks has three components. Designer, Stationery and Express. Designer is a Developer tool used to style output. Stationery is a repository of “styles”. Express is used to create styled HTML pages. There are two (2) licensed copies of Webworks Designer (Erika & Arun, only Arun uses the tool), and three (3) licenses for WebWorks Express (Yvette, Erika and Arun)

## Detailed Requirements

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### Lotus Notes

**Website:** <https://www.ibm.com/us-en/marketplace/enterprise-email> **Version: 8.5.2**

Lotus Notes has become IBM Notes: IBM® Notes® is the email client software of the IBM Notes and Domino® client/server platform. It provides email, calendar and contact management capabilities, but because it works with the Domino server, it can also integrate IBM collaboration tools and business applications.

### XML SPY

**Website:** <https://www.altova.com/xmlspy-xml-editor> **Version: 2016 64 bit**

Altova XMLSpy is the world's bestselling XML editor for modeling, editing, transforming, and debugging XML and related technologies. XMLSpy gives developers the tools they need to build the most sophisticated applications with its graphical schema designer, code generation, file converters, debuggers, and profilers for working with XSD, XSLT, XQuery, XBRL, JSON, and more.

### Adobe Acrobat Pro

**Website:** <https://acrobat.adobe.com/us/en/acrobat/acrobat-pro.html> **Version: 11**

Adobe Acrobat Pro DC makes your job easier every day with the trusted PDF converter. Acrobat Pro is the complete PDF solution for working anywhere.

### Adobe Dreamweaver

**Website:** <https://www.adobe.com/products/dreamweaver.html> **Version: CS6**

Dreamweaver is the industry's leading web tool that provides a robust and integrated solution to design, develop, and publish projects for any screen size. Web designers and developers can create web and mobile content faster than ever before.

### PaintShop Pro

**Website:** <https://www.paintshoppro.com/en/products/paintshop-pro/standard/> **Version: 7**

PaintShop® Pro is your affordable photo editing and graphic design software — without the restrictions of a subscription. Enhance your photos with professional image editing tools, or create impactful designs using new color palettes, brushes, gradients, patterns and textures. Enjoy a simplified user interface for faster navigation, improvements to your most used tools, and new workspaces to match your level of expertise.

**\*\* Note:** This version is old; however, it does what the Division of Research needs it to do. The current version is 2018.

### Hypertext Markup Language (HTML)

Hypertext Markup Language (HTML) is the standard markup language for creating web pages and web applications. With Cascading Style Sheets (CSS) and JavaScript, it forms a triad of cornerstone technologies for the World Wide Web.

## Detailed Requirements

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### Cascading Style Sheets (CSS)

Cascading Style Sheets (CSS) is a simple mechanism for adding style (e.g.: fonts, colors, spacing, etc.) to Web documents. These pages contain information on how to learn and use CSS and on available software. They also contain news from the CSS working group.

### Hypertext Preprocessor (PHP)

Hypertext Preprocessor (PHP) is a widely-used open source general-purpose scripting language that is especially suited for web development and can be embedded into HTML.

PHP is only used by the Division of Research to code the Statewide and Agency wide headers and footers.

### Notepad++

**Website:** <https://notepad-plus-plus.org/>

Notepad++: a free source code editor which supports several programming languages running under the MS Windows environment

### Filezilla

**Website:** <https://filezilla-project.org/>

FileZilla is open source software distributed free of charge under the terms of the GNU General Public License. Support is available through our forums, the wiki and the bug and feature request trackers.

### WinSCP

**Website:** <https://winscp.net/eng/index.php>

WinSCP is an open source free SFTP client, FTP client, WebDAV client, S3 client and SCP client for Windows. Its main function is file transfer between a local and a remote computer. Beyond this, WinSCP offers scripting and basic file manager functionality.

### Extensible Markup Language (XML)

XML is a markup language that defines a set of rules for encoding documents in a format that is both human-readable and machine-readable. The design goals of XML emphasize simplicity, generality, and usability across the Internet. It is a textual data format with strong support via Unicode for different human languages. Although the design of XML focuses on documents, the language is widely used for the representation of arbitrary data structures such as those used in web services.

#### Extensible Stylesheet Language Transformations (XSLT)

XSLT is a language for transforming XML documents into other XML documents, or other formats such as HTML for web pages, plain text or XSL Formatting Objects, which may subsequently be converted to other formats, such as PDF, PostScript and PNG. XSLT 1.0 is widely supported in modern web browsers. The original document is not changed; rather, a new document is created based on the content of an existing one

## Detailed Requirements

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### Java Script

Javascript (JS) is a scripting languages, primarily used on the Web. It is used to enhance HTML pages and is commonly found embedded in HTML code. JavaScript is an interpreted language. Thus, it doesn't need to be compiled. JavaScript renders web pages in an interactive and dynamic fashion. This allowing the pages to react to events, exhibit special effects, accept variable text, validate data, create cookies, detect a user's browser, etc.

### JQuery

jQuery is a fast, small, and feature-rich JavaScript library. It makes things like HTML document traversal and manipulation, event handling, animation, and Ajax much simpler with an easy-to-use API that works across a multitude of browsers. With a combination of versatility and extensibility, jQuery has changed the way that millions of people write JavaScript.

## Website Hosting

The entire Division of Research (Regulations) web presence is hosted by a third party.

I. Production: Hosted at DTI

II. Development: Regulationshms.safesecureweb.com –Hosted at DTI

## Glossary & Definition of Terms

Register of Regulations: Monthly publication of Regulations that may consist of: Emergency, Executive Orders, Proposed Regulations, Final Regulations, General Notices and Calendar

Administrative Code: Official Regulations.

## Detailed Requirements

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# Register of Regulations Publication Processes

## Summary

There are currently twenty-three (23) volumes of the Register of Regulations available online. They date from 1997 through the present. All are available in Printed and Bound, Plain Text, PDF and HTML format. **The Deadline for posting the Register of Regulations is the first** of the month and is statutorily required.

The monthly Register of Regulations may contain multiple types of Regulations: Emergency, Proposed Regulations, Final Regulations, General Notices and Calendar. The Register of Regulations is published in four (4) versions: Printed Bound Copy, Online PDF, Online Plain Text and HTML.

## Websites

<http://regulations.delaware.gov/>

## Primary Software

FrameMaker, WebWorks Designer, WebWorks Stationery, WebWorks Express, Adobe Acrobat Pro, Adobe Dreamweaver, PaintShop Pro.

## Process

- The Division of Research receives a notice and copy of the proposed regulatory changes in Microsoft Word format from various agency Regulation Coordinators typically between the 1<sup>st</sup> and 15<sup>th</sup> of the month; however, most arrive towards the end of that period.
- Accompanying the regulation is an Economic Impact Statement which is published on the Division of Research website when the Register is published.
- The Division of Research staff (Yvette, Erika and Victoria) are all trained in FrameMaker.
- The FrameMaker (master) copy of the Regulation is modified to reflect the changes received via the word document by “tagging” various elements within the FrameMaker document for styling.
- The FrameMaker copy will contain strike through text (indicating text to be omitted), and underlined text (indicating text to be added).
- There are Four (4) separate copies of the Register that are created each month:
  1. A **Printed Bound PDF copy** is made from the FrameMaker document. Being a printed copy, there is little in the way of styling of this document except for the general format. There are no active links as this is a printed copy and the content is printed in grey scale.
  2. An **Online Print Copy** is made by converting the FrameMaker document to a PDF. This process is involved. As this pdf is viewable online, Yvette and Erika modify the FrameMaker document to include Bookmarks, and formatting of links to be shorter and more meaningful. Each PDF is reviewed by Yvette for completeness and proper formatting. Once Yvette approves of the copy the PDF is certified.

## Detailed Requirements

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3. An **Online Plain Text Copy** is created from the previously created PDF.
4. The **Online HTML Copy** is created by running the FrameMaker individual documents through **WebWorks Express** to create the HTML. The process to create the online HTML copy follows:
  - Yvette uses WebWorks Express to export the documents to HTML pages by applying the appropriate Stationery to the selected documents.
  - Yvette creates the menus for the Register of Regulations via XML SPY.
  - The HTML is reviewed for accuracy and proper styling/formatting.
  - If no issues are found, Yvette and/or Erika publish the HTML to the Regulations website. If an issue is found whether with styling or the process fails for any reason, Arun will perform the following steps:
    3. When an issue is discovered:
      - i. Arun will correct any formatting issues as they are discovered in the HTML document.
      - ii. Once the immediate need has been addressed, Arun imports the FrameMaker document into WebWorks Designer. It is here that Arun defines the property styles to match the “tags” that were applied in the FrameMaker document.
    4. The WebWorks Designer portion only needs to be performed when a new style is added or an existing style modified, or when the process breaks.
    5. Arun defines the tags from the FrameMaker file in the WebWorks Designer Project. The WebWorks Designer tags are named the same as those in the FrameMaker document and the properties defined to WebWorks Designer. These properties are used to define the style to be applied when the FrameMaker document when converted to HTML. This is very similar to defining a Cascading Style Sheet (CSS) in HTML.
    6. Arun tests the output from the process.
    7. Once Arun is satisfied with the output from the process he exports the WebWorks Designer project to WebWorks Stationery and notifies Yvette.
- An email notification is sent via Lotus Notes and Blackboard to those who have subscribed to receive notices about changes to various Regulations.

The Division of Research publishes Regulations received in that particular month.

The Cumulative Tables for each modified Regulation is also updated in Lotus Notes so that the Regulation is searchable on the website.

**\*\* Note:** There is concern about moving to any other search tool as Lotus Notes provides this Search capability. All archived volumes must be converted to whatever new technology is used so the search capability is not lost.

## Detailed Requirements

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**\*\* Note:** There is currently an issue with Lotus Notes and the Cumulative Tables. When built they are not always complete.

Trouble Shooting

If there are any issues in the process or a program glitch, Arun is the point of contact to resolve them.

## Administrative Code Publication Processes

### Summary

The Administrative Code is the **Official Final Version** of the Regulation(s) processed above. These are typically published around the 11<sup>th</sup> as that is when most become effective, or at a later date if so requested by an Agency.

### Websites

<http://regulations.delaware.gov/AdminCode/>

### Primary Software

FrameMaker, WebWorks Designer, WebWorks Stationery, WebWorks Express

### Process

- This process is very similar to the Register process. The final changes are made to the FrameMaker copy of the code.
- The FrameMaker document is converted via WebWorks to create the HTML.
- This process is more involved as the Administrative Code is the Official version.
- The clean copy of the Administrative Code is a manual process; the Division of Research must remove deleted content, insert added content.
- All PDF's are reviewed by Yvette for completeness and proper formatting. Once Yvette approves the copy the PDF is certified.
- Yvette and/or Erika publish the Administrative Code documents to the Regulations website. This includes:
  - i. Certified/Authenticated pdf: This is the final version of the Administrative Code that contains no mark ups and reflects the final version.
  - ii. HTML pages: The web pages associated with each Administrative Code.
- There is no email notification with this change.

Any issues with the process or formatting of the Administrative Code are addressed by Arun.

### Publishing Processes Step-by-Step Instructions

#### Register of Regulations:

##### Retrieving submissions

1. Create cover sheet; open the last proposed/final/emerg cover sheet (or get from last month if it is the first one), save as with the next numerical number, fill out, and print
2. Save submission documents to correct volume/issue
3. Print and put in monthly binder
  - a. Cover sheet
  - b. Submission email
- c. Notice/order and regulatory language
4. Open monthly tracking document and fill in new submission
5. Reply to sender (cc Vicki and Yvette) stating that submission has been received after first proofing.

##### Creating FrameMaker Files

##### PROPOSED

1. Locate the most recent official regulatory language in R:\Administrative Code\ and correct agency and section (**FrameMaker** file)
2. Locate a recent proposed regulation (**FrameMaker** file) from the same agency (so the headings can remain the same); use the cumulative tables in **Lotus** to find a recent one and locate that **FrameMaker** file; if no recent ones, then use a template located at R:\Register Publication\Templates\Regulation Template
3. For the template, Save As reg title and proposed into the current issue
4. Delete old reg language; copy and paste the official regulatory language into the new file
5. Change heading and the date citation at the end (no internal ones at this stage)
6. Delete old notice; copy and paste notice from submission documents in R:\Register Publication\ and then current month, and correct file
7. In the Division/Office line, click on the marker and copy and paste the reg title into the marker text box on the right side of **FrameMaker**; marker type is index
8. For any web address, copy and paste the link into the marker text box; marker type is hypertext

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9. For any email addresses, copy and paste the email into the marker text box; marker type is hypertext
10. Tag the regulation title at the top as “Reg Title”; tag the regulation title in the middle as body; both will be centered and bold
11. Check to make sure the statutory authority citation is correct (both against what the agency submitted and if it the correct citation); don’t put in the generic 29 Del.C. Ch 101
12. I. Check to make sure dates are correct and make sense (i.e. that the 30<sup>th</sup> really is a Friday and is in the future)
13. Format- center and bold the order heading and subject headings, tag citations, tab paragraphs, delete extra spaces, line up lists, italicize “Register of Regulations”
14. For the regs, complete the strikethroughs and underlines as requested
15. If there is only one paragraph in a section, do not number the paragraph.
16. Save
17. Open Calendar of Events for that month and insert the public notice in alphabetical order by department; don’t repeat department for different divisions; delete statutory authority and “proposed”; abbreviate public notice if excessive
18. Initial monthly tracking excel sheet

### FINAL

1. Locate proposed **FrameMaker** file in R:\Register Publication\ and then volume and Month whenever the proposed was published, save as Final (change proposed to final) and save into the current month
2. Locate the submission documents in R:\Register Publication\ and then current month, open the order
3. Delete the notice section
4. Copy and paste special (text only) the order language into the **FrameMaker** file
5. Format- center and bold the order heading and subject headings, tag citations, tab paragraphs, delete extra spaces, line up lists, italicize “Register of Regulations,” “Delaware State News,” etc.
6. For public comments, bold and left align the heading of maker of comment, tag body; Bold, italicize, and left align heading of program response; no spaces between comment and program response; one line between comments
7. Tag the regulation title at the top as “Reg Title”; tag the regulation title in the middle as body; both will be centered and bold (So “FINAL” then “ORDER”)
8. For boards/panels names, find template in R:\Register Publication\Templates\Boilerplate Tables Single Column; check for accuracy and update as needed; copy and paste into **FrameMaker**

## Detailed Requirements

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document; for any unsigned, type “(absent)” after name; board title is bolded, indented once, and tagged Body; table is left aligned and 0.25 left indent (rest are 0) (under table design)

9. For order signature, type name, title (then agency is listed under that on new line); all tabbed in once
10. For the regulation, check to see if there has been any new changes (bold, bracketed); brackets themselves should not be stricken or underlined; can put both additions and deletions in same bracket; also check the submission document against the proposed as sometimes agencies fail to do the bold, bracket; also read the order to see if they reference any changes
11. For public comments/agency response, all tagged Body; heading for public comment is bold; heading for agency response is bold and italicized, leave one empty line after each set of comments/response (this can be modified to look good)
12. Change the citation at the end from proposed to final, delete the pg. # (leave space to be filled in later), change publication date
13. Save
14. Initial monthly tracking excel sheet

## NOTICES

1. Locate general notices **FrameMaker** file in R:\Register Publication\ and then volume and Month (e.g., December 2015 General Notices)
2. Locate the submission documents in R:\Register Publication\ and then current month, open the notice
3. Add in Dept (14 pt), Division, statutory authority, then GENERAL NOTICE (12 pt), then whatever titles (10 pt) (e.g., sec order, title of notice, etc.), then reg number and title
4. Copy and paste special the notice with customary formatting in proposed and final Citation at end (19 DE Reg. (12/01/15) (Gen. Notice)
5. Save
6. Initial monthly tracking excel sheet

## Creating the Book

1. Emergency, Proposed and Final Chapters
  - a. Alphabetize the printed out reg submissions by department name, division, agency/board/commission
  - b. Use the excel tracking spreadsheet to verify order and presence, located at R:\Register Publication\Volume No.\Month Year
  - c. Open **FrameMaker** file for proposed or final chapter (eg: October 2015 Final), located at R:\Register Publication\Volume No.\Month Year
  - d. Keep the symbol key and final regulation instructions at the top of the document

## Detailed Requirements

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- e. Page numbers continue from previous Register, count cover as a page (starts over in July); page numbers will be assigned later
- f. In main body of the document, hit Enter, tag it Body, left align
- g. Go to File, Import, File; click on the regulation **FrameMaker** file, Select “Copy into Document”, then click Import
- h. In the box that appears, click on “Retain Source’s Formatting”, then Import
- i. In the imported reg, delete “Proposed” or “Final” and all regulatory citations (eg.: 15 DE Reg. 127 (07/01/2015))
- j. Delete Department heading if it is the same as previous (but always keep divisions even if they are the same as the previous)
- k. If more than 10 pages, delete unneeded regulatory language (i.e. anything not bold, bracketed)
  - i. Keep the section number and heading for each hierarchical step (e.g. for 4.1.3, keep 4.0, and 4.1)
  - ii. Add ***(Break in Continuity of Sections)*** or ***(Break in Continuity Within Section)*** when text is deleted; centered, tagged Body
  - iii. Put boilerplate language at the end of the reg, located at R:\Register Publication\Templates\Boilerplate Language Aug 13 (use when file is too large to publish or amending only selected sections- pick appropriate language)
    - 1. E.g. \*Please Note: As the rest of the sections were not amended they are not being published. A copy of the regulation is available at: (web address in red)
    - 2. E.g. \*Please Note: Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at: (web address in red)
    - 3. E.g. \*Please Note: Due to the size and extent of the revisions they are not printed here. A PDF version is available at the following link: (web address is red)
  - iv. Modify previous issue #, pg #; modify web address to current issue (the page numbers will be added after final proof)
  - v. Keep red, centered
- l. At very end, do three returns, tag Body, insert next reg at the third return (i.e. two lines between entries)
- m. After chapter is complete, modify any spacing to not have an empty line at the start of the page or one line at the end of the page
- n. Insert page numbers into the links for RFA (for proposed) and for reg link if the regulation is too long
- o. Place a line between each entry; 2.0 stroke between Departments, 1.0 stroke within Departments for emergency, proposed, final, general, calendar
- p. Save

### 2. Calendar of Events

- a. Each public notice (so each proposed) gets an entry in the calendar of events, except for DOE who has a generic entry for third Thurs of every month

## Detailed Requirements

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- i. The State Board of Education will hold its monthly meeting on Thursday, November 19, 2015 at 1:00 p.m. in the Townsend Building, Dover Delaware.
  - b. Put Department, Division, Public notice, and reg # and title, then the notice (can be shortened for just pertinent info if excessive), in alphabetical order; don't repeat same Departments
  - c. Two line breaks between every entry
3. Table of Contents- beginning stage
  - a. Open the current month table of contents (it will contain last month's entries); open excel tracking sheet for entries
  - b. Add appropriate chapter headings (Errata, Emerg, Proposed, Final, General Notices, Calendar of Events- whatever is in the current issue), 12 pt font
  - c. Under each heading, add appropriate Department and Division (or Board, etc.), 10 pt font
  - d. Two line breaks between headings (Proposed, Final, etc.), one line between Departments, none between Divisions
  - e. For Calendar of Events
    - i. Open the Calendar of Events **FrameMaker** document and type in each Dept, Divison/Board, then "Notice of Public Comment Period" or "Notice of Public Hearing" or both or add "s" if multiple hearings or comment periods
    - ii. If two lines, separate line with a return, then tab in once on second line
    - iii. At end of entry, hit tab multiple times until the dots appear (.....)
  - f. Page numbers will be fixed/filled in later
  - g. All contents in this document are tagged "IndexLOM" (LOM is List of Markers)
4. Page numbers in the chapters
  - a. Start from last page of previous issue (July starts over), cover page counts as one page, beginning info counts as two pages, TOC is two pages (always), cumulative tables is whatever it was after bringing in last month, then emergency, proposed, and final
  - b. Go to Format, Page Layout, Pagination, click L if beginning on even pg, R for odd and click delete empty pages, set
  - c. If the text does not line up with the header, click on the select arrow on L toolbar and pull the instruction box and regulation box to line them up (only needs to be done for the first pg)
  - d. Check the footer to make sure the volume, issue, and date is correct (for both odd and even pgs)
  - e. To insert pg numbers, Format, Document, Numbering, Page, then put in first pg number and set
  - f. Save
5. Page numbers in internal link- after chapter is finalized, add page numbers to internal links

## Detailed Requirements

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6. Page numbers in individual files- after TOC is finalized, open each individual file and add page number to citation (Emergency, Errata, Proposed, Final, and General Notices)
  - a. If two entries have the same page number, add “a” to the second one for the file name, but DO NOT add “a” to the internal citation
  
7. Putting the book together
  - a. Open **FrameMaker**, file, new, book
  - b. Add, files, select, add
    - i. Cover
    - ii. Info
    - iii. TOC
    - iv. Cumulative tables (not for July)
    - v. **Errata**- if present
    - vi. Emergency- if present
    - vii. Proposed
    - viii. Final
    - ix. General Notice
    - x. Calendar
  - c. File, Save book as month year (February2016) in correct month folder
  - d. Drag files to be in correct order, save (correct order above)
  - e. Click add, list of, markers
    - i. Move “index” from don’t include to include, add, update
  - f. Ignore book error report
  - g. Open LOM in book, select all, copy
  - h. Open TOC and paste LOM at end, change to Arial 10 pt, save, delete LOM from book, save
  
8. Table of contents- end stage
  - a. Delete all leading anchors
  - b. Move cumulative tables pg number to cum tables entry at top
  - c. Move each entry to correct Dept, indent one more than line above
  - d. Tab page numbers to right, uses spaces to right align
  - e. Insert lines between sections (proposed, final, etc.) and at end
  - f. Click on draw line icon, set line end style to no arrows, draw line
  - g. Right click on line, object properties
    - i. Dimensions- 6 in length
    - ii. Stroke- 2 width
  - h. Visually center
  - i. Save

## Detailed Requirements

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9. Creating Book for Print Shop
  - a. Open FrameMaker book file
  - b. Click file, print book
    - i. All pages, one copy; under setup, click adobe pdf, click ok (generate acrobat data and print to file NOT checked)
    - ii. Click print, ok
  - c. Save in monthly folder (same name)
    - i. Click “skip”, continue, “skip”, continue
  - d. Review book to see if there are any extra pages (if so, delete)
  - e. Copy pdf book, paste into L drive, LC group, 2016 Registers
  - f. Send email to print shop that it is ready to print

### Creating on-line files

1. Individual files- proposed, final, general notices, emergency, errata, calendar
  - a. If not already done, add page number to citation for each FrameMaker file
  - b. open, file, save as citation (ex: 19 DE Reg 549 01-01-16, notice no period after Reg and – instead of / for date) in **WebWorks** folder (choose correct proposed, final, general subfolder)
  - c. For duplicate page numbers, add an “a” after the page number to the second file (ex: 549a)
  - d. Make pdf – file, save as pdf with same name as above (in bookmarks, make sure generate PDF bookmark is not checked)
  - e. Certify pdf with Registrar of Regulations seal
2. Calendar of Events
  - a. Open COE
  - b. Open Regulation Template in R:/Register Publication/Templates/Regulation Template
  - c. Copy the body of the COE (not COE heading) into template
  - d. For Departments: change to body, center, bold, 14 pt, blue
  - e. For Divisions, change to body, small caps, center, bold, 12 pt, blue
  - f. For Public Notice, red
  - g. Add \_\_\_ across page at first return after each entry, leave one return btw \_\_\_ and next entry
  - h. File, save as citation (use first page number) in WebWorks COE folder
  - i. Make pdf- file, save as pdf with same name
  - j. Certify pdf with Registrar of Regulations seal

### Coloring and Linking FrameMaker PDF chapters for on-line version

1. Open the alphabetical list of state agencies (delaware.gov/topics/agencylist\_alpha)
2. Open FrameMaker
  - a. For each chapter that has dept/division headings, do file, save as, PDF at end of file name (still FrameMaker file, not PDF)
  - b. Open PDF chapter (ex. April 2016 Proposed)

## Detailed Requirements

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- c. Change Dept and Division/Office (anything above stat authority) to blue font, highlight text only of Dept
3. On list of state agencies, find Dept, open, copy web address of Dept
4. In FrameMaker (with Dept highlighted), click special, hypertext, command, to go URL
  - a. This will populate “message URL,” paste copied address from correct state agency right after this (leave one space)
  - b. Click new hypertext marker
5. Find division webpage on-line, copy web address, repeat step 4 for division (also for board for Professional Regulation only)
6. In FrameMaker, change reg title to red
7. For proposed only, highlight RFA link, copy and paste into hyperlink box like above
8. For boilerplate language, copy reg title, add just above boilerplate link (Body and centered), highlight and cut boilerplate link, highlight new reg title, special, hypertext, go to URL, paste link, new hypertext marker
9. Check to make sure text didn’t shift
10. Repeat for all other entries and for other chapters (Errata, Emerg, Proposed, Final, General Notices, Calendar, TOC)
11. If reg title is being modified, use old reg title

### ***Creating On-line Version (a version and c versions)***

1. In R:\Register Publication\Volume 20\February 2017, open February 2017 Book (white FrameMaker icon)
2. In left menu, delete entries that have a pdf version in the Register month/year folder (keep Cover, Cum tables, and Info)
  - a. Calendar
  - b. Final
  - c. General
  - d. Proposed
  - e. TOC
  - f. Emergency
  - g. Errata
3. Click add file icon, select the above pdfs, if present, from the month/year folder, add
4. Drag to correct order in the book (cover, info, TOC, Cum Tables, Errata, Emergency, Proposed, Final, General, Calendar)
5. File, Save Book as “a” version (February2017a) NO SPACES
6. File, Print Book
  - a. All is checked
  - b. One copy
  - c. Printer: adobe PDF
  - d. PDF setup, bookmarks tab
    - i. Move everything in left box to the right, except Dept, Division, and Reg title
      1. Department gets no dots (use left arrows in bookmark level)

## Detailed Requirements

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2. Division gets one dot
3. Reg Title gets two dots
  - ii. Click set
  - iii. Uncheck print to file, click print, save in month/year folder
7. Skip consistency messages
8. In the February2017a pdf, click on crop icon, double click on the page (opens set page boxes box)
  - a. If the page is offset to the right:
    - i. change left margin to 0.75 and page range from 1 to whatever the last page number is and apply to odd
    - ii. repeat crop, double click on page, change right margin to 0.75 and page range from 2 to end, and apply to even
  - b. If the page is offset to the left:
    - i. Do opposite of above
  - c. If the cover is even, do page 1 separately to center, then do the rest
  - d. Scroll through to see if it looks correct
9. In the TOC bookmark menu on the left
  - a. Open previous months for model (eg. January2017a.pdf)
  - b. Collapse menu to just departments
  - c. Highlight first Dept on the list, click new bookmark, add 8-10 bookmarks (this depends on if you have errata, emergency, etc.)
  - d. Click on first bookmark, type Delaware Register of Regulations, Vol. 20, Issue 8, February 1, 2017
    - i. Second bookmark is Information About the Register, Third is Table of Contents, etc. Just follow previous month
    - ii. Bold Bookmarks: Right click on each, properties, bold (can highlight them all at once)
  - e. Looking at the TOC printout, drag the correct proposed departments to the proposed bookmark, same with errata, emerg., final, etc. (the entries are in order, can do more than one at a time)
  - f. Bold Depts and Divisions, if there are multiple entries for the same division, put all entries under the first division, then delete the extra divisions (R click, delete)
  - g. If missing an entry, highlight where it needs to go, click add bookmark, enter in missing reg number and title
    - i. It is not linked, so find reg page, R click, set destination
  - h. For calendar only
    - i. Delete reg title entries
    - ii. If only one division, delete the division (left with just the department)
    - iii. Divisions are bolded, if present
  - i. Put all everything under Reg of Regulations title (just drag until it forms the correct hierarchy)
  - j. In the document, for cumulative table title, highlight, tools, edit text/images, change to red

## Detailed Requirements

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10. Linking bookmarks to appropriate pages
  - a. For Cover, Information, TOC, Cum Tables, etc., go to correct page in the document, R click on corresponding entry in bookmarks menu, click set destination, click ok
11. Linking TOC in the document to corresponding pages
  - a. Click chain icon, highlight entry in TOC in document (ex. cumulative table with the page number included), create link box appears
    - i. Link type: invisible rectangle
    - ii. Highlight style: invert
    - iii. Link action: go to page view, click next
  - b. Scroll to the correct page in the document, click set link
  - c. Finish for rest of TOC entries (just the regs or document pages, not departments and divisions yet)
12. Linking document pages back to TOC
  - a. Go to the correct document page, click chain, highlight reg title (or page title, e.g. cumulative tables), choose same options in create link box, go to the TOC, set link
  - b. Click on each link to check (both from TOC and from document)
13. For calendar
  - a. Link to page in book at first entry
  - b. When linking backwards, use the public notice heading instead of the reg title heading (so always linking to red)
14. Linking Departments and Divisions (if not already done)
  - a. Same process but link to open a web page, add url
  - b. Do it both in the TOC and individual pages for Department and Divisions (and Boards if Professional Regulation)
15. Changing properties
  - a. File, properties (can copy from previous issue)
    - i. Title: Delaware Register of Regulations, Volume 20, Issue 8, February 1, 2017
    - ii. Author: Office of the Registrar of Regulations
    - iii. Subject and keywords: Regulations, Administrative Code
16. Scroll through document and hover over all links to make sure they are all present
17. Save as "c" version (a is the working copy, c will be certified and go online), same location as a version
18. Save a text version: file, save as other, more options, text (accessible); save as same c name, same location
19. Copy both c versions and save in R:\regulations\_website\documents
20. For the cover
  - a. Find the cover photo file in L:\LCGroup\Register Cover Photos, open photo in PaintShop Pro 7, go to Image, resize, width 300 (rest of the numbers don't matter)
  - b. File, save as february2017, save in R:\regulations\_website\images
21. Stage DreamWeaver
  - a. In DREAMWEAVER, File, Open R:\regulations\_website, services, current issue
    - i. Change the three months manually (blue text to the right of the picture)
    - ii. Change the month in the three links (at the bottom when you click on link)

## Detailed Requirements

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- iii. Click on picture to get info box at the bottom, Change month in src and alt box, this will change the picture automatically
  - iv. Save
  - b. Open R:\regulations\_website, services, volume 20
    - i. Copy the last row, paste onto bottom (click after the L in HTML and paste)
    - ii. Change the issue number, date, and month in the PDF, TEXT, and HTML links (HTML has lowercase month; just are uppercase first letter)
    - iii. Save
22. Prepare files for on-line
- a. Have FrameMaker open in the background
  - b. In R:\Monthly-DMZ\Output\monthly-beta\monthly, archive last month's documents into Archive folder
    - i. Create new folder with month and year
    - ii. Copy entire folder from previous month to new folder; within folder, delete previous month's documents (also delete any images)
  - c. In R:\Monthly-DMZ, click on orange **WebWorks** icon that says monthly
    - i. Click Project, New Group to add folders for all necessary chapters; put in correct order
    - ii. Add documents by Project, Add Document
      - 1. Reg Pub, current month, WebWorks folder
      - 2. Highlight FrameMaker file, open
        - a. Click last one first to highlight then check to make sure it is in order, save
      - 3. Generate all (three blue circles), close
  - d. In R:\Monthly-DMZ\Output\monthly-beta\monthly, look for "index" file with the date when it was run, rename "month-year-index"
  - e. Open **XML Spy**, open month-year-index, yes to continue
    - i. Change from browser to text view (bottom left button)
    - ii. Delete everything before <div class="WebWorks\_TOC\_Level2">
    - iii. On first line: <blockquote>, delete auto generated second blockquote
    - iv. In calendar section, delete everything from beginning of calendar to end of page, add "</blockquote>" at end
    - v. Save
  - f. In R:\Monthly-DMZ\Output\monthly-beta\monthly, open "toc1"
    - i. Click xsl transformation (first green box)
    - ii. Choose file, browse, click on current month-year-index, open, ok
    - iii. Each regulation needs levels 2, 3, and 4
      - 1. If missing, copy another, change division name to null, correct page number
    - iv. Close month-year-index file (named toc1-out)
    - v. Click xsl transformation, open toc2, ok
    - vi. Click xsl transformation, open toc3, ok
    - vii. In text view, save as current month-year-index
    - viii. Open a small previous month (e.g. July 2017) -This step sometimes freezes, have to close and re-open
      - 1. Window, tile horiz.

## Detailed Requirements

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2. From previous month:
  - a. copy from beginning to <br> before <h2>
  - b. paste every everything before <h2> in current issue
  - c. correct 2 months and years (line 7 and 76)
  - d. fix headings (e.g. ERRATA)
  - e. check to make sure all breaks are there
  - b. copy <br> before calendar to end
  - c. paste over <body> <html>
  - d. change page numbers and month (right after %20)
  - e. save, close out of XML Spy
  - f. Open **WinSCP**, Reg Production
    - i. R: htdocs, Register
      1. New, create directory, title "november 2017", open
      - ii. L: Monthly DMZ, output, monthly data, monthly
      - iii. Copy all folders present (calendar, CSS, errata, emerg, proposed, final, general, images, scripts), R click, upload
      - iv. Upload mystyles.css
      - v. Rename "month-year-index" file to "index", upload
      - vi. L: upload Reg Production, Vol, month, WebWorks, shtml
      - vii. Pdfs in correct folders (remember to upload any extra pdfs into correct folder)
      - viii. RFAs into proposed
    - g. Check on-line by changing the month and year in the web address
23. To put online
  - a. a. In DREAMWEAVER on R hand menu, highlight both c versions, cover image (by month and year), current issue (labeled current issue), and current volume (actual volume, i.e., volume 21), R click, put
  - b. b. Check on-line to make sure it is correct

### RFA/RIS (Regulation Flexibility Analysis & Regulation Impact Statement)

1. For each proposed submission, make sure the submitting entity also includes an RFA/RIS form, save in RFA folder, fill out RFA excel tracking sheet
2. After page numbers have been assigned, in the RFA folder, change file names to match **WebWorks** names, but add RFA after page number (e.g. 19 DE Reg 523RFA 03-01-16), certify
3. Add WebWorks pdf files to RFA folder for each RFA
4. Look in the House and Senate committee chair excel document for contacts for each subject, send email to correct House and Senate contacts (may be multiple committees) fill out tracking sheet with date and contact name
5. Print out sent emails and tracking sheet and add to RFA binder
6. Print out emails and add to reg binder (one for each reg)

## Detailed Requirements

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### Register Cumulative Tables

1. Each issue of the Register has a **cumulative table** (July to June)
2. Open up previous cumulative table **FrameMaker** file, add in the new entries for the new month (just add citation for already existing entries)
3. Tag the titles and first citation as Cumulative Table, tag the Dept, Office, etc., as IndexLOM
4. Tag subsequent citations as CumTableSubsequent
5. Fill in correct vol, issue, and date
6. Do not split multiple line titles onto separate pages
7. If multiple citations (i.e. proposed, final) for same entry fall onto next page, repeat title

### Master Cumulative Tables and Email notifications- in Lotus Notes

1. Register of Regulations must be on-line before sending out notifications b/c it is linked
2. Staging- preliminary staging area for Register entries before they go to production (for proposed, final, and general notices)
  - a. Open both Staging and Production
  - b. In Staging, click on Cumulative Tables on left
  - c. In Production, find the proposed version (for finals) or a similar version in the same department (search by department or use search function)
  - d. To make an entry, just click to the far left of the proposed version/similar version, click copy to staging
  - e. In staging, open the entry, click inside the entry to edit
  - f. Check each category (Department, division, etc.) for accuracy; if unique id number doesn't appear, unclick division and then re-do; click proposed, final, or general notice, change month/year; urls will automatically populate, click refresh to refresh
  - g. Leave notes/comments and parent regulation empty
  - h. From reg notebook, put in public comment date and contact info (for finals, leave at 30 days)
  - i. Save and close
  - j. Repeat for all regs, mark off your table of contents as you go
  - k. For regs published on same page, don't change first instance of same page number, but put an "a" "b" etc on subsequent ones, add suffixes "b" manually to file name and first url (second will automatically populate when refreshed)
  - l. For exempt final regs, type "This regulation is exempt from the A.P.A." in the comments section
  - m. For general notices, choose general notices instead of proposed/final; in url, removed the word "notice" (just leave "general")
3. Email notifications (emerg, proposed, and final)
  - a. Most entries have a budget id no., if not, just note and don't send the notification
  - b. To send notifications: from Staging, select all entries, click send notification, (takes approx. ½ hr)
  - c. Email notification when sent- check the link to make sure it works
4. Move to production
  - a. In Staging, edit, select all, move to production (takes approx. 30 min)

## Detailed Requirements

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- b. Check to see if successful by search by date (e.g. 12/01/2015)
5. Add to cumulative tables
  - a. In Production, click on Cumulative Tables, click For PDF Print
  - b. File, print
    - i. Printer tab- printer: adobe pdf, selected view
    - ii. Page setup- landscape
  - c. Okay, save in R, reg publication, cumulative table as year, month, regcumtable
  - d. Notify Yvette so she can put on-line

### Administrative Code Engrossments

1. For finals, open the latest Administrative Code FrameMaker document, located at R:\Administrative Code\... , save as with the new date (11-01-15); never save over the original
2. Open the month version of the FrameMaker file, located at R:\Register Publication\Volume No.\Month Year
3. Delete regulatory language from Administrative Code (new, renamed one)
4. Copy month file regulatory language, paste into Administrative Code file
5. Add the underlined content, delete the strikethroughs
6. Add citation to each section that is modified
7. Delete “final” in the last citation
8. Save

### Placing Administrative Code on-line (10th/11th, or delayed effective date)

1. Open FrameMaker file of engrossed finals from Administrative Code folder, Open R://Monthly Register Files. Copy and paste FrameMaker files from Admin. Code to Monthly Register Files. (If previous months entries are still there, move to Monthly Register File Archive folder.) Change name to just reg number.
  - a. Don't do DMMA, unless part of a manual
  - b. Do all others, even if delayed effective date. Name with the reg number and effective date (101 eff 4-1-17)
  - c. For repealed ones, use reg number and “Repealed” (101 Repealed)
  - d. These files will later be moved to Monthly Register Files Archive
2. In Monthly Register Files folder, Open FrameMaker file of engrossed finals, do File, Print (select all, one copy)
  - a. Printer tab, setup, adobe PDF, print
  - b. Uncheck “Generate Acrobat Data” if checked
  - c. Save to R://Monthly Register Files
  - d. Repeat for all
3. Certify PDFs (Registrar), no changes allowed, save over old pdf in Monthly Register File folder, repeat for all
4. On that month's TOC, write the title number for each for easy reference
5. In Monthly Register File folder, highlight all new PDF and FrameMaker files for one title
6. Paste in R:Admin Code-DMZ by title, dept, division, etc., move old versions to Archive, repeat copy and paste for all files/titles

## Detailed Requirements

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- a. If same number is already in Archive, rename old one with old month and year (based on modified date)
7. Open WebWorks (in Output folder, click on appropriate title, then click on orange e (WebWorks) icon)
  - a. Cancel for modifying stationary
  - b. File, Recent projects, title #, open
  - c. If not in recent project, Admin Code-DMV Output, titles, then click on WebWorks icon
8. In WebWorks:
  - a. If reg number is present, skip next step
  - b. If reg number isn't already present: find a close regulation #, click (highlight it), under project tab click add doc
    - i. R: Admin Code-DMZ- find FrameMaker file, open
    - ii. File goes into list, rearrange if necessary, save
    - iii. If no folder, Project, New Group, name it, and rearrange
  - c. Highlight the reg numbers that will have new documents, click blue O (generate selected)
    - i. Can only do one numerical section at a time
  - d. Repeat for all, save
  - e. Open Admin Code-DMZ, Output, title # and check to make sure it is there
9. Open WinSCP (this places them on-line)
  - a. Click on Regulations, log-in
  - b. R side- Admin Code, title #, reg #
  - c. L- Admin Code- DMZ, Output, title #, reg #
  - d. For .shtml version: L- highlight, R click on new reg (check date), upload, yes to overwrite (replaces and goes online)
  - e. For PDFs: L- Admin-DMZ, title #, reg #, highlight, R click on new reg (check date), upload, yes to overwrite (replaces and goes online)
  - f. Repeat for all
  - g. Index
    - i. i. Do index changes only for Reg title changes, new regulations, or repealed regulations; consider doing backups for complicated ones
    - ii. ii. Open the Admin Code website to see the web address to make sure it is the right index file
    - iii. iii. Title change: R side, look for index.shtml page (make sure it is correct index page; some have multiple levels), R click, edit (brings up html page), find old title, retype new title, save, refresh web page to see change
    - iv. iv. New regulations: R side, look for index.shtml page (make sure it is correct index page; some have multiple levels), R click, edit (brings up html page), find title before where new reg title goes, copy it, retype new title, save, refresh web page to see change
    - v. v. Repealed regulations: R side, look for index.shtml page (make sure it is correct index page; some have multiple levels), R click, edit (brings up html page), find reg title, type (Repealed) after title, save, refresh web page to see change
10. Check on-line to see if successfully uploaded

### IV. Desired (Future) Environment

#### A. Desired (Future) Environment Diagram(s)

*[The following diagram illustrates relationships among the processes that comprise the desired (future) environment process(es). It is important to note that the diagram does **NOT** indicate the SEQUENCE of events that occur within the process. The processes identified within this diagram provide the framework for the majority of this requirements document. (The sub-processes are used as the section titles within the “Detailed Business Needs by Process/Sub-process” section in this document.)]*

TBD

#### B. Desired (Future) Environment Process Flow(s)

*[The following is a graphical representation of the sub-process(es) and interactions of business activities necessary to produce “output” in the desired environment; this diagram must represent the SHOULD-BE not the as-is/current environment. This representation may include call-outs that identify components of this to-be state resolve gaps in the current environment. This illustration of the process includes steps taken and decisions made during the process, but does NOT include systems- or other solution-related information.]*

TBD

#### C. Desired (Future) Environment Use Cases

*[Provide a diagram or table showing who will use what processes/components of the application. List or show each of the processes and sub-processes in the application and document or illustrate who uses them. These Use Cases should represent the SHOULD-BE, not the AS-IS.]*

TBD

## Detailed Requirements

### V. Gap Analysis

No.	GAP – CURRENT Environment	GAP RESOLUTION – DESIRED TO-BE Environment
1.	Highly manual formatting process	Automated formatting process
2.	Multiple software and applications required to complete the process.	All required resources within one solution.
3.	Cumulative table and archived materials stored within Lotus Notes and Regulations website.	Central Table to store and archive documentation within the solution including hyperlinks.
4.	Regulations website	Regulations Website refactor/integration into the Legislative Public Site including migration of documents and associated hyperlinks.
5.		
6.		
7.		
8.		

### VI. Detailed Requirements

*When documenting detailed level requirements, please consider capturing information related to the following:*

[Reporting Requirements](#)  
[Collateral Needs](#)  
[Training Related Needs](#)  
[Interfaces/Data Sources](#)  
[Output Needs](#)  
[Scalability/Growth](#)  
[Batch Requirements](#)  
[Testing](#)

[Access/Security Admin](#)  
[Data Migration/Retention/Archiving](#)  
[Reoccurring Business activity\(s\)](#)  
[Criticality/Disaster Recovery](#)  
[Outage Impacts/Acceptable Downtime](#)  
[Availability/Hours of Operation \(SLA\)](#)  
[Monitoring /Help Desk Requirements](#)  
[Hardware/Licensing/Procurement Needs\]](#)

\*\* [State Standards](#)

## Detailed Requirements

### A. Data Conversion Requirements

<b>A. Data Conversion Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
<b>DC 01.01</b>	CSF	Imported published Regulations should remain in the format as originally submitted.	
<b>DC 01.02</b>	CSF	Imported published Regulations should be in the appropriate format. The format of the regulations should follow the current structure. For the current structure See <b>VIII. H. Frame Maker Tags &amp; Elements</b> .	
<b>DC 01.03</b>	CSF	Imported Regulations should have Department Tags, Division Tags, and Authority, Existing regulation number, Regulation Type, and Body Tag at the top of each regulation. Follow the specifications in See <b>VIII. H. Frame Maker Tags &amp; Elements</b> .	
<b>DC 01.04</b>	CSF	Any DelCode and Administrative Code or Delaware Register citations in the Body of a Regulation is required to be an active hyperlink to access the DelCode or Administrative Code or Delaware Register that it references.	
<b>DC 01.05</b>	CSF	Special characters (i.e. section symbols, check marks, equations, diagrams, charts and images) maintain integrity when imported.	
<b>DC 01.06</b>	CSF	Data conversion is required from the DTI Web Server volumes 8-current and Lotus Notes DB volumes 1-7 that are currently storing the archived Regulations data in the following formats PDF, HTML, and Text into the new application. Print Shop versions of the Volumes are located in the Legislative Print Shop L drive L\LCGroup\ folders file name "yyyy registers and in the R drive of the RoR R\Register Publication folders are named by volume and the Final published documents are located on the Administrative Code website. All data imported into the solution is required to be located in the Central Table within the Master Index area and accessible for viewing by the user roles.	
<b>DC 01.07</b>	CSF	All Data within the R drive Administrative Code directory will be migrated to the Administrative Code Location.	
<b>DC 1.08</b>		All Data from the Administrative Code website will be imported into the solution as the final for the monthly Register.	

# Detailed Requirements

## B. High Level Requirements

<b>B. High Level Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
HL 01.01	CSF	Ability to increase and decrease font size for viewing purposes only.	
HL 01.02	CSF	Solution should be compatible with all DTI approved browsers and devices.	
HL 01.03	CSF	Solution should be compatible with DTI's supported version of applications i.e. Word.	
HL 01.04	CSF	Ability to extract all documents in a Portable Document Format (PDF) at all stages of the process.	
HL 01.05	CSF	<p>Status within the process will be defined as:</p> <p><b>Draft</b> – When Agency drafts request,</p> <p><b>RoR Review</b> – When Agency submits and the Registrar office is reviewing,</p> <p><b>Agency Review -Pending additional information</b> – When RFA document or Final order is required or when Agency is required to provide clarification and approval of any changes,</p> <p><b>Re-proposal after Publication</b> – When the Agency submits a proposed regulation after a previously published proposal but before the Final submission for publication,</p> <p><b>Rejected</b> – When full document is not accepted,</p> <p><b>Approved for Publication</b>- When Regulation is ready to be digitally published and printed by the Legislative Hall Print Shop.</p> <p><b>Published in Register</b>- When draft is uploaded to website,</p> <p><b>Published in Admin Code</b> – When Final Regulations uploaded to Administrative Code website.</p>	
HL 01.06	CSF	Single Sign On capability for Role based access. The single sign on capability should follow DTI Standards including interacting with IAM (Identity Access Manager) and the state enterprise Single Sign On.	
HL 01.07	CSF	Email notifications will be sent at various times throughout the workflow. Details will be defined in each process.	
HL 01.08	CSF	Notification tracking of sent and receipt notifications for submissions, additional information requests, closure notifications etc.	
HL 01.09	CSF	Document Management is required. The solution must be able to store, manage, version and track electronic documents.	

## Detailed Requirements

HL 01.10	CSF	Version control of all Regulation Requests and supporting documents. Requests and documents will be saved within the Central Table in the appropriate segment. Draft, Active, Inactive. All final submissions published in the Register will be saved in the Central Table in the Master Index Segment. Defined in <b>VII. E. Central Table</b> .	
HL 01.11	CSF	<p>Access to the different interfaces of the application will be Role based –</p> <p><b>Drafter Role</b> – Agency User that has access to Agency Interface with the ability to draft/edit regulations as granted by Agency Coordinator or Agency Submitter Role(s).</p> <p><b>Submitter Role</b>- Agency User that has access to Agency Interface with the ability to draft/ edit, submit regulations, create and run reporting,</p> <p><b>Agency Coordinator Role</b> – Agency User that has access to Agency Interface with the ability to draft/ edit and submit their agency’s regulations, create and run reporting, and create/modify agency user security.</p> <p><b>Read Only Role</b>- Agency user that has Read only access to agency interface and documents as permission is granted,</p> <p><b>Administrator RoR Staff Role</b>– Division User that has full access to all interfaces including user provisioning for agencies, edit for all agencies, run and create reporting.</p> <p><b>RoR Reviewer Role</b> – Division User that has access to review submissions including supporting documents, return to agency with comments and make internal comments.</p>	
HL 01.12	CSF	Submitter role members will be assigned by the agency. The agency may have multiple administrators and drafters. RoR staff will maintain the list of roles for each agency. The Agency Coordinator will have the ability to add, subtract and reassign users to the user role within their agency.	
HL 01.13	CSF	Data conversion is required from the DTI Web Server volumes 8-current and Lotus Notes DB volumes 1-7 that is currently storing the archived Regulations data in the following formats PDF, HTML, Text. Print versions of the Volumes are located in the Legislative Print Shop L drive L\LCGroup\folders file name “yyyy registers and in the R drive of the RoR. Register Publication folders are named by volume. The data will be stored into the new application within the Central Table -Master Index segment.	
HL 01.14	CSF	Status update changes are captured with a date mm/dd/yyyy and military timestamp.	

## Detailed Requirements

<b>HL 01.15</b>	CSF	Ability to easily navigate to all interfaces and archives that the user role allows access to from within each screen.	
<b>HL 01.16</b>	CSF	All Regulation Requests that are sitting at the following status: Draft, Agency Review-Pending Additional Information, and Re-proposal after publication for 12 months with no activity will be automatically changed to the status of Inactive and saved in the Central Table Archive Inactive staging area.	
<b>HL 01.17</b>	CSF	Requires the ability to use a wild card (*) when conducting any searches within the system.	
<b>HL 01.18</b>	CSF	RoR staff requires the ability to edit the content of all Notifications and messaging within the solution.	
<b>HL 01.19</b>	CSF	All links within the interfaces and documents are required to be active and redirect to the appropriate location.	
<b>HL 01.20</b>	CSF	Requires the ability to create additional roles after implementation.	

## Detailed Requirements

### C. Agency Interface Requirements

<b>C. Agency Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
<b>AI 01.01</b>	CSF	Agency must have the ability to submit a request for RoR Review within their interface.	
<b>AI 01.02</b>	CSF	Each regulation request will be given a unique identifier that includes the submission type (identified in the agency Entry screen) then regulation number (if available from Entry screen), Regulation title name (from the Entry Screen) and date mm/dd/yyyy (date submitted). The ability to truncate the Regulation title name as long as hover capability allows the user to view the full file name.	
<b>AI 01.03</b>	CSF	Agency Regulations Entry Screen See <b>VII. Desired Agency Intake Screen.</b>	
<b>AI 01.04</b>	CSF	Each Agency should have a dashboard that will be divided into different sections: Active Regulation Request submitted by that specific user based on login ID, Active Regulation Requests created by their agency, Regulation Requests Pending Additional Information, Regulations Published to Register, Regulation Requests Rejected and Regulations Published to Administrative Code. The fields within these sections should be: Regulation Requests Unique identifier number (which should act as a link to the regulation request within the users working view), regulation title, Regulation type, submitted date, submitted by and status. The dashboard should be searchable and customizable by the Agency if additional fields need to be added or subtracted.	
<b>AI 01.05</b>	CSF	Each Agency Submitter/ Coordinator should have access to their own working view. This view should be searchable and customizable by the user to add or subtract fields. The user should have access to and easily navigate to all interfaces within the solution that their role allows. The working view is where the agency will draft, view, edit and submit, provide additional information for regulation requests. They will have the ability to attach documents, provide comments, create and run reports and submit a withdrawal for all regulation requests.	
<b>AI 01.06</b>	CSF	Submitted Regulations Requests will receive an automatically assigned file name that includes Regulation number title, date mm/dd/yyyy, military time stamp	
<b>AI 01.07</b>	CSF	Ability to view previous versions of regulations created by users within their agency. Allow	

## Detailed Requirements

### C. Agency Interface Requirements

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		search capability by Regulation File Name, Date, and submitter name.	
<b>AI 01.08</b>	CSF	If Type of Submission is Final and the regulation has been updated in the Administrative Code after the issue date (number month and year) of proposed regulation, then a Pop-up message with the following statement will appear "The official language of this regulation in the Administrative Code has changed since the proposed version was published in the Register. Please contact the Registrar of Regulations staff before proceeding with the preparation of the final version for publication."	
<b>AI 01.09</b>	CSF	Agencies must have the ability to request reassignment of the regulatory contact (Agency Coordinator role) information to the RoR staff due to staffing changes. The newly assigned contact will be granted access to all documents created by the original submitter, and be given all the same rights, edit capability and privileges as the original submitter. The request must contain who the original regulatory contact was and who the new contact will be and include their contact information email and phone number.	
<b>AI 01.10</b>	CSF	Email notification must be sent to the RoR staff at <a href="mailto:regulations@delaware.gov">regulations@delaware.gov</a> to notify the RoR staff that a request for reassignment has been made.	
<b>AI 01.11</b>	CSF	Ability to save forms/modifications as a draft within the Central Table Draft Segment. Documents should be labeled as DRAFT until submitted for RoR review then revert to just the regulation file name and saved within the Central table under the Active Segment.	
<b>AI 01.12</b>	CSF	Ability to save forms that have completed the Administrative Procedures Act process and published in the Register within the Master Index and have entered the status of Approved for Publication.	
<b>AI 01.13</b>	CSF	Ability to submit proposed changes to regulations created by users within the same Agency role.	
<b>AI 01.14</b>	CSF	Capture Status of request – i.e. Draft, RoR Review, Agency Review-Pending Additional information, Re-Proposal after Publication, Rejected, Approved for Publication, and Published in Register, withdrawn.	
<b>AI 01.15</b>	CSF	Capture date submitted for every request mm/dd/yyyy and military timestamp.	
<b>AI 01.16</b>	CSF	Capture "submitted by" including first and last name, department, division, and board or commission for every request	

## Detailed Requirements

<b>C. Agency Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
<b>AI 01.17</b>	CSF	Agency must have the ability to withdraw submission when the submission/request is in the following status: RoR review. The Agency will be required to capture the reason for withdrawing the submission before completing the withdraw request.	
<b>AI 01.18</b>	CSF	When a submission/Request is withdrawn the submission/request will return the submission/request back to the Agency Review status. The agency will then have access to make modifications.	
<b>AI 01.19</b>	CSF	Agency must have the ability to resubmit after a submission has been withdrawn from review. Modifications to the submission/request if the Regulation type is proposed or re-proposed should be captured using the following identifiers: New additions to the text should be highlighted and underlined. New images, charts, should be highlighted. Deleted text should be identified as a strike through and Highlighted. Highlighted color should be yellow. Modifications to the submission/request if the Regulation type is Final should be captured using the following identifiers: changes to text within tables, charts will be identified in Highlighted bold and bracketed font. Images, charts, and addition of tables should be highlighted.	
<b>AI 01.20</b>	CSF	Automatic notification is to be sent to the RoR office at <a href="mailto:regulations@delaware.gov">regulations@delaware.gov</a> , Registrar, Assistant Registrar and administrative staff, when a submission is withdrawn. The notification should contain the assigned file name, date, timestamp, reason for the agency withdrawing the submission/request this should be pulled from the mandatory comments field that was completed upon submitting the withdrawal request.	
<b>AI 01.21</b>	CSF	All submissions/request are to be locked once entering the status of RoR Review. The agency is forbidden to alter documents that are not in the status of Draft or Agency Review-Pending Additional Information without submitting a withdrawal Request.	

## Detailed Requirements

### C. Agency Interface Requirements

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
<b>AI 01.22</b>	CSF	When an agency requests to withdraw the document a pop-up window should appear in their active window. The message within the Pop-up window should state "This document is under review by the RoR Staff, withdrawal of this submission will stop the review process. Withdrawal and resubmission after the 15 <sup>th</sup> of the month may affect publication in the next available issue. Do you want to continue? Yes or No" The agency should then have the ability to select yes which will complete the withdrawal process and return the request back to Agency Review or No which would take the agency user back to their active screen and close the Pop up.	
<b>AI 01.23</b>	CSF	Regulatory Flexibility Analysis (RFA) form accessible from the Agency Interface Entry screen. See IX. F. RFA Form	
<b>AI 01.24</b>	CSF	RFA form request should open in a separate window.	
<b>AI 01.25</b>	CSF	The RFA Form must be included for Regulation submission type: Proposed before the submission can be progressed to a status of RoR Review. If the RFA is not included with the request, then a message will appear that states: "The RFA must be completed and submitted with all Proposed Regulations"	
<b>AI 01.26</b>	CSF	Information from the RFA form should be used to generate email notifications for Committee Chairs/Members of the General Assembly. The emails must have the ability to support attachments i.e. PDF, word documents. The Registrar staff will initiate the email notification from the sender's state email address.	
<b>AI 01.27</b>	CSF	Subject line of RFA emails should read:  (insert spelled out month and 4-digit year) RFA – (insert highest level Name of Department, Board or Commission  The Regulatory Transparency and Accountability Acts of 2015, comprised of SBs 113 and 120, were enacted during the 148 <sup>th</sup> General Assembly. Starting January 1 <sup>st</sup> , 2016, the Acts require that agencies, boards, and commissions proposing new regulations or proposing amendments to regulations submit a Regulatory Flexibility	

## Detailed Requirements

### C. Agency Interface Requirements

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		<p>Analysis (RFA) and a Regulatory Impact Statement (RIS) to the Registrar of Regulations with the proposed regulation or amendment.</p> <p>In accordance with 29 Del.C. §10405, the Registrar's Office is required to forward the submitted RFA/RISs to the appropriate standing committees of the General Assembly with oversight responsibilities for legislation affecting that agency, with respect to the potential impact of such proposed regulation upon individuals and/or small businesses.</p> <p>Please find attached the RFA/RIS forms and the corresponding proposed regulations or amendments applicable to your committee that the Registrar's Office has received for the [insert spelled out month and 4-digit year] issue of the Delaware <i>Register of Regulations</i>. This information is also available on the Registrar of Regulations' website at <a href="http://regulations.delaware.gov/">http://regulations.delaware.gov/</a>.</p> <p>Office of the Registrar of Regulations</p>	
<b>AI 01.28</b>	CSF	The agency requires the ability to import published regulations from the Administrative Code in the appropriate format with the ability to modify the verbiage and save as draft.	
<b>AI 01.29</b>	CSF	Agency requires the ability to access a copy of only their agency's regulation.	
<b>AI 01.30</b>	CSF	Agency requires the ability to submit a New Regulation as proposed. The new regulation format should automatically adhere to the Frame Maker formatting Tags and Elements. See VIII. H. Frame Maker Tags & Elements.	
<b>AI 01.31</b>	CSF	Agency requires the ability to generate and save custom reporting. The reports should be easily accessible after creation to be used again. All fields should be reportable. Reports should be saved on the users working view but available by search within the Dashboard.	
<b>AI 01.32</b>	CSF	Agency requires the ability to convert PDF and HTML versions into a Word Document.	
<b>AI 01.33</b>	CSF	Newly created regulations should adhere to the formatting guidance in the Delaware Administrative Code Drafting and Styling Manual	

## Detailed Requirements

### C. Agency Interface Requirements

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		See <b>VIII. G. Delaware Administrative Code Styling Manual</b> .	
<b>AI 01.34</b>	CSF	Newly Created regulations should have Department Tags, Division Tags, and Authority, New regulation number (manually assigned by the RoR Staff), Regulation title, Regulation Type, and Body Tag at the top of each regulation should follow the specifications in <b>VIII. H. Frame Maker Tags &amp; Elements</b> .	
<b>AI 01.35</b>	CSF	Modifications to the official Administrative Code version of the regulation must be tracked with identifying markers. The Markers are as follows: New additions to the text should be underlined. Deleted text should be identified with a strike through.	
<b>AI 01.36</b>	CSF	Changes made to a proposed regulation after it has completed the public notice process and is in the status of Re-proposal after publication are required to be identified as bracketed and bold.	
<b>AI 01.37</b>	CSF	Changes made to re-proposed regulations from the original proposal are required to be highlighted using the unique identifiers. Additions to text, text in tables, and text in charts are to be underlined and deleted text identified by strikethrough. Charts, images, and tables will be highlighted.	
<b>AI 01.38</b>	CSF	Any DelCode, Administrative Code, and Register citation referenced in the Body of any Regulation type is required to be an active hyperlink to access the Delaware Code, Administrative Code, or Register that it is referring to. The Delaware Code is located at <a href="http://delcode.delaware.gov/">http://delcode.delaware.gov/</a> the Register is located at <a href="http://regulations.delaware.gov/default.shtml">http://regulations.delaware.gov/default.shtml</a> , the Administrative Code is located at <a href="http://regulations.delaware.gov/AdminCode/">http://regulations.delaware.gov/AdminCode/</a> .	
<b>AI 01.39</b>	CSF	Regulations title and number should be used as an identifier as to the placement location of the Regulation in the Table of contents for the Print version of the Register.	
<b>AI 01.40</b>	CSF	Agency departments/divisions should be a live hyperlink to the respective URL of the Agency website.	

## Detailed Requirements

<b>C. Agency Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
<b>Requirement #</b>	<b>Priority</b>	<b>Description</b>	<b>Validation Criteria</b>
<b>AI 01.41</b>	CSF	Agency requires the ability to import images, charts, equations, and formulas into each Regulation. They need to be editable by the agency and the RoR.	
<b>AI 01.42</b>	CSF	Agency requires the ability to attach supplemental documents including appendices, applicable images, charts, diagrams and any additional documentation or as an attachment within the interface.	
<b>AI 01.43</b>	CSF	Modifications for imported materials within the regulation are required to be tracked by an identifier. The identifier should be highlighted in a new color assigned by status and regulation type. However, the color can be removed before the regulation is moved to the status Approved for Publication.	
<b>AI 01.44</b>	CSF	Special characters (i.e. check marks,), equations, diagrams, charts and images maintain integrity throughout the process from submission to publishing on the Public interface.	
<b>AI 01.45</b>	CSF	Foot notes numbering should be automatically generated. With the ability for both the agency and the RoR staff to edit. Foot notes should be formatted as follows: Arial, 10-point black Font, plain text, full justification.	
<b>AI 01.46</b>		Proposed or Final Order Notice that accompanies the Regs uploaded as attachment	
<b>AI 01.47</b>		Submission of Errata, Emergency, Proposed, Final, General Notices for Review Process	
<b>AI 01.48</b>		All Register versions must have the following Header Formatting Details – In the event there is a board or commission the 4 <sup>th</sup> line of the header is the Statutory Authority, centered, Arial, 12-point Font. When regulation does not have the board or commission identified then it will have the statutory authority on the 3 <sup>rd</sup> line of the heading.	Also see RR 01.47
<b>AI 01.49</b>		Note contingencies of tracking when regulations is a result of legislation.	
<b>AI 01.50</b>		For proposed submission, do not allow submission unless it includes RFA and Public Notice for Proposed Regulation. For Final Regulation or Emergency submission, do not allow submission unless it includes a Signed Order.	
<b>AI 01.51</b>		Any required fields should provide feedback if the end user bypasses.	

## Detailed Requirements

### D. Registrar of Regulations Interface Requirements

<b>D. Registrar of Regulations Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
RR 01.01	CSF	Ability to view previous Administrative Code from within the Administrative Code archive and any previously published.	
RR 01.02	CSF	Access to the previous version of a regulation pulled from the central table master index segment.	
RR 01.03		RoR requires the need to manually assign the regulation number when the request is received by the RoR.	
RR 01.04	CSF	RoR staff must have the ability to reassign the Regulatory contact/ submitter within a request due to staffing changes. The newly assigned contact will be granted all the same rights and privileges as the original Regulatory contact/Submitter. The new contact name will not over write the previous assigned contact on any previous work.	
RR 01.05	CSF	The RoR would like an Automatic notification of a submission/request withdrawal. This should appear in the active window as a Pop-up notice for the RoR staff when the withdrawal is requested.	
RR 01.06	CSF	If Type of Submission is Final and the regulation has been updated in the Administrative Code after the issue date (number month and year) of proposed regulation, then a flag should be generated identifying this regulation has a potential Administrative Code conflict.	
RR 01.07	CSF	The RoR requires as a dashboard that will be divided into different sections: Newly submitted Active Regulation Request, Active Regulation Requests divided by agency, Regulation Requests Pending Additional Information, Regulations Published to Register, Regulation Requests Rejected and Regulations Published to Administrative Code. The fields within these sections should be: Regulation Requests Unique identifier number (which should act as a link to the regulation request that will open in the RoR staff members working view), Regulation title, Regulation type, submitted date, submitted by, comments and status. The dashboard should be searchable and customizable by the RoR staff if additional fields need to be added or subtracted.	
RR 01.08	CSF	Each RoR staff member requires their own working view. The view should have search capability and be customizable. For functionality needed within the working view see <b>VII. A. RoR Working View</b> .	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
RR 01.09	CSF	All data from the Agency Entry Screen should be available on a separate screen for the RoR Staff to review from within their working view.	
RR 01.10	CSF	When a regulation request enters the status of Rejected or Pending Additional Information by the RoR staff. The RoR staff must provide reasoning within a mandatory comment field as to why the submission/request is being rejected or what additional information is required. That information provided within the mandatory comment field must be shared with the agency within the body of the notification.	
RR 01.11	CSF	When a Regulation request status changes to Approved for Publication, it will automatically send an email notification to the submitter. The notification should read: Subject: Regulation (insert number and name of regulation) Status Update Body:  This Regulation has been reviewed and will be published in the (insert full name of month and year i.e. July 2019) issue of the Delaware Register of Regulations.  Office of the Registrar of Regulations	
RR 01.12	CSF	User groups or DELIS API will be used to generate recipients of notifications i.e. Committee members / submitters within the state via Active Directory.  *Public subscribers will continue to receive and subscribe notifications using the blackboard application	
RR 01.13	CSF	Additional User groups should be created and managed by the RoR office staff.	
RR 01.14	CSF	Ability to provide and received feedback to and from the submitter via an open text comments field. The comment field should have spell check capability and include the name of commenter and the date the comment was submitted in mm/dd/yyyy. Each commenter should have a differentiating color to highlight ownership of the comments.	
RR 01.15	CSF	All comments within the open text comments field should be saved within the request to track progress.	
RR 01.16	CSF	Ability to publish in Hypertext Markup Language (HTML), PDF, and text accessible.	
RR 01.17	CSF	Automatically populate coversheet screen from fields submitted within the Agency Regulations	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		Entry screen see <b>VII. Desired Cover Sheet Entry Screen.</b>	
<b>RR 01.18</b>	CSF	Fields on coversheet should be populated based on the type of submission that is selected. See <b>IX. Submission Forms A. Errata, B Emergency, C. Final, D. General Notice, E. Proposed, F RFA Form.</b>	
<b>RR 01.19</b>	CSF	Ability to generate and send e-mail to groups based upon user role.	
<b>RR 01.20</b>	CSF	Ability to have written internal comments between staff. Not visible to anyone outside of the Regulations team.	
<b>RR 01.21</b>	CSF	Must have the ability to save Regulations and supporting documentation in the Central Table Main index segment.	
<b>RR 01.22</b>	CSF	A list of all published regulations in the Register will be automatically saved in the Central Table within the Cumulative Table Segment with supporting hyperlinks.	
<b>RR 01.23</b>	CSF	RoR staff requires the ability to Flag a Regulation that requires a Signed Final Order to still be submitted.	
<b>RR 01.24</b>	CSF	RoR Staff requires a report that shows all Regulation Request where the flag for Signed Final Order Receipt Required is selected.	
<b>RR 01.25</b>	CSF	RoR requires the ability to manually activate per regulation a reminder message that will be sent to the Submitter when a Signed Final Order Receipt is still required. This will be for all Regulation request where the Signed Final Order Receipt is selected and not fulfilled.	
<b>RR 01.26</b>	CSF	RoR must have the ability to review submissions before saving to repository to confirm documents meet standards	
<b>RR 01.27</b>	CSF	RoR must have the ability to compare any two documents that are selected by the RoR staff. The documents that should be available within this feature for selection are the official current language of the regulation as it appears in the Admin Code, proposed change submission, and any documents contained in the Central table utilizing a split screen display and the ability to display the documents on two different monitors when required.	
<b>RR 01.28</b>	CSF	When comparing documents, the RoR would like the solution to automatically highlight the differences between both documents.	

## Detailed Requirements

<b>D. Registrar of Regulations Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
RR 01.29	CSF	All documents and communications regarding a regulation are to be saved in a secure folder/file relating to that regulation and monthly issue of the Register within the Central Table Archive (accessible to RoR staff only)	
RR 01.30	CSF	Ability to track regulations progress from submission to publish. Tracking environment is divided into Month and year arranged by Fiscal Calendar July – June. Each month is separated into sections. The sections are to be as follows: Errata, Emergency, Proposed, General Notice, Final, Calendar. See <b>VII. F. Regulatory Submission Tracking</b> .	
RR 01.31	CSF	Tracking should contain the following fields: Department, Division/ Contact, Regulation #, Regulation title, Date Submitted, Date Retrieved, Printed by, Confirmation Email Sent by: Individual file, Created By: RFA/ Signed Order	
RR 01.32	CSF	RoR staff requires the ability to generate and save custom reporting and statistics. All fields should be reportable. The reports should be easily accessible after creation to be used again after creation.	
RR 01.33	CSF	RoR staff requires a report that will allow the RoR staff to run a report that tracks the regulation. The report should include Status, Comments, Notifications, and the date submitted, dates of status change, contact and Agency Coordinator.	
RR 01.34	CSF	Must have the ability to Publish the regulations from within the application to the Public Site with associated hyperlinks.	
RR 01.35	CSF	When a regulation is published in the Register a notification with the content of that regulation will be sent to the Agency coordinator. The notification will include a link to the published version that will allow the agency coordinator to view and download the regulation.	
RR 01.36	CSF	RoR requires a Featured Tasks or reminders field that would allow the RoR staff to create a working checklist that captures name of RoR staff that completes the task and the ability to insert date completed. This would generate a reminder 3 days after the document is published in the Register.	
RR 01.37	CSF	The application must create multiple versions and repositories for each of the regulations. Print version which is a PDF to be delivered to the Legislative Hall Print Shop. Digital Online version and an additional Digital Certified Online version to be uploaded as HTML to the webpage:	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		<a href="http://regulations.delaware.gov/services/current_issue.shtml">http://regulations.delaware.gov/services/current_issue.shtml</a> , and a Text version for ADA compliance.	
<b>RR 01.38</b>	CSF	Each monthly issue of the Register must be named with the following naming convention: MonthYear.Book (print), _MonthYeara (online) MonthYearc (certified)	
<b>RR 01.39</b>	CSF	Modifications made by the RoR staff for imported materials are required to be tracked by a yellow highlighted identifier. Which can be removed by the RoR staff before publishing.	
<b>RR 01.40</b>	CSF	When creating the Register versions (Print, digital online version, certified online version, and text version) of the regulations the Department heading should be automatically generated with the Department heading only included in the first regulation when there is more than one regulation per Department.	
<b>RR 01.41</b>	CSF	The division title is to be included on all the regulations for all Register versions.	
<b>RR 01.42</b>	CSF	Page numbering in all Register versions should be cumulative. Page one starts on the cover of the July issue of the current volume. Each issue numbering will begin with the successive number of last pages of the previous issue restarting back at page one every July.	
<b>RR 01.43</b>	CSF	All Register versions must use Arial, 10-point, black font unless otherwise indicated.	
<b>RR 01.44</b>	CSF	All Register versions must have the following Header Formatting Details - Department names must be centered (tagged "DEPARTMENT"). Must use Arial 14 point, black, bold font	
<b>RR 01.45</b>	CSF	All Register Versions must have the following Header Formatting Details - The Division title appears centered on the next line, in Arial 12-point, black, bold initial caps, font.	
<b>RR 01.46</b>	CSF	All Register versions must have the following Header Formatting Details - When a regulation is being promulgated by a board or commission, it is required that the entity be designated on the next (third) line, also centered and in Arial 12 point, black, bold and initial caps font.	
<b>RR 01.47</b>	CSF	All Register versions must have the following Header Formatting Details – In the event there is a board or commission the 4 <sup>th</sup> line of the header is the Statutory Authority, centered, Arial, 12-point Font. When regulation does not have the board or commission identified then it will have the statutory authority on the 3 <sup>rd</sup> line of the heading.	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
<b>RR 01.48</b>	CSF	All Register versions must have the following Header Formatting Details - If the regulation being published currently exists in the Admin. Code, the Admin. Code citation must appear independently on the last line of the heading content, centered, Arial 12-point font.	
<b>RR 01.49</b>	CSF	All Register versions must have the following Header Formatting Details - Regulation type (i.e. Proposed, final, etc.) will be centered after the header with 2 hard returns in between. Arial, 12-Point Font, Black, Bold, All Caps. The Regulation type is to be assigned to the appropriate tagging classification (Regulation) to populate the Table of Contents.	
<b>RR 01.50</b>	CSF	All Register versions must have the following Formatting Details for Proposed Regulations– Proposed regulations are required to be single spaced full justification. the second line must be centered with PUBLIC NOTICE – All caps, Arial, 10-point font,	
<b>RR 01.51</b>	CSF	All Register versions must have the following Formatting Details for Proposed Regulations that require: Double spacing will occur between the last content of the Statutory Authority and the type of regulation (“PROPOSED” -tagged “REGULATION) in Arial 12 point, all caps. This is followed by a double space and the words “PUBLIC NOTICE” in all caps (Arial 10 point). After “PUBLIC NOTICE”, double space again. This line will contain the regulation number (first) and title in bold and centered text (Arial 10-point, initial caps)	
<b>RR 01.52</b>	CSF	All Register versions must have the following Formatting Details for Final Regulations that require: Double spacing will occur between the last content of the Statutory Authority and the type of regulation (“FINAL” -tagged “REGULATION) in Arial 12 point, all caps. This is followed by a double space and the words “ORDER” in all caps (Arial 10-point). After “ORDER”, double space again. This line will contain the regulation number (first) and title in bold and centered text (Arial 10-point, initial caps)	
<b>RR 01.53</b>	CSF	All Register versions must have the following Formatting Details – double spaced, centering the 3 <sup>rd</sup> line tagged Regulation title to auto populate the Table of Contents, regulation number (if assigned) and Regulation title centered, Arial, 10-point font. Hard return 2 times after. The Regulation title is to be assigned to the appropriate tagging	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		classification (REG Title) to populate the Table of Contents.	
<b>RR 01.54</b>	CSF	All Register book version both digital and print need to have a footer on each page after the cover that reads DELAWARE REGISTER OF REGULATIONS, VOL. #, ISSUE #, in all caps the day of the week the first of the month falls on, full name of month in all caps, 1, and the year yyyy. Arial, black, bold, 12 point font, all caps centered. (I.e. DELAWARE REGISTER OF REGULATIONS, VOL.22, ISSUE12, Saturday, June 1, 2019.)  The volume number, issue number, day, month and year will change per issue.	
<b>RR 01.55</b>	CSF	The Text version of the regulation must be in either HTML or RTF (Rich Text Format). This is to allow compliance with ADA by providing the capability for assistive technologies to read it.	
<b>RR 01.56</b>	CSF	For the HTML version, the solution is required to generate a Table of Contents page that includes when applicable Errata, Emergency, Proposed, Final, General Notices (required by Agency) and Calendar (generated by RoR). See <b>VIII. D. Example Index.</b>	
<b>RR 01.57</b>	CSF	The certified Version of the Regulation must follow these formatting details. When publishing an authenticated regulation (Digital) the location of the seal must be on the upper left corner with a .75 left margin. The image should be 1.5 inches wide by 1 inch high and not cover any relevant text.	
<b>RR 01.58</b>	CSF	The Solution must be compatible with the use of the Entrust Token ID or digital signing device to allow the RoR staff to authenticate a regulation with the official Register Seal to enable certification of the regulation.	
<b>RR 01.59</b>	CSF	For the certified version only, the RoR staff has the capability to apply the official electronic certification onto the official legal document before being approved for publishing.	
<b>RR 01.60</b>	CSF	For the Online and certified online version as well as a text copy of each regulation will be published to the following web site: <a href="http://regulations.delaware.gov/services/current_issue.shtml">http://regulations.delaware.gov/services/current_issue.shtml</a> All editing identifiers except for highlighting should remain in place. Links within the document to go to sections of the Admin Code and to the selected Agency.	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
RR 01.61	CSF	For Final Online Version, Ability to review the Final approved Regulations to the official Administrative Code Website once status changes to Approved for Publication. All identifiers are to be approved for removal with the ability to overwrite and then automatically removed and a clean copy of the regulation will be ready to be published to the Administrative Code website. Links within the document to go to sections of the Admin Code and to the selected Agency.	
RR 01.62	CSF	For Final Online Version, Ability to manually publish Final approved Regulations to the official Administrative Code Website once status changes to Approved for Publication. A copy of the regulation will be manually published on the Administrative Code web site <a href="http://regulations.delaware.gov/AdminCode/">http://regulations.delaware.gov/AdminCode/</a> .	
RR 01.63	CSF	For the print version of the regulations, the RoR staff requires the ability to truncate regulations that are over 7 pages in length. If amended text of the Regulation is over 7 pages in length then any additional pages will be removed and the appropriate boiler plate language outlined in VIII. B. Boilerplate Language Monthly Register Chapters will be manually added by the RoR staff.	
RR 01.64	CSF	For the print version of the regulations. Provide ability to store the boiler plate language to allow the RoR staff to select and edit the appropriate text. See <b>VIII. B. Boilerplate Language Monthly Register Chapters</b> .	
RR 01.65	CSF	For the print Register version of the regulations. Provide the ability to add the selected appropriate boiler plate language from the list of boiler plate language to the bottom of the regulation when required.	
RR 01.66	CSF	For the print Register version Pages cannot end with the Division Name, Statutory Authority, public notice and title.	
RR 01.67	CSF	For the print Register version Pages cannot begin with a blank line at the top of the page.	
RR 01.68	CSF	Solution must automatically input two hard returns at the end of each Regulation and the beginning of another.	
RR 01.69	CSF	Print Version should follow the Legislative Hall Print Shop's requested format for margins, numbering and Table of Contents.	
RR 01.70	CSF	The Print version should be in PDF format.	
RR 01.71	CSF	For the print version the Register should be created with the contents in the following order:	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		Cover Page, Information Page (to manually edit each month by RoR staff prior to publication), Table of Contents, Cumulative table (August – June issues only), Errata (if applicable), Emergency (if applicable), Proposed, Final, General Notice (if applicable) and Calendar.	
<b>RR 01.72</b>	CSF	The RoR requires that the Cover page that is located as the first page in both the print and online PDF be an editable template. The RoR staff will have the ability to edit all content including selection and replacement of a cover photo. For format and content see <b>VIII. F. Cover Sheet</b> .	
<b>RR 01.73</b>	CSF	The RoR requires that the information page that is located as the second and third page in both the print and online PDF be an editable template. For format and content see <b>VIII. A. Information Page</b> .	
<b>RR 01.74</b>	CSF	For the print version the PDF must accommodate the ability to allow for the Print Shop to conduct 3-hole drilling while printing. To do so the margins must be set at the Print Shop standards detailed in Requirements RR 01.65 and RR 01.66.	
<b>RR 01.75</b>	CSF	Cover Page and subsequent Odd (right side) pages:  Left margin .75"; right margin .50"; bottom .50" and top .50"	
<b>RR 01.76</b>	CSF	Information (second page) and subsequent Even (left side) pages:  Left margin .50"; right margin .75"; bottom .50" and top .50"	
<b>RR 01.77</b>	CSF	Ability to publish Regulations to the official Regulations Website: <a href="http://regulations.delaware.gov/">http://regulations.delaware.gov/</a> once status changes to Published in Register.	
<b>RR 01.78</b>	CSF	Ability to publish approved Regulations to the official Administrative Code Website: <a href="http://regulations.delaware.gov/AdminCode/">http://regulations.delaware.gov/AdminCode/</a> once status changes to Published in Administrative Code.	
<b>RR 01.79</b>	CSF	All Regulation requests types (except for Calendar of Events or General Notice) enters the status of Published in Register or Published in Administrative Code will automatically generate an email notification that the regulation has been published in the Register or published in the Administrative Code. A link to the content of the	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		published regulation should be included in the notification.	
<b>RR 01.80</b>	CSF	When the status changes to Published in Administrative Code the RoR requires the existing Administrative Code file that is being updated to be automatically archived when a new Administrative Code version of that regulation is published.	
<b>RR 01.81</b>	CSF	RoR staff requires the ability to have a pop-up message notify the user that there has been a change to the official Administrative Code language since the regulation was last published in the Register.	
<b>RR 01.82</b>	CSF	RoR staff requires the ability to import photos for the cover of the Register for photographs and site the photographer of each photograph	
<b>RR 01.83</b>	CSF	In the clean Administrative Code document that has the status of Approved for Publication. The RoR staff requires that a Delaware Register Citation be added. The Citation must reflect the recent publication information where the changes were published in the Register. The citation will be located after the last line of content within a section and must be automatically populated. The only content on that last line will be the Delaware Register citation. After the citation 2 hard returns are required before the next section heading. The format of the Delaware Register citation is required to be as follows: volume number DE Reg. page number (mm/dd/yy) (I.e. 22 DE Reg. 786 (05/01/19)). The provided example indications volume 22 of the Delaware Register on page 786 in the May 2019. If there is a change within a section, a citation with the site link is noted at the bottom of the section and again with the full list of regs citations and the end of the Regulation.	
<b>RR 01.84</b>	CSF	RoR staff requires the ability to preview and edit all versions of the published regulations, and related contents (i.e. Cumulative table, Administrative Code, Register, and Print Shop PDFs) and the ability to verify the formatting before publishing to the respective web sites or submitting to DELIS in the ready for publication segment within the Central table.	

## Detailed Requirements

### ***D. Registrar of Regulations Interface Requirements***

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
<b>RR 01.85</b>	CSF	RoR requests the ability to submit a print request to the Legislative Print Shop through DELIS.	
<b>RR 01.86</b>	CSF	The HTML output is required to match the common look and feel of the current HTML website in use by the RoR staff.	
<b>RR 01.87</b>	CSF	Ability to make an administrative change to the published version of the Administrative Code, with a note in the version that is stored in the archive.	
<b>RR 01.88</b>	CSF	Ability to generate messages to blackboard from within the applications.	

## Detailed Requirements

### E. Table of Contents Interface Requirements

<b>E. Table of Contents Interface Requirements</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
<b>TC 01.01</b>	CSF	A Table of Contents (TOC) is required to be created for the print and online PDF version. For Formatting See <b>VIII. C. Example Table of Contents</b> .	
<b>TC 01.02</b>	CSF	TOC is created during the creation of the Register book this will be done by activating the internal index markers within each individual regulation.	
<b>TC 01.03</b>	CSF	TOC should be printable by the RoR staff before being submitted to the Legislative Print Shop through DELIS.	
<b>TC 01.04</b>	CSF	TOC is required to be populated with the division and title of each Regulation and the page number. See <b>VIII. C. Example Table of Contents</b> .	
<b>TC 01.05</b>	CSF	Page numbers must be automatically reconciled with the Regulation Issue. The page number is determined by where the division name is located in the Register chapter. The page number of the beginning of each Regulation should reconcile with the page number within the issue that it is located.	
<b>TC 01.06</b>	CSF	Page numbers are required to link to the page within the online PDF version when selected.	
<b>TC 01.07</b>	CSF	The centered regulation title above the regulatory text will redirect the user to the corresponding TOC entry.	
<b>TC 01.08</b>	CSF	Chapter titles of the regulation categories must be included in the TOC and appear in All Caps, Bold, Black, Arial, 14 point. The solution should automatically double space before and after each of these chapter titles. Page one chapter titles of the TOC include Errata (if applicable), Emergency, and Proposed. The placement of the final chapter heading is determined by the amount of content on page 1. Page 2 chapter titles include general notices (if applicable) Calendar of events/hearing notices.	

## Detailed Requirements

### F. Central Table Archive Requirement

<b>F. Central Table Archive Requirement</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
<b>CT 01.01</b>	CSF	The fields that will be required in the central table are defined in <b>VII. D. Central Table Master Index Archive</b> .	
<b>CT 01.02</b>	CSF	The Central Table will act as an archive environment for all regulations.	
<b>CT 01.03</b>	CSF	The Central Table can be accessed by the RoR staff, the Agency, and the Agency Coordinator. Privileges will be role based to access the segments within the Central table.	
<b>CT 01.04</b>	CSF	The Central Table will be divided into 6 segments. The segments are Draft, Active, Ready for Publication, Inactive, Master Index, and Cumulative Table. See <b>VII. E. Central Table</b> .	
<b>CT 01.05</b>	CSF	The Draft segment is required to be viewable only by the agency. All documents that are still in draft format will be stored within this segment.	
<b>CT 01.06</b>	CSF	The Active segment is required for Any Regulatory request that is currently active in the Administrative Procedures Act process. This segment is to be viewable by the Agency and the RoR.	
<b>CT 01.07</b>	CSF	The Ready for Publication segment is a staging area before publication that will contain the final chapters that are ready to become part of the Register book. They will contain individual regulation files and other PDF forms and files for the digital version, Text version and printed book creation.	
<b>CT 01.08</b>	CSF	The Inactive segment is required to be the repository for regulatory request and supporting documents that did not complete the Administrative procedures Act process after 12 months of no activity and did not go to final publication. Viewable by the Agency and RoR staff.	
<b>CT 01.09</b>	CSF	The Master Index segment is required to be the repository where all documents, attachments and communications regarding a regulation are to be saved. The Master index is to be secure and only RoR staff will have privileges to this segment. RoR staff will have the ability to organize, create folders, and edit contents of Master index.	
<b>CT 01.10</b>	CSF	The Cumulative Table segment is required to be the repository for the master index list. The table will contain a hyperlinked list of all published contents of the Register. The format of the	

## Detailed Requirements

### F. Central Table Archive Requirement

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
		Cumulative Table must be separated into two sections: staging and production. In both staging and production, the Issues within the repository should be arranged by Fiscal Calendar July – June and volume number. The publication section is for the list of published contents in the Register. The production section is viewable by both RoR staff and the Agency. For content and formatting see <b>VIII. I. Legacy Application Work View</b> - Staging View screen shot, and Production View screen shot	
<b>CT 01.11</b>	CSF	After Regulation publication the cumulative table segment is required to be published to the website and reflect the latest published table of contents listings for each individual regulation in the following categories: Errata, Emergency, Proposed, Final, and General Notice, must include associated hyperlinks, and must be searchable, see elements in CT 01.12	
<b>CT 01.12</b>	CSF	All Segments of the Central Table should be searchable by Date, Keyword Regulation title, Regulation number, Regulation Type, Agency, Volume, Register and include the ability to use a (*) wild card.	

### G. Administrative Code Location Requirements

#### G. Administrative Code Location Requirements

*Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.*

Requirement #	Priority	Description	Validation Criteria
<b>AC 01.01</b>	CSF	The Administrative Code location is required to be the repository for all just published Final Regulations as well as existing official regulations. Published in PDF, text and HTML format.	
<b>AC 01.02</b>	CSF	The Administrative Code should be organized by category and sub categories. See <b>VIII. J. Administrative Code Published to Web</b> .	
<b>AC 01.03</b>	CSF	Privileges to the Administrative Code should be granted as follows: Agency, Agency Coordinator require viewing and download privileges only. RoR staff have viewing, editing, upload and download privileges.	
<b>AC 01.04</b>	CSF	RoR staff requires the ability to search by volume, issue, keyword and wild card.	
<b>AC 01.05</b>	CSF	RoR requires the ability to sort the data within the Administrative Code by Month, Year, modified by and modified date.	

## Detailed Requirements

### H. Public Interaction Requirement

<b>H. Public Interaction Requirement</b>			
<i>Document the detailed requirements needed to satisfy the above high-level requirement and how each will be validated.</i>			
Requirement #	Priority	Description	Validation Criteria
PI 01.01	CSF	Allow public to subscribe to be notified when new Regulations in specific departments are published or it must integrate with blackboard which is how notification to subscribers are currently maintained.	
PI 01.02	CSF	Must provide ADA compliance	
PI 01.03	CSF	Must support APIs	

### I. Web Design Development Requirements

<b>I. Web Design Development Requirements</b>			
<i>The below requirements are to ensure that the presentation of the web application are secure, standard, appealing and accessible. All requirements are mandatory and of a high priority. Significant reasons must be documented and approved if for any reason one or more requirements cannot be met.</i>			
Requirement #	Priority	Description	Validation Criteria
WD 01.01		Design is visually appealing to the specific audiences.	
WD 01.02		Navigation controls are logically placed.	
WD 01.03		Use of standardized Microsoft icons for navigation as much as possible.	
WD 01.04		Use of hotkeys with standard key combinations for all navigation.	
WD 01.05		All tab stops are correct and the system can be tabbed through without using the mouse.	
WD 01.06		Use different style sheets for mobile and print if needed	
WD 01.07		Add Delaware General Assembly CLF headers using the common private folder if possible.	
WD 01.08		Allow fonts to be resizable if possible.	
WD 01.09		Accessibility is 508 compliant if this is a federally funded project. If not, go as close as is reasonable.	
WD 01.10		No use of frames or iframes if possible.	
WD 01.11		Use external CSS stylesheets.	
WD 01.12		Use ALT tags on all of images that are used for links, and blank ALT tags (alt="") for all other images.	
WD 01.13		Use LABELs for form elements.	
WD 01.14		If using JavaScript/Flash, application should fail gracefully when scripting is not available.	

## Detailed Requirements

### I. Web Design Development Requirements

The below requirements are to ensure that the presentation of the web application are secure, standard, appealing and accessible. All requirements are mandatory and of a high priority. Significant reasons must be documented and approved if for any reason one or more requirements cannot be met.

Requirement #	Priority	Description	Validation Criteria
WD 01.15		Make sure text links are available for navigation controls if using flash or flex navigation.	
WD 01.16		Migration of data from existing websites to new public site for <a href="http://regulations.delaware.gov/">http://regulations.delaware.gov/</a> and <a href="http://regulations.delaware.gov/AdminCode/">http://regulations.delaware.gov/AdminCode/</a>	
WD 01.17		Must Support RSS Feeds	
WD 01.18		Must Support JSON Feeds	

### J. Secure Software Development Requirements

#### J. Secure Software Development Requirements

The below requirements are to insure that software is developed in a secure and standard manner. All requirements are mandatory and of a high priority. Significant reasons must be documented and approved if for any reason one or more requirements cannot be met.

Requirement #	Priority	Description	Validation Criteria
SC 01.01		A proper mechanism to countermeasure common injection attacks should be evaluated and/or built into the application if it collects user input data.	
SC 01.02		A proper mechanism to countermeasure common Cross Site Scripting (XSS) attacks should be evaluated and/or built into the application if it collects user input data.	
SC 01.03		A proper mechanism on authentication, authorization, and session management should be evaluated and/or built into the application if it requires authentication and involves non-public data.	
SC 01.04		A proper mechanism allowing direct object references should be evaluated and/or built into the application to prevent unauthorized access to these objects.	
SC 01.05		A proper mechanism to countermeasure common Cross Site Request Forgery (XSRF) attacks should be evaluated and/or built into the application when needed.	
SC 01.06		A proper mechanism restricting URL access should be evaluated and/or built into the application to prevent unauthorized access to restricted pages.	
SC 01.07		Sensitive data at rest should be stored securely.	

## Detailed Requirements

### **J. Secure Software Development Requirements**

The below requirements are to insure that software is developed in a secure and standard manner. All requirements are mandatory and of a high priority. Significant reasons must be documented and approved if for any reason one or more requirements cannot be met.

Requirement #	Priority	Description	Validation Criteria
<b>SC 01.08</b>		Sensitive data in transit should be protected securely.	
<b>SC 01.09</b>		A proper error handling mechanism should be built into the application to capture all exceptions. The messages displayed to end users should not give any indication of internal system states and structures.	
<b>SC 01.10</b>		A proper logging mechanism should be built into the application to capture all security related events.	
<b>SC 01.11</b>		A proper mechanism to countermeasure buffer overflow attacks should be evaluated and/or built into the application when necessary.	
<b>SC 01.12</b>		<a href="#">DTI Web Application Security Standard</a> must be followed.	
<b>SC 01.13</b>		A proper mechanism should be built in to scan uploaded files for viruses.	

## Detailed Requirements

### K. Data

<b>K. Data</b>						
<i>Please provide as much information as possible about the data contained in this system. The Data Classification must align with the categories in the State Standard. The information listed here should correspond to relevant information in the process diagrams. Sources referenced here should be listed in the Interfaces/Data Sources table.</i>						
NAME	DESCRIPTION	TYPE	CLASSIFICATION	CRITICALITY	SOURCES	FORMAT
<i>Short name or description of the data group or element.</i>	<i>Provide a general description of what this data is, what it is used for.</i>	<i>Is this Customer information, Financial, Health, Environmental</i>	<i>How sensitive is this data? Public, Confidential, Secret, Top Secret</i>	<i>What is the criticality of this data? Vital, reference only?</i>	<i>What is the source of this data (from Interfaces table)</i>	<i>Is this data in Oracle, DB2, SQL Server, Access DB</i>

### L. Usage

<b>L. Usage</b>				
<i>Please provide as much information as possible about who will be using the data and how they will be using it. Data referred to here should be listed in the Data Table.</i>				
WHO NEEDS ACCESS	DATA	HOW OFTEN	REASON	ACCESSED FROM
<i>Who needs access to the data? This can refer to a specific group of people. Specific names not required.</i>	<i>What data do they need access to? (From Data table)</i>	<i>How frequently do they need to access the data?</i>	<i>Why do they need access to the data, How will the data be used?</i>	<i>Where will they access the data from?</i>
RoR	Committee Membership	When needed	To notify Committee Chari/members of regulatory changes contingent of legislation	DELIS
DTI	Regulatory Changes	Monthly	Notification to Public Integrity Commission Application (PIRS)	Internet

## Detailed Requirements

### M. Interfaces/Data Sources

#### M. Interfaces/Data Sources

Will the application need to communicate or interface with any external systems? Please indicate who and/or what the interface is. It may be outside of the state, outside of the application, outside of the organization or inside the state/application/organization. Indicate what the purpose of the interface is, i.e., to send data for reporting, or to retrieve data. Sources referenced in the data table should correspond to the interfaces listed here. Data referenced in this table should be listed in the Data table.

APPLICATION NAME	DESCRIPTION	INBOUND/OUTBOUND	TYPE (BATCH/ONLINE)	DATA ELEMENT(S)	VOLUME	FREQUENCY (HOURLY, DAILY, ETC.)	TECHNOLOGY
<i>What is the name of the interface?</i>	<i>Short description of the interface.</i>	<i>Will data come in to or go out of the application through this interface?</i>	<i>Is this a batch interface, or real time?</i>	<i>What data is sent or received in this interface?</i>	<i>Approximately how much data will go through this interface?</i>	<i>How often will data be sent through this interface?</i>	<i>Language, Tool, API used for the interface.</i>
DELIS	Delaware Legislative Information Systems	INBOUND from DELIS	Online in Real time	Committee Memberships Records	Less than 1GB	At the beginning of a GA or with the change of committee membership	API
PIRS	The regulatory data is needed by the Public Integrity Commission to fulfill its mission regarding lobbyists	OUTBOUND to PIRS	Batch	Title, Link, Description, PubDate, GA Session	All regulations	Hourly or more often (Note batch is sent monthly)	JSON
Blackboard	Changes to specific regulations (including URLs) are sent to subscribers	OUTBOUND to Blackboard	Batch	Agency, Division, Title, URL to changed regulation		Monthly	API

## Detailed Requirements

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### VII. Desired Design/Functionality Details

#### A. RoR Working View

- All Data collected in that Agency Entry Screen including attachments should be accessible and if needed imported into the RoR working view
- Available Reports should be accessible and able to be ran from within the RoR working view.
- Ability to create reports should be accessible from within the RoR working view.
- Ability to capture notes and view notes from other RoR staff should be available from within the RoR working view.
- Ability to view notices from Agency Coordinators or submitters should available from within the RoR working view.
- All Regulation requests should be accessible from within the working view.
- Ability to open and actively work within a submitted Regulation Request within the RoR view
- Ability to compare Documents within the RoR view
- Ability to access the tracking environment within the RoR view.
- Ability to view withdrawal notifications from within the RoR working view.
- Ability to create the monthly Register from within the RoR working view.
- Ability to publish the monthly Register from within the RoR working view.
  - For Website
  - For Print
- Ability to publish to the Administrative Code website from within the RoR working view.
- Ability to certify the Regulations from within the RoR working view.
- Ability to access the Central Table Archive

## Detailed Requirements

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### ***B. Desired Agency Intake Screen***

Time and Date stamp when submitted

Submitter Name (Free text or user table) drop down, with ability to search Mandatory Field

Department (possible drop down) Mandatory Field

Division (possible drop down with the ability to over write with free text) Mandatory Field

Agency, Board or Commission (possible drop down) Mandatory Field \*See VIII. E. Board/Section: Drop Down Menus for Errata Cover Sheet

Regulation number (Manually open text field) (Mandatory field) with option to choose new or no number  
\* For New Regulations ROR Will assign regulation number at this point

Regulation Name/title (Free text) Mandatory

Statutory Authority (Free Text) Mandatory

Comment field

#### **Agency Contact information (Section title, No data input)**

- Contact Name 1 (Open text field, Mandatory)
- Email address (Open text field, Mandatory)
- Phone number (Open text field, Mandatory)
  
- Contact Name 2 (Open text field, Mandatory)
- Email address (Open text field, Mandatory)
- Phone number (Open text field, Mandatory)

#### **Type of Submission (possible drop down)**

- Calendar of Events
- Emergency
- Errata
- Final
- General Notice
- Proposed
- Re-proposed

If Final is selected and the regulation has been updated in the Administrative Code after the issue date (number month and year (third bullet point below)) of proposed regulation, then a Pop-up message stating that “The official language of this regulation in the Administrative Code has changed since the proposed version was published in the Register. Please contact the Registrar of Regulations staff before proceeding with the preparation of the final version for publication.” will appear.

**Required Final Order/Regulation information (Section title, No data input) (only appear if Final is selected as the type of submission) Add help text: This information is mandated per the Administrative Procedures Act Delaware Code 29 Del.C. §10118(b)(1)-(7) (that links to the Delaware Code).**

- Effective Date of order and regulations (Calendar Picker)

## Detailed Requirements

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- Volume ([Open text field, Mandatory](#))- on cover sheet
- Issue – Number, Month and Year ([Open text field, Mandatory](#)) – on cover sheet
- Page of proposed publications ([Open text field, Mandatory](#)) – on cover sheet
- Effective Date of Amendments ([Calendar Picker](#))
- Please provide a brief summary of the evidence and information submitted
- A brief summary of the findings of fact
- Signed Final Order
- Link to Delaware Code for reference.

Is a Public Hearing Required ([possible drop-down](#)),

- Yes
- No

If yes, then the following Information will be required:

- Contact Name 1 ([Open text field, Mandatory](#))
- Email ([Open text field, Mandatory](#))
- Contact Name 2 ([Open text field](#))
- Email ([Open text field, mandatory if Name 2 is populated](#))
- Comment Period End date ([Calendar Picker, with the ability for ROR to over write](#)) mandatory

Are you amending a previously published Regulation? ([possible drop-down](#))

- Yes
- No

If yes, drop down per Agency/Department a list of Published Regulations

- Upon selection import editable view of Regulations
  - Underline if new text is added
  - Strike through if deleting text

Attaching Submission documents ([drop down](#))

- Yes

If yes: then documents must be submitted

- RFA/RFI FORM ([possible link to the form](#))
  - Signed Final Order ([only if Final is the submission type](#))
  - Regulatory Document template ([not sure what the format will look like](#))
  - Proposed or General Public Notice
- No

If No, [is selected a pop-up message will notify the submitter with the following content \(for Proposed\)](#):  
The submission process cannot proceed until the complete RFA form and Public Notice is attached.  
This is mandated by Delaware Code 29 Del.C. Section10405

## Detailed Requirements

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### ***C. Desired Cover Sheet Entry Screen***

Header line one: DELAWARE REGISTER OF REGULATIONS (Center Justified, Arial text, Bold, 14 font)

Header line two: \_\_\_\_\_ REGULATION SUBMISSION FORM (Center Justified, Arial text, Bold, 14 font) (blank filled in by type of submission selected on entry screen)

Is this regulation exempt from the A.P.A.? (To be filled out by ROR and shown only when ERRATA, Emergency, and Final submission is selected)

Yes

No

Time/Date stamp when submitted: (Pulled from the Agency entry screen)

Submitter Name: (Pulled from the Agency entry screen)

Department (Pulled from the Agency entry screen)

Division (Pulled from the Agency entry screen) (with the ability to over write with free text)

Board/Commission/Section: (Pulled from the Agency entry screen)

Type of Submission: (Pulled from the Agency entry screen)

Regulation Number: (Populated from Agency entry screen, for all submission types except for General Notice)

Regulation Name/title: (Populated from Agency entry screen, for all submission types except for General Notice)

Regulation to be published in the Issue of the Register: (Show when Proposed or General Notice submission are selected only)

Month (drop down, Mandatory, pulled from entry screen)

Year (drop down, Mandatory, pulled from entry screen)

To be published as an emergency regulation in the Issue of the Register: (Show when Emergency submission is selected only)

Month (drop down, Mandatory, pulled from entry screen)

Year (drop down, Mandatory, pulled from entry screen)

Proposed in the issue of the Register on Page: (show when ERRATA and Final Regulation is selected only)

Month (drop down, pulled from entry screen)

Year (drop down, pulled from entry screen)

Page of publication: (Pulled from entry screen)

To be published as final in the issues of the Register: (show when ERRATA and Final Regulation is selected only)

Month (drop down, pulled from entry screen)

Year (drop down, pulled from entry screen)

Contact

Name 1 (Pre-populated from entry screen)

Email 1 (pre-populated from entry screen)

Name 2 (pre-populated from entry screen)

## Detailed Requirements

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Email 2 (pre-populated from entry screen)

**Public Comments** (Section title, No data) (only shows when Proposed submission is selected)

### Contact

Name 1 (Pre-populated from entry screen)

Email 1 (pre-populated from entry screen)

Name 2 (pre-populated from entry screen)

Email 2 (pre-populated from entry screen)

**Public Comment Period Ends** (Section title, No data) (only shows when Proposed submission is selected)

Month (pulled from entry screen)

Year (pulled from entry screen)

**Comments:** (Open Text, Free form)

**Attached Documents:** (Pulled from Agency Entry Screen)

## Detailed Requirements

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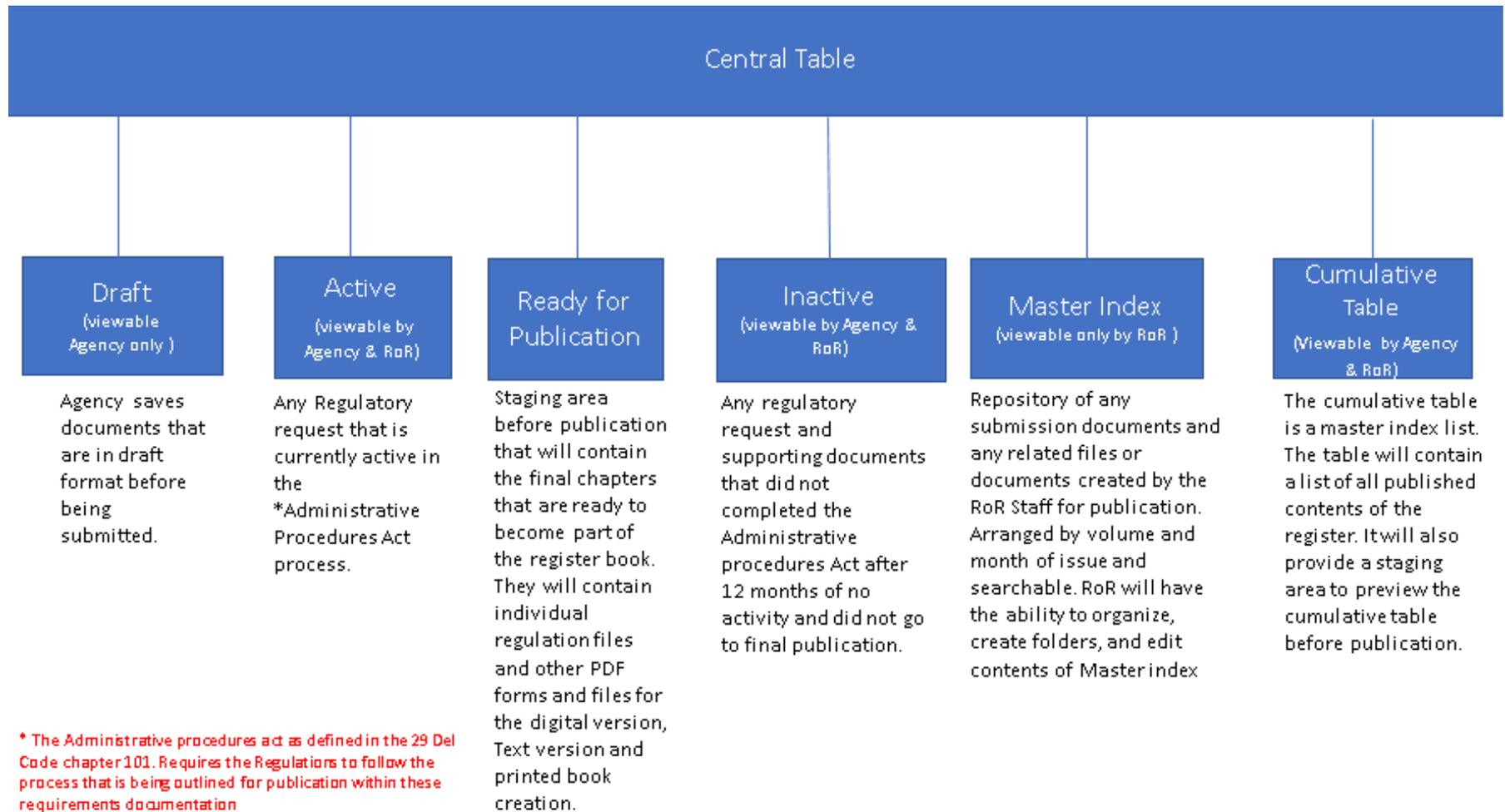
### ***D. Central Table Master Index Archive***

Regulations within the Central Table Archive will be arranged in alphabetical order based on department/ Title Input fields

- Department – Pulled from the Agency Intake screen
- Division - Pulled from the Agency Intake screen
- Board - Pulled from the Agency Intake screen
- File name – Pulled from the ROR Screen
- Regulation Number - Pulled from the Agency Intake screen
- Title - Pulled from the Agency Intake screen
- Volume - Pulled from the Agency Intake screen
- Page Number Pulled from the Regulation
- Type of Regulation - Pulled from the Agency Intake screen
- Date – Automatically generated and time stamped using mm/dd/yyyy
- Cumulative Index number: example (11 DE REG. 1237(03/01/2008) Final - Pulled from the Cumulative table.
- URL to locations of the regulation within the Administrative Code website:  
<http://regulations.delaware.gov/AdminCode/>
- Comments field -Pulled from the ROR screen
- Parent Regulation –Pulled from the Agency Intake screen
- Public Comments Section - Pulled from the Agency Intake screen
  - Commenting Time frame
    - 30 days
    - More than 30 days
- Contact Person 1 - Pulled from the Agency Intake screen
- Contact Person 1 email - Pulled from the Agency Intake screen
- Contact Person 2 - Pulled from the Agency Intake screen
- Contact Person 2 email. - Pulled from the Agency Intake screen

## Detailed Requirements

### E. Central Table



# Detailed Requirements

## F. Regulatory Submission Tracking

### REGULATORY SUBMISSION TRACKING: DECEMBER 2019

DEPT.	DIV./Contact	REG. #:	REGULATION TITLE <i>(notes in red)</i>	DATE SUBMITTED:	DATE RETRIEVED:	PRINTED BY:	CONFIRMA-TION EMAIL SENT BY:	IND. FILE CREATED BY:	RFA/Signed Order
<b>ERRATA</b>									
<b>EMERGENCY</b>									
<b>PROPOSED</b>									
EDUCATION	Off. of the Secretary: Tina Shockley	251	Family Educational Rights and Privacy Act (FERPA)	11/14/2019	11/15/2019	VS	VS	VS	Y
	Off. of the Secretary: Tina Shockley	877	Tobacco Policy	11/14/2019	11/15/2019	VS	VS	VS	Y
	Prof. Stds. Board: Linnea Bradshaw	1521	Elementary Teacher	11/15/2019	11/15/2019	VS	VS	VS	Y
DHSS	Div. of Medicaid and Medical Assistance: Nicole Cunningham	19-025	Drug Utilization Review Program (DUR)	10/28/2019	10/28/2019	VS	VS	VS	Y
	Div. of Medicaid and Medical Assistance: Nicole Cunningham	19-049	DSSM 80000 Authorization and Regulation of Medicaid/CHIP Accountable Care Organizations	11/13/2019	11/14/2019	VS	VS	VS	Y

## Detailed Requirements

	Div. of Public Health: Alanna Mozeik	4202	Control of Communicable and Other Disease Conditions	11/5/2019	11/5/2019	VS	VS	VS	Y
	Div. of Public Health: Alanna Mozeik	4458	State of Delaware Food Code	11/13/2019	11/13/2019	VS	VS	VS	Y
	Div. of Public Health: Alanna Mozeik	4470	State of Delaware Medical Marijuana Code	11/15/2019	11/15/2019	VS	VS	VS	Y
INSURANCE	Off. of the Commissioner: Leslie Ledogar	802	Delaware Workplace Safety Regulation	11/15/2019	11/18/2019	YWS	YWS	VS	Y
DNREC	Div. of Air Quality: Theresa Newman	1124	Control of Volatile Organic Compound Emissions	11/14/2019	11/14/2019	VS	VS	VS	Y
DSHS	Div. of State Police: Ashley Bauguess	1300	Board of Examiners of Private Investigators & Private Security Agencies	11/13/2019	11/13/2019	VS	VS	VS	Y
STATE	Div. of Prof. Reg.: Danielle Cross	2900	Real Estate Commission	11/14/2019	11/14/2019	VS	VS	VS	Y
STATE	Div. of Prof. Reg.: Danielle Cross	2925	Real Estate Commission Education Committee	11/14/2019	11/14/2019	VS	VS	VS	Y
	Public Service Commission: Matt Hartigan	3007	Electric Service Reliability and Quality Standards	10/23/2019	10/23/2019	VS	VS	VS	Y
<b>FINAL</b>									
EDUCATION	Off. of the Secretary: Tina Shockley	718	Health Examinations for Employees of School	11/14/2019	11/15/2019	VS	YWS	YWS	Y

## Detailed Requirements

		Districts, Charter Schools, and Alternative Programs							
	Off. of the Secretary: Tina Shockley	805	The School Health Tuberculosis (TB) Control Program	11/14/2019	11/15/2019	VS	VS	YWS	Y
	Off. of the Secretary: Tina Shockley	930	Supportive Instruction (Homebound)	11/14/2019	11/15/2019	VS	YWS	YWS	Y
DHSS	Delaware Health Care Commission: Gabriela Kejner		Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund	10/16/2019	10/16/2019	VS	VS	VS	Y
	Div. of Medicaid and Medical Assistance: Nicole Cunningham	19-042	Title XIX Medicaid State Plan - Telehealth Services Originating Site Fees	10/30/2019	10/30/2019	VS	VS	VS	Y
	Div. of Medicaid and Medical Assistance: Nicole Cunningham	19-044	Title XIX Medicaid State Plan - Prescribed Drugs - Obesity Drugs	10/30/2019	10/30/2019	VS	VS	VS	Y
	Div. of Medicaid and Medical Assistance: Nicole Cunningham	19-045	Title XIX Medicaid State Plan - Excluded Earnings of Temporary Census Workers	10/30/2019	10/30/2019	VS	VS	VS	Y
DSHS	Div. of State Police: Ashley Bauguess	1300	Board of Examiners of Private Investigators & Private Security Agencies	11/13/2019	11/13/2019	VS	VS	VS	Y

## Detailed Requirements

STATE	Div. of Historical & Cultural Affairs: Gwen Davis	901	Historic Preservation Tax Credit Program	11/15/2019	11/18/2019	YWS	YWS	YWS	Y
<b>GEN. NOTICES</b>									
DNREC	Div. of Air Quality: Theresa Newman		Decommissioning Stage II Vapor Recovery Systems and Requiring Stage I Enhanced Vapor Recovery Systems at Gasoline Dispensing Facilities	11/14/2019	11/14/2019	VS	VS	VS	N/A
	Division of Watershed Stewardshp: Elaine Webb		Regulatory Guidance Memorandum RGM-1 Supporting Regulation 5101 Sediment and Stormwater Regulations	11/7/2019	11/7/2019	VS	VS	VS	N/A
	Off. of the Secretary: Michelle Jacobs		Coastal Zone Act ("CZA") Conversion Permit Applications, CZA Conversion Permit Modifications, and CZA Conversion Permittees	11/15/2019	11/15/2019	VS	VS	VS	N/A
<b>CALENDAR</b>									
D.R.B.C.	D.R.B.C.: Pamela Bush		Notice of Public Hearing and Business Meeting	10/4/2019	10/4/2019	VS	VS	VS	N/A

### VIII. Supporting Artifact Examples

#### A. Delaware Regulations Information

##### DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
- Governor's Appointments
- Agency Hearing and Meeting Notices
- Other documents considered to be in the public interest.

##### CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number and date. An example would be:

19 **DE Reg.** 1100 (06/01/16)

Refers to Volume 19, page 1100 of the *Delaware Register* issued on June 1, 2016.

##### SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Research at 302-744-4114 or 1-800-282-8545 in Delaware.

##### CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency

## Detailed Requirements

for advance notice of its regulation-making proceedings.

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action of an agency with respect to the making or consideration of a proposed adoption, amendment or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of such regulation may be reviewed by the Court as a defense in the action.

Except as provided in the preceding section, no judicial review of a regulation is available unless a complaint therefor is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

### CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
June 1	May 15	4:30 p.m.
July 1	June 17	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 15	4:30 p.m.
October 1	September 16	4:30 p.m.

### DIVISION OF RESEARCH STAFF

**Mark Brainard**, Joint Legislative Oversight & Sunset Committee Analyst; **Mark J. Cutrona**, Deputy Director; **Deborah Gottschalk**, Legislative Attorney; **Robert Lupo**, Graphics and Printing Technician IV; **Colinda Marker**, Executive Assistant; **Amanda McAtee**, Joint Legislative Oversight & Sunset Committee Analyst; **Kathleen Morris**, Office Manager; **Nathan Poore**, Graphics and Printing Technician I; **Victoria Schultes**, Administrative Specialist III; **Don Sellers**, Print Shop Supervisor; **Yvette W. Smallwood**, Registrar of Regulations; **Amy Tricarico**, Administrative Specialist II; **Holly Wagner**, Legislative Attorney; **Natalie White**, Administrative Specialist III; **Sara Zimmerman**, Legislative Librarian.

- Items highlighted in yellow are items that will change monthly and be manually updated by the RoR staff.

## Detailed Requirements

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### ***B. Boiler Plate Language (Monthly Register Chapters)***

#### **BOILERPLATE LANGUAGE**

##### **REGULATORY FLEXIBILITY ANALYSIS**

\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<http://regulations.delaware.gov/register/march2016/proposed/19 DE Reg XXXRFA 03-01-16.pdf>

##### **REGULATORY FLEXIBILITY ANALYSIS (WITH OTHER BOILERPLATE LANGUAGE)**

\*Please Note:

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<http://regulations.delaware.gov/register/march2016/proposed/19 DE Reg XXXRFA 03-01-16.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<http://regulations.delaware.gov/register/march2016/proposed/19 DE Reg XXX 03-01-16.htm>

##### **EXAMPLE OF REGULATION AVAILABLE AS A PDF**

An authenticated PDF version of the Standards and Regulations for Subdivision Streets and State Highway Access is available here:

<http://regulations.delaware.gov/register/december2007/final/DeIDOT Standards and Regulations.pdf>

##### **EXAMPLE OF NO CHANGES FROM PROPOSED**

\*Please note that no changes were made to the regulation as originally proposed and published in the January 2012 issue of the *Register* at page 956 (15 DE Reg. 956). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<http://regulations.delaware.gov/register/march2012/final/15 DE Reg XXX 03-01-12.htm>

\*Please note that no additional changes were made to the regulation as originally proposed and published in the July 2013 issue of the *Register* at page 275 (17 DE Reg. 275). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<http://regulations.delaware.gov/register/march2012/final/15 DE Reg XXX 03-01-12.htm>

##### **EXAMPLE OF PROPOSED REGULATION NOT BEING ADOPTED AS FINAL**

\*Please Note: As the proposed amendments, published in the June 2014 issue of the *Register* at page 1161 (17 DE Reg. 1161) are not being adopted, they are not being published. A copy of the text from the proposed amendment is available at:

<http://regulations.delaware.gov/register/february2015/general/18 DE Reg XXX 02-01-15.htm>

##### **EXAMPLE OF ONLY A PORTION OF PROPOSED CHANGES BEING FINALIZED**

\*Please note that no changes were made to Sections 7.0, 8.0, 9.0, 12.0, and 13.0 of the regulation as originally proposed and published in the December 2017 issue of the *Register* at page 480 (21 DE Reg. 480). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<http://regulations.delaware.gov/register/march2018/final/21 DE Reg 732 03-01-18.htm>

##### **EXAMPLE OF REGULATION TOO LARGE FOR HARDCOPY BOOK:**

\*Please Note: Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

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<http://regulations.delaware.gov/register/december2007/proposed/11 DE Reg XXX 12-01-07.htm>

An authenticated PDF version of the regulation is available at:

<http://regulations.delaware.gov/register/december2007/proposed/11 DE Reg XXX 12-01-07.pdf>

\*Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:

<http://regulations.delaware.gov/register/march2014/proposed/17 DE Reg XXX 03-01-14.htm>

### EXAMPLE OF LIMITED SECTIONS BEING AMENDED:

\*Please Note: As the rest of the sections were not amended, they are not being published. A complete set of the rules and regulations for the Board of Dentistry is available at:

<http://dpr.delaware.gov/boards/dental/index.shtml>

### EXAMPLE OF REGULATION THAT IS TOO LARGE TO PUBLISH

\*Please Note: Due to the size of the proposed regulation, it is not being published here. To obtain a copy, contact either the Department of Public Health or the Registrar's Office.

PDF Version (Adobe Acrobat Reader required)

HTML Version

### EXAMPLE OF DEPARTMENT AND DIVISION—DNREC

## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF AIR AND WASTE MANAGEMENT

### EXAMPLE OF DEPARTMENT ONLY—INSURANCE

## DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Sections 311, 333, 6408 (18 Del.C. §§311, 2501, 2304(15)(c) & 2312)  
18 DE Admin. Code XXX

### EXAMPLE OF DEPARTMENT ONLY--DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

## DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

Statutory Authority: 25 Del.C. §7011(f) and 7013(c)(2)

### EXAMPLE OF DEPARTMENT ONLY--DELAWARE RIVER BASIN COMMISSION

## DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

PROPOSED

Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters

### EXAMPLE OF DEPARTMENT AND DIVISION--AGRICULTURE, Harness Racing

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### DEPARTMENT OF AGRICULTURE

#### HARNESS RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10005 (3 **Del.C.** §10005)  
3 **DE Admin. Code** XXX

EXAMPLE OF DEPARTMENT AND DIVISION--EDUCATION, Professional Standards Board

### DEPARTMENT OF EDUCATION

#### PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))  
14 **DE Admin. Code** XXX

EXAMPLE OF DEPARTMENT AND DIVISION--STATE, Professional Regulation

### DEPARTMENT OF STATE

#### DIVISION OF PROFESSIONAL REGULATION

##### 500 Board of Podiatry

Statutory Authority: 24 Delaware Code, Section 506(a)(1) (24 **Del.C.** §506(a)(1))  
24 **DE Admin. Code** 500

EXAMPLE OF DEPARTMENT AND DIVISION--DHSS, Public Health

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122 (3)(t) (16 **Del.C.** §122 (3)(t))  
16 **DE Admin. Code** XXXX

EXAMPLE OF DEPARTMENT AND DIVISION WITH SECTION--LABOR, Industrial Affairs

### DEPARTMENT OF LABOR

#### DIVISION OF INDUSTRIAL AFFAIRS

##### Health Care Advisory Panel

Statutory Authority: 19 Delaware Code, Section 202(a) (19 **Del.C.** §202(a))

APPLICATION OR FORM IS PUBLISHED (THAT IS NOT REGULATORY):

\* Please Note: The application is available in PDF format at the following link:

[http://regulations.delaware.gov/register/may2009/proposed/12 DE Reg 1362 05-01-09.htm](http://regulations.delaware.gov/register/may2009/proposed/12%20DE%20Reg%201362%2005-01-09.htm)

REG TOO LARGE FOR HARDCOPY BOOK:

\*Please Note: Due to the size of the proposed regulation, it is not being published here. A copy of the Regulation is available at:

[http://regulations.delaware.gov/register/october2007/proposed/11 DE Reg XXX 10-01-07.htm](http://regulations.delaware.gov/register/october2007/proposed/11%20DE%20Reg%20XXX%2010-01-07.htm)

EXAMPLE OF NO CHANGES FROM PROPOSED

\* Please note that no changes were made to the regulation as originally proposed and published in the August 2007 issue of the *Register* at page 121 (11 DE Reg. 121). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

[http://regulations.delaware.gov/register/october2007/final/11 DE Reg XXX 10-01-07.htm](http://regulations.delaware.gov/register/october2007/final/11%20DE%20Reg%20XXX%2010-01-07.htm)

EXAMPLES OF PARTIAL PUBLICATION

## Detailed Requirements

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\*Please Note: As the rest of the sections were not amended since the proposal in the March 2009 *Register*, they are not being published here. A complete copy of the final regulation is available at:  
[http://regulations.delaware.gov/register/may2009/proposed/12 DE Reg \\_\\_\\_ 05-01-09.htm](http://regulations.delaware.gov/register/may2009/proposed/12 DE Reg ___ 05-01-09.htm)

EXAMPLE OF PARTIAL PUBLICATION FOR REGS NOT PART OF A COMPLETE SET ON THE ADMIN.  
CODE ONLINE:

\*Please Note: As the rest of the sections were not amended since the proposal in the March 2007 issue, they are not being published here. Please refer to the March 2007 *Register*, page 1405 (10 DE Reg. 1405) or contact the Division of Fish and Wildlife for more information.

EXAMPLE OF REGULATION THAT IS TOO LARGE TO BE PUBLISHED

\*Please Note: Due to the size of the proposed regulation, it is not being published here. To obtain a copy, contact either the Department of Public Health or the Registrar's Office.

PDF Version (Adobe Acrobat Reader required)

HTML Version

*(Break in Continuity of Sections)*  
*(Break in Continuity Within Section)*

### DEPARTMENT OF AGRICULTURE

#### Nutrient Management

Statutory Authority: 3 Delaware Code,  
Section 2221 (3 Del.C. 2221)

PUBLIC NOTICE

### DEPARTMENT OF EDUCATION

#### Office of the Secretary

Statutory Authority: 14 Delaware Code,  
Section 1220(a) (14 Del.C. §1220(a))  
14 DE Admin. Code 101

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### Division of Public Health

Statutory Authority: 16 Delaware Code,  
Section 122(3)c (16 Del.C. §122)(3)c, §7906)

PUBLIC NOTICE

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### Division of Medicaid and Medical Assistance

Statutory Authority: 31 Delaware Code,  
Section 512 (31 Del.C. §512)

PUBLIC NOTICE

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

#### Division of Social Services

Statutory Authority: 31 Delaware Code,

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Section 512 (31 **Del.C.** §512)

### PUBLIC NOTICE

#### **DEPARTMENT OF STATE**

##### **Division of Professional Regulation**

1400 Board of Electrical Examiners

24 **DE. Admin. Code** 1400

Statutory Authority: 24 Delaware Code,  
Section 1406(a)(1) (24 **Del.C.** §1406(a)(1))

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#### **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

##### **Division of Air and Waste Management**

Statutory Authority: 7 Delaware Code,  
Chapter 60 (70 **Del.C.** Ch. 60)

### REGISTER NOTICE

##### **Division of Water Resources**

7 **DE Admin. Code** 7410

Statutory Authority: 7 Delaware Code,  
Chapter 60 (7 **Del.C.** Ch. 60)

### REGISTER NOTICE

#### **DELAWARE RIVER BASIN COMMISSION**

##### **NOTICE OF PUBLIC HEARING**

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, July 20, 2005 at 10:00 a.m. at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. For more information, contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

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###### Division of Public Health

[4202 Control of Communicable and Other Disease Conditions](#)

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##### DEPARTMENT OF INSURANCE

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[CALENDAR OF EVENTS/HEARING NOTICES](#)

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  - Audiologist and Hearing Aide Dispensers
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  - Board of Architects
  - Board of Chiropractic
  - Board of Clinical Social Work Examiners
  - Board of Diabetic/Nutrition
  - Board of Electrical Examiners
  - Board of Examiners in Optometry
  - Board of Examiners in Constable
  - Board of Examiners in Nursing Home Administrators
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  - Board of Professional Counselors of Mental Health
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  - Board of Speech Pathologist
  - Board of Veterinary Medicine
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  - Wetlands and Subaqueous Lands Section

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# Delaware Register of Regulations

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Issue Date: May 1, 2019

Volume 22 - Issue 11, Pages 876 - 963

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## IN THIS ISSUE:

Regulations: Emergency  
Proposed Final

Calendar of Events &  
Hearing Notices



Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before April 15, 2019.



## Detailed Requirements

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### ***G. Delaware Administrative Code Styling Manual***

**Styling Manual – Registrar of Regulations should be able to modify and upload the styling manual and is accessible on the regulations website.**

Can be accessed in its entirety at: [http://regulations.delaware.gov/services/style\\_manual.shtml](http://regulations.delaware.gov/services/style_manual.shtml)

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# DELAWARE ADMINISTRATIVE CODE

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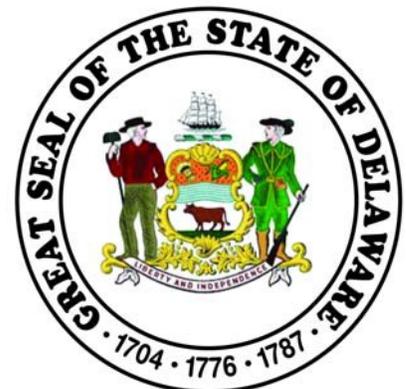
## Drafting and Style Manual

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September 2014 Edition



**PREFACE**

The Division of Research was created by the Delaware General Assembly to act as a reference bureau for information relating or pertaining to legislative matters and subjects of interest to the Senate and House of Representatives.

Among the services provided is the publication of regulations submitted by executive branch agencies to the **Registrar of Regulations**. The monthly **Delaware Register of Regulations** enables interested citizens to find all of the regulations proposed by any state agency in one convenient location. This document is available in hardcopy and can also be found online at:

**<http://regulations.delaware.gov/>**

The composition and style guidelines in this manual are intended to provide editorial assistance in drafting documents to be published in the monthly **Delaware Register of Regulations** and in the **Delaware Administrative Code**. This manual is intended to standardize the codification, format, and language of Delaware's regulations. The manual is designed to assist agencies in meeting their responsibilities and establishes the guidelines and procedures to be used in complying with regulations and statutory provisions concerning regulatory actions and publication in the **Delaware Register of Regulations** and the **Delaware Administrative Code**. These guidelines are not intended to be inflexible rules, nor are they complete in scope. The staff of the Registrar's office hopes that use of this manual, together with attention to proper English usage, will produce greater clarity and accuracy in the texts of official documents. Please note that access to an electronic version of this manual is available online at [http://regulations.delaware.gov/services/style\\_manual.shtml](http://regulations.delaware.gov/services/style_manual.shtml).

This manual includes a Statutory Authority section (Section 2.0) that provides a condensed summary of administrative law, commonly referred to as the **Administrative Procedures Act**, located in Title 29, Chapter 101 of the Delaware Code. The key principle is that a state agency must have the legal authority to adopt a regulation.

The Standard Document Format section (Section 3.0) covers submission guidelines and the Composition and Style Guidelines for Regulation Drafting section (Section 7.0) covers the basic style and format in which executive agency regulations traditionally appear in Delaware. Regulations should be uniform in style and language conventions and be drafted in a clear and concise manner, since they impose certain requirements or restrictions on individuals' rights. The style guidelines contained in this manual are similar to those used by the Division of Research when drafting legislation.

In addition to this manual, the following documents contain requirements for processing regulations:

- The Administrative Procedures Act, Title 29, Chapter 101 of the Delaware Code;
- The Regulatory Flexibility Act, Title 29, Chapter 104 of the Delaware Code;
- Title 29, Chapter 11, Subchapter III of the Delaware Code; and
- Regulations of the Office of the Registrar of Regulations Governing Administrative Rulemaking Procedures.

Questions regarding regulatory drafting or this manual should be directed to the Registrar's Office by phone at 302-744-4327, or by E-mail at [Jeffrey.Hague@state.de.us](mailto:Jeffrey.Hague@state.de.us).

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**1.0 The *Delaware Register of Regulations*****1.1 Publication and Filing Requirements**

The Registrar of Regulations publishes documents filed for publication and received by the 15th of the preceding month (according to the publication schedule published in each issue) in the *Delaware Register of Regulations* on the first day of each calendar month. Materials received by the Registrar's office after the specified deadline are held and published in the next issue of the *Delaware Register of Regulations*. An updated schedule is published in each issue of the Delaware Register.

**1.2 Rejection or Delay of Documents for Publication**

The Registrar may reject any document filed for publication, or delay publication, if the requirements contained in this manual or any other applicable requirements are not met.

Reasons for rejecting or delaying a regulation submission filed by an agency for publication include, but are not limited to, the following:

1. The regulation submission is subject to the Administrative Procedures Act (APA), Title 29, Chapter 101 of the Delaware Code, but does not meet Administrative Procedures Act requirements.
2. The regulation submission documents are not in the proper format.
3. The regulation submission is incomplete.
4. The regulation is not submitted electronically.
5. The agency fails to use the latest version of regulatory text in preparing its regulatory action.
6. The agency fails to comply with the Regulatory Flexibility Act, Title 29, Chapter 104 of the Delaware Code.
7. The regulation submission documents are received by the Registrar's office after the deadline for publication.
8. Additional information required or requested by the Registrar's office is not received in time to proceed with publication.

The Registrar or the Registrar's designee shall notify the affected agency if a determination is made to reject or delay publication of a document. The reason will be provided to the agency regulatory coordinator, and any rejected regulatory submission documents will be returned to the agency unless other arrangements are made between the Registrar's office and the agency regulatory coordinator.

**1.3 Editing of Regulations for Publication**

The Registrar and the Registrar's staff may edit submissions for proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the *Delaware Register of Regulations*. Section 7.0 of this manual contains style requirements for agencies to use when drafting regulations.

**1.4 Agency Review of Published Regulation and Correction of Errors**

As soon as practicable after publication, the agency regulatory coordinator or other designated individual shall compare the published copy against the agency copy to ensure accuracy of the published text. The agency shall notify the Registrar in writing of any errors found in the published text.

The written notification shall include the following information:

1. The name of the agency;
2. The volume, issue, and date of the Delaware Register and the page number of the published regulatory action where the error occurred (e.g., 17 **DE Reg.** 737 (1/1/14));
3. The section of the Delaware Register where the error occurred (e.g., Cumulative Table, Regulations, General Notices, Calendar of Events);
4. If the error is in a regulation, the type of regulation (i.e., emergency, proposed, or final) and the Delaware Administrative Code title and section number; and
5. The nature of the error.

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Register. Minor errors might not be published in the Register; however, the corrections will be made to the Delaware Administrative Code database and updated online, if applicable.

## **2.0 Statutory Authority**

### **2.1 General Information**

Generally, the principle of separation of powers states that under our federal and state constitutions, the legislative branch enacts laws while the executive branch carries out the laws. In accordance with this principle, an administrative agency does not have authority to enact law. The Delaware Code contains the following broad delegation of rulemaking power to Delaware executive agencies:

“The General Assembly has conferred on Boards, Commissions, Departments and other agencies of the Executive Branch of State Government the authority to adopt regulations...” (29 **Del.C.** §1131).

Pursuant to this provision, the Delaware General Assembly enacts laws that direct a specific state agency to adopt regulations that include details of, implement, execute, embellish upon, or clarify a specific statutory scheme. If an agency adopts a regulation that falls outside of the rulemaking powers delegated by statute to that agency, then the regulation does not fall within statutory authority and is theoretically deemed invalid.

### **2.2 Citing the Proper Statute as Authority for Adopting Regulations**

Agencies should not, in general, cite any of the provisions in Chapter 101 of Title 29 of the Delaware Code as statutory authority. Although this chapter contains the provisions governing the rulemaking process all agencies must follow, agencies should refer to the language in the statutes that detail the adoption of regulations by their particular agency.

### **2.3 Failure to Implement the Law as Directed by Statutory Authority**

Repeating existing statutory information should be avoided when drafting regulations. Redundant text is unnecessary because a statute may be amended, thereby requiring an amendment to the regulation. Instead, regulations should reflect what is set forth in a statutory scheme. For example, suppose a statute states:

“Any other provision of this chapter notwithstanding, the Court or the Department in making a determination as to what damages shall be paid by the Department shall consider only 2 factors...”

Any corresponding regulations should actually list those factors the department feels necessary for a person to comply with in order to be granted a license. To only state in the regulations that the Department shall only consider “2 factors” is insufficient information.

### **2.4 Exceeding Statutory Authority**

When drafting regulations, each agency must scrutinize the authorizing statute to determine the extent to which the General Assembly has assigned rulemaking authority.

Similarly, a statute that authorizes regulations to govern the issuance of a building permit does not, on its own, authorize the regulations to provide for the suspension, renewal, or revocation of such permit. In addition, regardless of whether the authorizing statute is general or confining, certain types of provisions - such as penalties, the right to appeal to the courts, etc. - require specific statutory authority.

**2.5 Regulation Validity**

In order for a regulation to be valid, an agency must comply with the rulemaking process set forth in the Delaware Code. Title 29, Chapter 101, §10102 (7) defines a regulation as follows:

“(7) **“Regulation”** means any statement of law, procedure, policy, right, requirement or prohibition formulated and promulgated by an agency as a rule or standard, or as a guide for the decision of cases thereafter by it or by any other agency, authority or court. Such statements do not include locally operative highway signs or markers, or an agency's explanation of or reasons for its decision of a case, advisory ruling or opinion given upon a hypothetical or other stated fact situation or terms of an injunctive order or license.”

According to the definition, if an agency drafts any directive that includes law, procedure, policy, right, requirement or prohibition formulated and promulgated by an agency as a rule or standard, or as a guide for the decision of cases thereafter by it or by any other agency, authority or court, that statement is considered a regulation.

**2.6 Conclusion:**

- Avoid redundancy or paraphrasing the provisions of the Delaware Code in a regulation. Make sure the regulations actually implement the program or statutory outline.
- All directives affecting individuals, regardless of the terminology the agency uses, should be adopted as regulations pursuant to the rulemaking process set forth in Title 29, Chapter 101 of the Delaware Code.

### 3.0 Standard Document Format

#### 3.1 Submission Guidelines:

Documents must be submitted to the Registrar's office no later than the 15<sup>th</sup> of the month for publication in the following month's issue of the Register.

Documents must be submitted to the Registrar in electronic format.

Proposed Regulations filed electronically must include:

- The text of the proposed regulation formatted to the specifications of the Registrar as outlined in Section 3.4.
- The Notice of Public Hearing and/or Notice of Public Comment Period, including agency contact information and the method of submitting comments.
- A summary of the regulatory action when available.
- The entire text of the regulation, if the regulation has not been through the APA process.

Final Regulations filed electronically must include:

- The Order adopting the Final Regulation.
- A summary of the regulatory action when available.
- The text of the Final Regulation formatted to the specifications of the Registrar as outlined in Section 3.4.
- A non-marked up version of the regulation as amended.
- Any other supporting documents such as a Hearing Officers report, etc. as deemed appropriate by the submitting agency.
- The entire text of the regulation, where possible.

#### 3.2 Header (See Figure 3.1)

- The beginning page of each document submitted should contain an identifying heading including:
1. The complete name of the promulgating agency including division and subdivision, if applicable, typed in the upper left corner of each page, flush with the left margin;
  2. The statutory authority to promulgate the regulation, flush with the left margin; and
  3. The Delaware Administrative Code citation, if assigned.

**Figure 3.1**  
**Header Example**

Agency Name  
Division Name  
Subdivision Name  
Statutory Authority: Title Delaware Code, Section (Title **Del.C.** §Section)  
Delaware Administrative Code citation (if assigned)

**3.3 Numbering**

Regulatory text should be designated with numerals only.

Start out with 1.0 as the first section and number down tabbing in one level for additional subsections. See Figure 3.2 for an example. In order to divide a section, there must be at least two subsections (for example, 2.1 and 2.2), unless the section consists of an introductory portion followed by a list. If the section is not divisible, use just the section number (for example, 2.0, not 2.0 and 2.1). Similarly, there must be at least two subdivisions to divide a subsection. This rule applies to all divisions within a regulation. See Section 7.3 for additional information on tabulations and the use of bullets.

**Figure 3.2**  
**Numbering a Regulation**

Example:

**8.0 Use of Designations**

8.1 Designation “Certified Public Accountant” and the Abbreviation “CPA” in the Practice of Certified or Public Accountancy:

8.1.1 Only the following individuals and entities may use the designation “certified public accountant”, the abbreviation “CPA”, and other designations which suggest that the user is a certified public accountant, in the practice of certified or public accountancy:

8.1.1.1 An individual who is registered with the Board and holds a certificate of certified public accountant and a current permit to practice.

8.1.1.2 A sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state which is registered with the Board and holds a current firm permit to practice.

8.2 Designation “Certified Public Accountant” and the abbreviation “CPA” by certificate holders who do not maintain a permit to practice:

8.2.1 An individual who holds a certificate of certified public accountant but does not maintain a permit to practice may use the designation “certified public accountant” or the abbreviation “CPA” on business cards and stationery if:

8.2.1.1 The certificate of certified public accountant has not been suspended or revoked and is in good standing.

8.2.1.2 The individual does not engage in the practice of certified or public accountancy and does not offer to perform certified or public accountancy services.

**3.4 Body of Text**

1. All documents shall be typed in conventional uppercase and lowercase format.
2. Documents shall be typed in **Arial** font face and **10 point** font size. Do not use automatic numbering or the automatic bullets function of the software when creating lists.
3. An agency shall request and obtain existing regulation text from the Registrar’s office in order to ensure proposed changes are made to the current version of the regulatory text before submission.

4. **Proposed Regulations:**

Proposed changes to an existing regulation must be formatted as follows:

- Arial font shall indicate the text existing prior to the regulation being promulgated.
- Underlined text must be used to indicate new text.
- Language which is ~~stricken~~ shall indicate text being deleted.
- Do not strike a part or portion of a word or number within the regulatory text. Also, do not add to a part or portion of a word or number within the regulatory text. Strike through the entire word or number, then insert the new word or number underlined.

<b>Example:</b>	incorrect	correct
	children	<del>child</del> <u>children</u>
	1043	404 <u>103</u>

- Insert new underlined language after stricken language.

**Example:** ~~Stricken language~~ New replacement text.

- If a new regulation is being proposed, all language must be underlined.

5. **Final Regulations:**

Final Regulations must be formatted as follows:

- Arial font shall indicate the text existing prior to the regulation being promulgated.
- Underlined text must be used to indicate new text added at the time of the proposed action.
- Language which is ~~stricken~~ shall indicate text being deleted at the time of the proposed action.
- **[Bracketed bold language]** must be used to indicate text added between when the regulation was proposed and the time the final order is issued.
- **[Bracketed bold stricken]** must be used to indicate language deleted between when the regulation was proposed and the time the final order is issued.

3.5 **Footnotes**

Footnotes, if used, should be referenced at the end of the regulation. The use of footnotes should be kept to a minimum.

3.6 **Appendices**

Avoid using appendices as part of a regulation. Material important enough to be set out should be made part of the regulation itself and numbered accordingly. Appendices are not considered to be part of the regulation proper and may not be published in the *Delaware Register of Regulations*.

4.0 **Structure of Regulations**

4.1 **Arrangement or Organization**

Concise drafting of a regulation, as well as the general design and logical arrangement of its sections, subsections and subdivisions, better communicates the meaning of the regulation. The major objective in arranging text within a regulation is to make the document as clear and understandable as possible.

4.2 **Sequence**

The following sequence of provisions of a regulation should be observed:

- Place more important provisions before less important provisions;
- Place frequently used provisions before less frequently used provisions; and
- Place permanent provisions before temporary provisions.

#### 4.3 Definitions (See Figure 4.1)

It is recommended that definitions of terms be included in each regulation. Definitions provide clarification of terms used within a regulation, save space in the body of the regulation, and allow the regulation writer to control the meaning of a word. Define a term only when the meaning of a word is important and it is used more than once in the regulation. Do not define ordinary words that are used in their dictionary context.

Regulatory information should not be included in the definition.

##### Example of a Definition that is Too Substantive:

**"Lockup facility"** means a secure adult detention facility used to confine prisoners waiting to appear in court and sentenced prisoners for not more than 90 days. In addition to the cell, a lockup facility must include space for moderate exercise and activity, such as weight lifting, ping-pong, table games, reading, television, and cards.

This definition should end at "90 days."

Definitions should be formatted as provided in this section.

- Place definitions at the beginning of the regulation as one of the first numbered sections (following a scope, purpose, or authority section).
- The first paragraph should read, "The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise:"
- Arrange the words or specific terms being defined in alphabetical order.
- Do not number individual definitions.
- Capitalize the first letter of the first word in each definition (since it is the beginning of a sentence). All subsequent words in each definition should be lowercase, unless words are proper nouns. The word or term being defined should be placed within quotation marks and in bold font.
- Immediately after the defined word or term, insert the word "means".
- Avoid using dashes, slashes, or parentheses in a term being defined. For example, use "Individualized education plan" or "IEP" means... instead of "Individualized education plan (IEP)" means....

Figure 4.1

##### EXAMPLE:

#### 2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise:

**"Adoptive parent"** means a provider who gives parental care and establishes permanent family relationships for children in the provider's home for purposes of adoption.

**"Adult"** means an individual 18 years of age or older.

**"Agency"** means the local welfare or social services agency.

## 5.0 Citations

### 5.1 Citations to the Delaware Code

When citing chapters, articles, or sections of the Delaware Code, refer to the following relevant examples:

- Citing an entire chapter: 29 **Del.C.** Ch. 100 or 29 **Delaware Code**, Ch. 100
- Citing a specific section: 29 **Delaware Code**, Section 10101 or 29 **Del.C.** §10101
- Citing multiple sections: 29 **Delaware Code**, Sections 500-520 or 29 **Del.C.** §§500-520
- Citing a subsection: 29 **Delaware Code**, Section 300(a) or 29 **Del.C.** §300(a)

### 5.2 Citations to the *Delaware Register of Regulations* and the *Delaware Administrative Code*

The *Delaware Register of Regulations* is cited by volume, page number, and issue date. For example, to refer to Volume 17, Page 948 of the *Delaware Register of Regulations* issued on April 1, 2014, the citation should read:

17 **DE Reg.** 948 (04/01/14)

The *Delaware Administrative Code* is cited by title and regulation number: For example, to refer to the Department of Natural Resources and Environmental Control, Division of Air Quality, Air Quality Management Section, Regulations for Requirements for Preconstruction Review use:

7 **DE Admin. Code** 1125 Requirements for Preconstruction Review (name optional)

When citing sections and subsections within a regulation of the Delaware Administrative Code, refer to the following relevant examples:

- Citing an entire section: Section 2.0 of this regulation
- Citing a subsection: subsection 2.1.1 of this regulation

### 5.3 Federal Statutory and Federal Regulatory Citations

When citing federal statutes, the official name, together with a reference to the United States Code, should be used as follows:

The Atomic Energy Act of 1954 (42 USC §§2011-2284)

The Federal Register should be cited by volume and page number. The approved abbreviation is "FR." Thus, the citation 12 FR 1234 refers to text at page 1234 of Volume 12.

The Code of Federal Regulations should be cited by title and section numbers. "CFR" is the approved abbreviation. Thus, the citation 7 CFR 1.1 refers to text at part 1, section 1 of Title 7.

## 6.0 Incorporation by Reference

Incorporation by reference is a method by which a document is made part of the regulation simply by referring to it. While the text of an incorporated document does not appear in the regulation, the provisions of the incorporated document are as fully enforceable as any other regulation.

and volume that is being incorporated into the regulation. The language incorporating a document should be included in the text of the regulation.

A copy of the incorporated document shall be made available to the Registrar for public inspection purposes.

## **7.0 Composition and Style Guidelines for Regulation Drafting**

### **7.1 Application of Guidelines**

The composition and style guidelines in this manual are intended to provide editorial assistance in drafting documents to be published in the *Delaware Register of Regulations* and the *Delaware Administrative Code*.

Specific questions may arise which are not covered within this manual, due to the general nature of these guidelines. The following reference books are helpful:

*The Chicago Manual of Style, 16<sup>th</sup> Edition*, University of Chicago Press (2010)

*Drafting Legislation and Rules in Plain English*, by Robert J. Martineau, West Publishing Company (1991).

*Legal, Legislative, and Rule Drafting in Plain English*, by Robert J. Martineau and Michael B. Salerno, Thomson West Publishing Company (2005)

Each of these books provides extensive guidance in most areas of document drafting.

Matters of spelling, usage, and word division should be referred to *Merriam-Webster's Collegiate Dictionary, Eleventh Edition*, Merriam-Webster, Inc., or *The American Heritage College Dictionary, Fourth Edition*, Houghton Mifflin Harcourt Publishing Company.

### **7.2 General Guidelines**

In general, keep the language of the text as clear and simple as possible. When drafting, remember that documents should be written so that the general public can understand them. Avoid using language that only individuals with specialized knowledge can understand. Consistency of expression, logical arrangement, and adherence to accepted usage aid readability.

Strive for consistency of terminology, expression, and arrangement. Avoid using the same word or term in more than one sense. Conversely, avoid using different words to denote the same idea. Apply the principles of consistency to phrases, sentences, paragraphs, arrangement, and format. For example, in the text of a regulation, two or more subdivisions which are similar in substance should be parallel in form.

Absolute conciseness does not ensure clarity but, in general, keeping a document simple and short avoids confusion and misunderstanding. In the case of regulatory drafting, divide a lengthy text into more than one regulation in order to avoid the complexities entailed in multiple sections and to make the text easier to read. Avoid long sentences where short ones will suffice.

Ordinarily, use the present tense of verbs. However, the future tense is appropriate when using the imperative "shall". Section 7.4 provides additional information on the use of "shall".

#### **Gender.**

Avoid using pronouns that indicate gender. Use the noun which the pronoun would replace. Avoid use of "his/her", "he/she", and "(s)he". The general use of the masculine gender is addressed in 1 **Del.C.** §304 of the Delaware Code.

Generally, use the active rather than the passive voice:

**EXAMPLE:**

Use: The Chairman appoints members of the committee.

Avoid: Members of the committee are appointed by the chairman.

Generally, use the third person:

**EXAMPLE:**

Use: The applicant shall file the appropriate forms.

Avoid: You shall file the appropriate form.

If an idea can be accurately expressed either positively or negatively, express it positively. The negative form is appropriate where a provision expresses a prohibition. Negative words should not be used where provisions provide only advisory guidance.

### 7.3 Tabulation and Use of Bullets

Tabulation is used to arrange the structure of subdivisions in a document. All items in the tabulated enumeration must belong to the same class. Each item listed must be parallel to the introductory language. The following tabulation is incorrect because each subdivision is not parallel in substance or form to the introductory language:

**EXAMPLE:**

1.1 An applicant for licensure shall:

- 1.1.1 Complete the application for examination;
- 1.1.2 Submit in advance the examination fee; and
- 1.1.3 Eligibility for licensure by reciprocity.  
(Language not parallel)

Subdivision 1.1.3 should read, "Be eligible for licensure by reciprocity."

The following guidelines apply when using displayed lists:

1. In most cases, the introductory language to a displayed list should end in a colon.
2. All items in a displayed list should begin with a capital letter, whether the entry is a word, a sentence fragment, a full sentence, or numerous sentences.
3. Each item should end with a semicolon or period, and a period should be used after the last item if it is the end of a sentence.
4. Items should end with periods if the items are complete sentences or if it is anticipated that the list will be modified often.
5. If using semicolons and the list consists of alternatives, "or" should be placed after the second to last item.
6. If using semicolons and the list is inclusive, "and" should be placed after the second to last item.
7. Language should not be added after a displayed list that continues the sentence of the introductory language.
8. The automatic numbering feature of word processing programs should not be used. Each number should be typed individually.

If a displayed list is not an exhaustive list and uses "but ... not limited to" in the introductory language or if it is a list of suggestions, the list should be bulleted and not numbered.

**EXAMPLE**

- 9.4.4 Sources of CE credits include but are not limited to the following:
- Programs sponsored by national funeral service organizations.
  - Programs sponsored by state associations.
  - Program provided by local associations.
  - Programs provided by suppliers.
  - Independent study courses for which there is an assessment of knowledge.
  - College courses.
- 9.4.5 The recommended areas include but are not limited to the following:
- Grief counseling
  - Professional conduct, business ethics or legal aspects relating to practice in the profession.
  - Business management concepts relating to delivery of goods and services.
  - Technical aspects of the profession.
  - Public relations.
  - After care counseling.
- 9.4.6 Application for CE program approval shall include the following:
- 9.4.6.1 Date and location.
- 9.4.6.2 Description of program subject, material, and content.
- 9.4.6.3 Program schedule to time segments in subject content areas for which approval of, and determination of credit is required.
- 9.4.6.4 Name of instructor, background, and expertise.
- 9.4.6.5 Name and position of person making request for program approval.

**7.4 Use of “shall”, “may”, “may not”, and “must”**

Use “shall” in the imperative sense to express a duty or obligation to act. The term “shall” is generally used in connection with statutory mandates. “May” is permissive and generally expresses a right, privilege, or power. When an individual is authorized but not ordered to act, the term “may” is appropriate. If an obligation to act is intended, “shall” is used.

Use “may not” when a right, privilege, or power is restricted. Using “shall not” negates the obligation but not the permission to act; therefore, “may not” is the stronger prohibition. Wherever possible, the words “shall” or “may” are used in place of other terms such as “is authorized to”, “is empowered to”, “is directed to”, “has the duty to”, “must”, and similar phrases. However, if certain action is intended to be a condition before accruing a right or privilege, the word “must” is used instead of “shall” or “may” (e.g., “In order to have your regulations published, you must file them by the deadline.”)

When the word “shall” is used, the subject of the sentence must be a person, committee, or some other entity that has the power to make a decision or take an action. For this reason, do not use the word “shall” to declare a legal result or state a condition. When writing a sentence that contains the word “shall”, check for proper use of the word by reading the sentence to yourself and substituting the phrase “has the duty to” for “shall”.

**EXAMPLE:**

Use: A practitioner shall perform clinical work only in designated areas.

Avoid: Clinical work shall be performed only in designated areas

### 7.5 Use of “any”, “each”, and “every”

Do not use “any”, “each”, “every”, “all”, or “some”, if “a”, “an”, or “the” can be used with the same result. If the subject of the sentence is plural, it is seldom necessary to use these adjectives. For example, it should be stated, “Qualified employees shall...”, rather than “Any qualified employee shall...”. If the subject of the sentence is singular, the indefinite pronoun is used only when the article “a” or “the” is inadequate, as when the use of “a” would allow the unintended interpretation that the obligation is to be discharged by applying it to a single member of the class instead of to all of them. If it is necessary to use an indefinite pronoun, follow these rules:

- If a right, privilege, or power is conferred, use “any”, as in “Any qualified employee may...”.
- If an obligation to act is imposed, use “each”, as in “Each employee shall...”.

### 7.6 Use of “such” and “said”

Avoid the use of “such” and “said”. Instead, use “the”, “that”, or a pronoun. In many instances “such” and “said” mean nothing at all and can be omitted without any other words being substituted.

### 7.7 Use of “and/or”

The term “and/or” should never be used. In general the term “and” means to add something to what has already been said. “Or” means in the alternative. The word “and” is a conjunctive and the word “or” is a disjunctive. In most cases the word “or” is proper to convey the thought of “one, or the other, or any of them”. If emphasis is needed, the use of terms such as “any of the following”, “all of the following”, “either of the following”, “or both”, and similar modes of expression are sufficient.

### 7.8 Use of Words both Singular and Plural

Avoid modifying singular words to be both singular and plural (e.g., parent(s)). Instead, indicate one or the other, or both (e.g., parent or parents).

### 7.9 Commas

Use commas to set off a nonrestrictive clause. A nonrestrictive clause gives added information about the word it modifies, but is not needed to complete the meaning of a sentence.

#### EXAMPLE:

*New rules concerning the licensing of teachers, which I have not read, have been adopted.*

“Which I have not read” does not significantly affect the primary meaning, which is that rules concerning the licensing of teachers have been adopted; therefore, commas are used around this nonrestrictive clause.

Do not use commas to set off a restrictive clause. A restrictive clause cannot be omitted without altering the meaning of the main clause; therefore, it should not be set off by commas.

#### EXAMPLE:

*The requirements that an applicant must meet for certification are listed in the regulation.*

the sentence would be significantly altered.

Use a comma in a compound sentence to separate independent clauses joined by one of the coordinate conjunctions “and”, “but”, “for”, “or”, “nor.”

**EXAMPLE:**

*The board is responsible for collecting the revenue from all permits and fees, but the legislature sets the rates.*

The use of a comma without a coordinate conjunction between two independent clauses is known as a comma fault and should be avoided.

**EXAMPLE:**

*The board collects the fees and issues permits, the legislature sets the rates.*

The sentence may be corrected by:  
Using a coordinate conjunction after the comma.

1. The board collects the fees and issues permits, but the legislature sets the rates.

Using a semicolon between the two independent clauses.

2. The board collects the fees and issues permits; the legislature sets the rates.

Dividing the two independent clauses into two simple sentences.

3. The board collects the fees and issues permits. The legislature sets the rates.

Use commas to separate a series of three or more words, phrases, or clauses, including the word or phrase immediately before a conjunction.

**EXAMPLES:**

*oil, gas, or minerals*

*The board is responsible for collecting the revenue from all fees, permits, license certifications, and renewals.*

If the elements within the sentence contain internal commas or other punctuation, separate the elements with semicolons.

**EXAMPLE:**

*The board is responsible for collecting the revenue from fees for examinations; permits for shops, salons, and schools; and license certifications.*

If the day of the month is stated in a date, use a comma before and after the year.

*This program begins on July 1, 2013, and ends on June 30, 2015.*

A comma is not needed if the day is omitted.

### 7.10 Hyphens and Compound Words

Many compounds are formed with the hyphen as a connector, but as these words become established the hyphen is often dropped in favor of the solid form.

Words that function as a compound adjective that are placed before the word they modify should be hyphenated.

#### EXAMPLES:

1. One weekend each month, Mr. and Mrs. Jones go on a 10-mile hike.
2. Our opponent resorted to low-level tactics.

However when these same word groups are placed after the nouns or pronouns they modify, they are not hyphenated.

#### EXAMPLES:

1. Mr. and Mrs. Jones hike 10 miles one weekend each month.
2. Our opponent's tactics were low level.

The hyphen is also used to avoid confusion in words like "re-form" (meaning to form again).

Hyphens should not be used in instances similar to the following examples, if the meaning is clear without them (e.g., "sales tax bill," "foreign aid plan"). The hyphen is not needed in these forms "navy blue skirt" or "dark green paint."

Compound words are listed separately within the dictionary. To avoid confusion, and sometimes absurdities, compound nouns that are usually solid words should be separated when the first part of the compound is modified by an adjective: "businessman, small-business man"; "sailmaker," "racing-sail maker."

Do not use the hyphen to connect an adverb ending in "ly" with a participle in such phrases as "newly married couple," or "elegantly furnished house." Adjectives ending in "ly" are another matter; hyphens should, for example, be used in "a gravely-voiced, grizzly-maned statesman of the old school."

Hyphens are not used in titles such as "commander in chief," "director general," "editor in chief," or "secretary general." Do use the hyphen in a title like "secretary-treasurer."

In a series of hyphenated phrases, use the complete phrase in each instance.

#### EXAMPLES:

USE: On successive days there were three-inch, five-inch, and nine-inch snowfalls.

AVOID: On successive days there were three-, five- and nine-inch snowfalls.

**7.11 Quotations**

Quotations should be used as follows:

- Words within text which require emphasis are set off in quotation marks.
- Brief quotes are enclosed in quotation marks; lengthy quotes are set off (further indented) in the text but are not enclosed in quotation marks.
- Quotation marks are used to enclose certain material following the terms “marked,” “designated,” “classified,” “named,” “endorsed,” or “signed.”

**EXAMPLES:**

1. Such sheep shall be accompanied by a waybill or owner-shipper certificate marked “for immediate slaughter.”
2. The term “meat” and the names of particular kinds of meat, such as beef, veal, mutton.

Quotation marks are used to enclose titles of articles, editorials, essays, papers, reports, subjects and themes.

**EXAMPLE:**

The procedures are described in “Methods of Analytical Chemists.” In evaluating replicate data, table 19, page 935, “Journal of the Association of Official Analytical Chemists” (Volume 49, Number 5, October 1960), shall be followed.

**7.12 Quotation Marks**

Typographical usage dictates that the comma and the period should always be placed inside the closing quotation mark, even though they sometimes logically do not seem to belong there.

**EXAMPLE:**

One package was marked “fragile,” and the other package was marked “do not open until Christmas.”

Semicolons and colons belong outside the closing quotation mark unless they are a part of the quoted material.

**EXAMPLE:**

One package was marked “fragile”; the other package was marked “do not open until Christmas.”

**7.13 Capitalization**

Capitalize civil, military, religious and professional titles when they immediately precede a personal name, as part of the name.

**EXAMPLES:**

Governor Markell;  
Secretary Clinton; and  
Chairman Jones

Capitalize full names of legislative, deliberative, administrative and judicial bodies, departments, bureaus, and offices. Lowercase common noun substitutes or incomplete designations, except abbreviations.

**EXAMPLES:****Uppercase**

General Assembly of Delaware  
Department of Transportation

**Lowercase**

state legislature  
the department

Do not capitalize the following words unless they are part of a proper name:

**EXAMPLES:**

administration;  
board;  
commission;  
executive branch, legislative branch, or judicial branch;  
federal;  
government;  
or state.

Capitalize common nouns and adjectives that form an essential part of a place.

**EXAMPLES:**

Sussex County  
City of Dover  
Northern  
Delaware

Capitalize "State of Delaware" and "State" (when referring to Delaware).

Capitalize names of buildings and monuments.

**EXAMPLES:**

Washington Monument  
Legislative Hall  
Townsend Building

Capitalize only the official names of documents.

**EXAMPLES:****Uppercase**

Constitution of Delaware

**Lowercase**

state constitution

Capitalize the names of a specific act (e.g., Administrative Procedures Act).

Capitalize the word “Act” when it has previously been referred to or defined, and subsequent references are to the specific act.

Capitalize a word describing a part of a document only if it is followed by a specific number or letter designation.

**EXAMPLES:**

**Uppercase**

Chapter 4  
Part IV

**Lowercase**

this chapter  
this part

Lowercase “page” and “line” (e.g., page 10, line 22).

**7.14 Writing Numbers**

Arabic numerals are used for numbers greater than nine (e.g., 10, 11, 12...), except for proper names such as “Chapter 1,” not “Chapter One.” Numbers from one to nine are spelled out. Zero is written “0.”

**7.15 Percentages**

Numerals are used followed by a percentage symbol (%) for all percentages. All percentages consist of at least two digits.

Percentages greater than or equal to 10 are written in the following manner:

10%;  
12%;  
13.4%; or  
15.63%.

Percentages less than 10 are written in the following manner:

9.6%;  
8.64%; or  
8.0%.

Percentages less than one are written in the following manner:

0.5%;  
0.002%; or  
0.621%.

**7.16 Monetary Figures**

Numerals are preceded by a dollar symbol (\$) for most monetary listings.

Amounts less than \$1.00 are written with a dollar symbol followed by a space, a decimal, and the cent value, to conform with the following:

\$.04;  
\$.50; or  
\$.99.

Amounts greater than \$.99 but less than \$10 are written with a dollar symbol followed by the dollar value followed by a decimal point followed by the cent value, even if the cent value is “.00,” to conform with the following:

\$2.00;  
\$3.40; or  
\$9.99.

Amounts greater than \$9.99 are written with a dollar symbol followed by the dollar value followed by a decimal point followed by the cent value, unless the cent value is “.00,” in which case no decimal point or cent value will be included, to conform with the following:

\$10;  
\$10.06; or  
\$100.

Monetary listings incorporating seven or more digits are written to conform to the following:

**EXAMPLES:**

USE: \$1 million

AVOID: \$1,000,000

**7.17 Dates**

In the text of documents, spell out the month of the year. Do not use the number of the month to signify the month. Do not abbreviate the name of the month.

**EXAMPLES:**

USE: December 2, 1994

AVOID: 12/2/94

Dec. 1, 1994

**7.18 Temperature**

Forms of temperatures (i.e., Fahrenheit, Celsius and Kelvin) are written using numerals only. The temperature value is followed by a degree symbol (°) followed by a “F”, “C” or “K” as the case may be.

**EXAMPLES:**

75° F

30° C

-4° F

0° K

**7.19 Fractions**

Fractions are written in numeric form (e.g.,  $\frac{1}{2}$ ,  $\frac{3}{4}$ ,  $\frac{1}{4}$ ). Mixed numerals (whole numbers and fractions) are also written in their numeric form (e.g.,  $1\frac{1}{2}$ ,  $2\frac{3}{4}$ ,  $13\frac{1}{4}$ ).

**7.20 Units of Measure**

Generally, abbreviations are not used in the *Delaware Register of Regulations*; however, there are a few exceptions when referring to units of measure. The following table serves as a guide to writing units of measure:

<u>USE</u>	<u>AVOID</u>	<u>USE</u>	<u>AVOID</u>
inches	in.	°F	Fahrenheit
feet	ft.	°C	Celsius
square feet	sq. ft.	°K	Kelvin
pounds	lbs.	centimeter	cm
barrel	bbl.	millimeter	mm
by	X	Watts	W.
Btu	British thermal unit	No.	#

### 7.21 Time

Time should be written in Arabic numerals, with the exception of 12 p.m. which is written as “noon.”

#### EXAMPLES:

USE: 10 a.m.	AVOID: 10:00 a.m.
10:30 a.m.	
noon	12 p.m.

### 7.22 Commonly Used Words with their Plain Language Translations

The use of the words in the right column is preferred.

<u>AVOID</u>	<u>USE</u>
and/or	“A” or “B,” or both
appear	seem
ascertain	find out
at this point in time	now
commence	begin
complete	fill out
comply	follow
constitute	be
disclose	show
elect	choose
endeavor	try
ensue	follow
execute	sign
experience	have, feel
facilitate	make easy
presently	now, soon
prior to	before, earlier
prohibit	forbid
purchaser	buyer
pursuant to	in response to
subsequent to	after, later
such, same, said	the, this, that, them, those, it
terminate	end
or the duration of	during

forthwith	immediately
forward	send
hereby	by this
herein	to this
hereinabove*	
hereinafter*	
hereinbelow*	
hereof	of this
hereto	to this
thereat, there,	at that level
thereby	by that
therein	in that
thereof	of that
thereto	to that
therewith	with that
thus	so, that way
transpire	happen
upon	on
vehicle	car, truck, way
vendor	seller
whereas	avoid using this term
wherein	where, in which

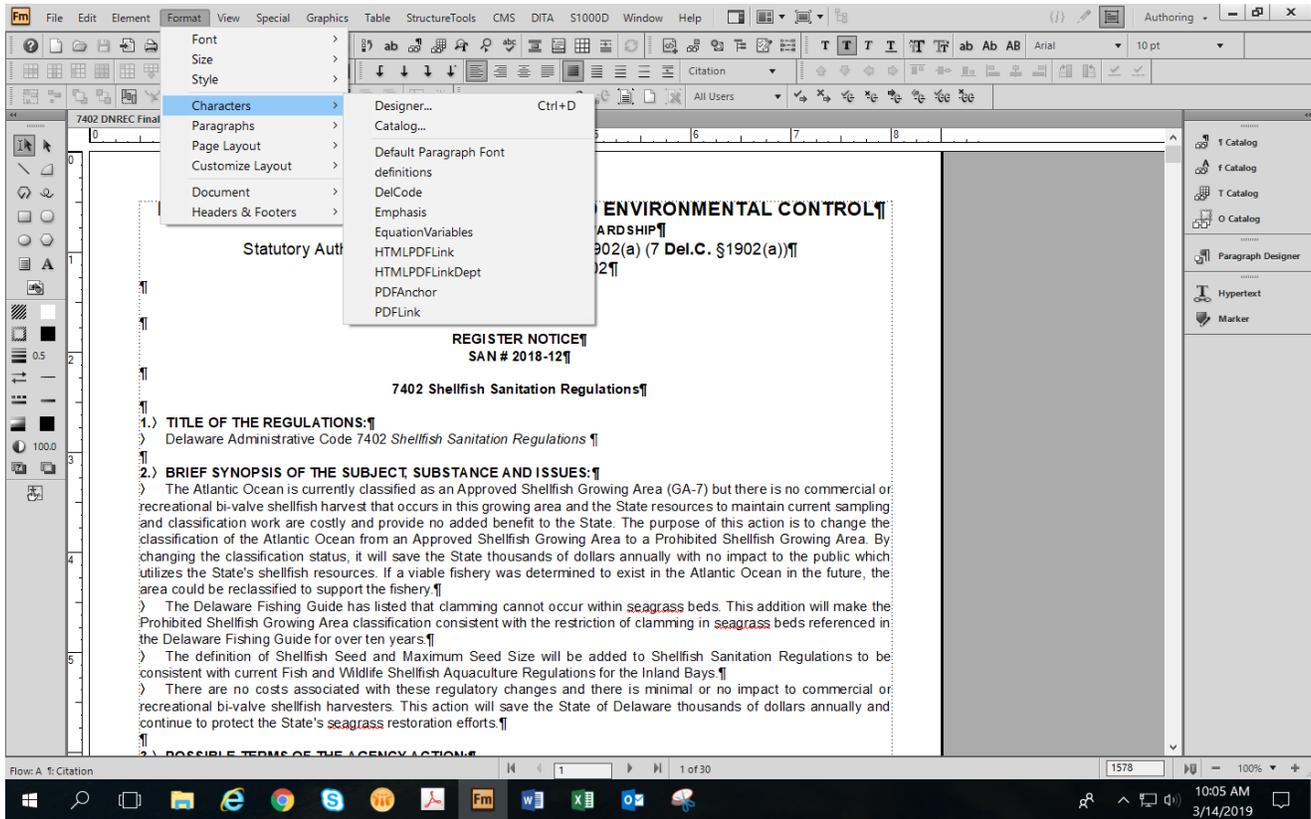
- \* The use of the words “hereinabove,” “hereinafter,” and “hereinbelow” should not be used when referring to the position of a section or other provision. If a reference is necessary, specify the part, article, section, subsection, or subdivision of the regulation by number.

# Detailed Requirements

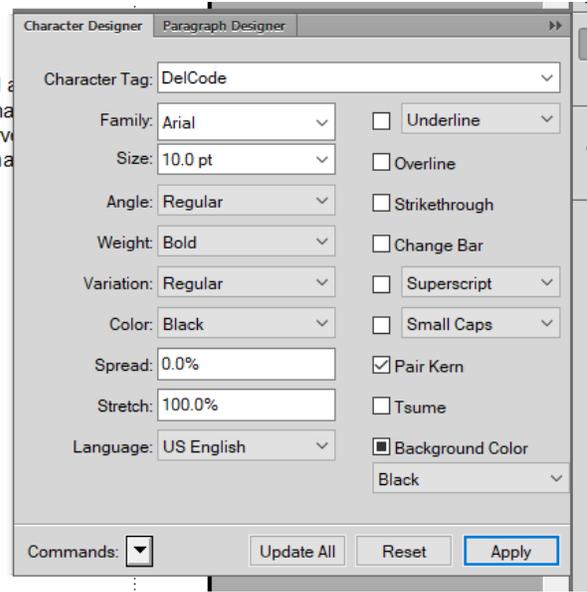
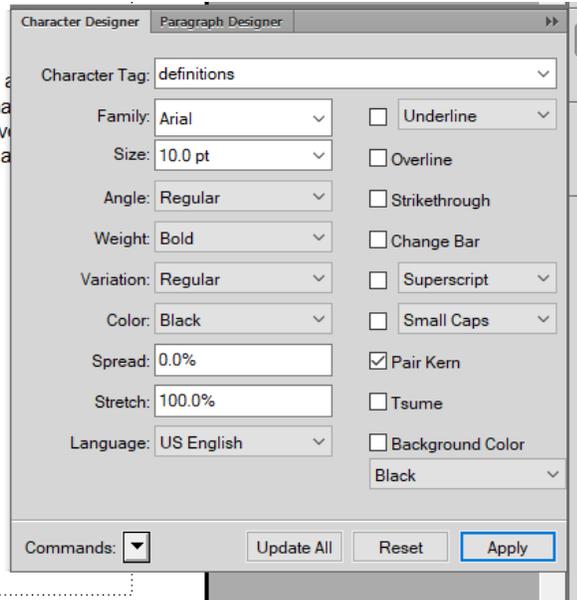
## H. Framemaker Tags & Elements

**Characters:** The primary characters used are: **Definitions** and **DelCode**  
*(Wish list: a tag "AdminCode" with similar attributes to the DelCode tag – we want it to point to the online Admin. Code at <http://regulations.delaware.gov/AdminCode/>)*

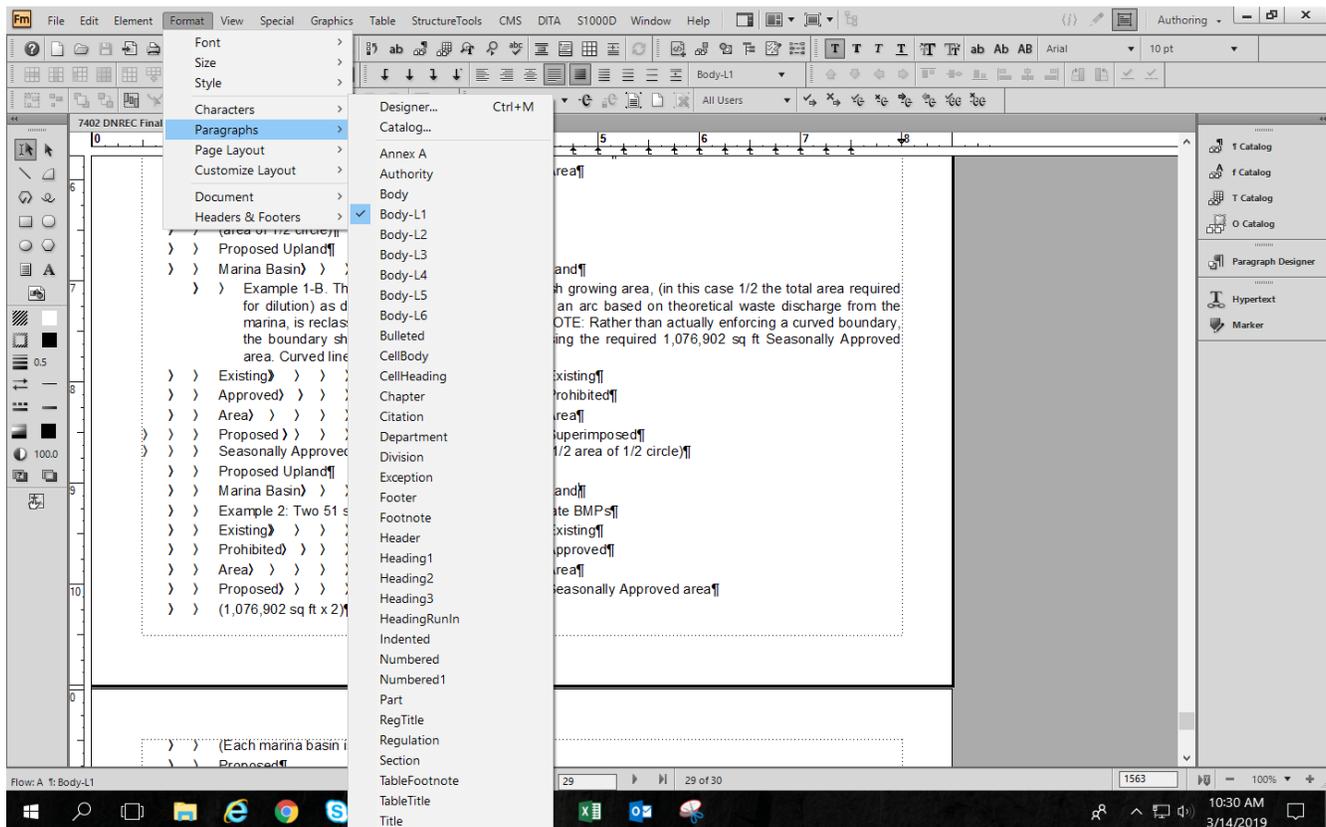
The attributes for these tags/elements are located in Format/Characters/Designer.



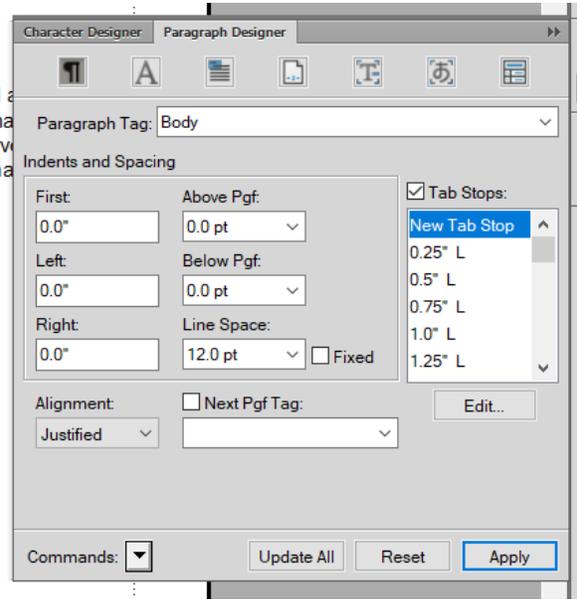
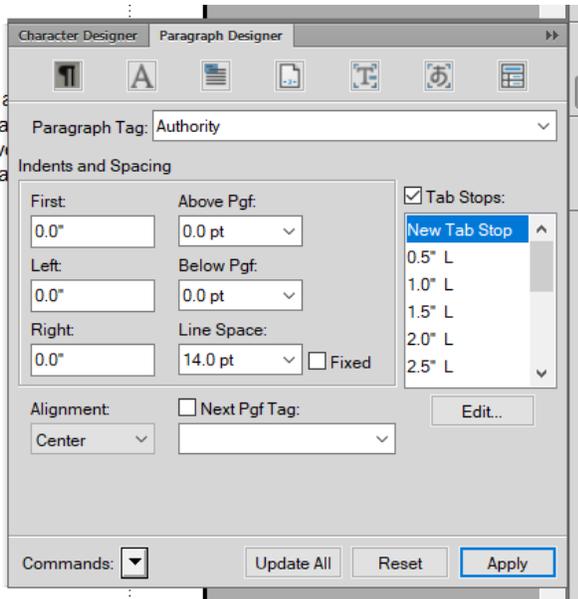
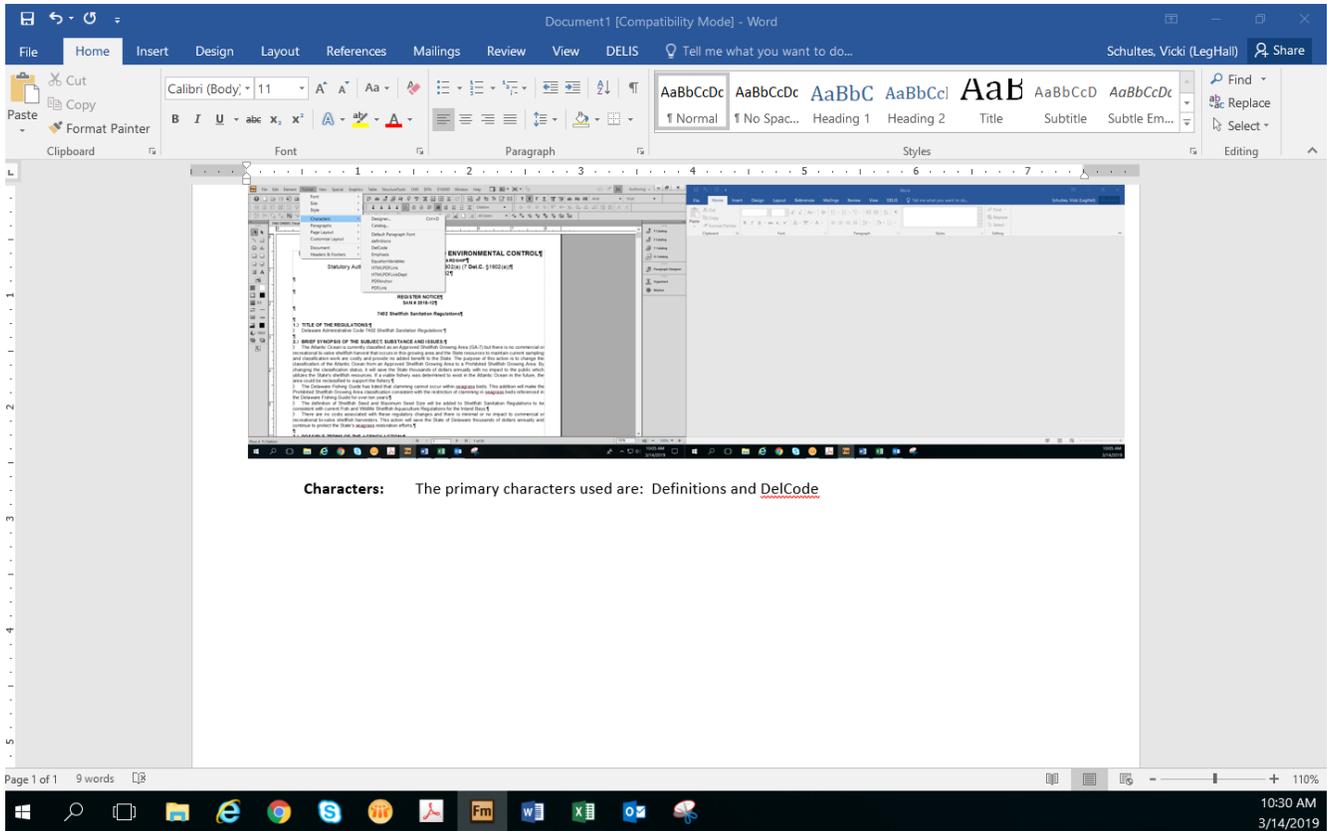
# Detailed Requirements



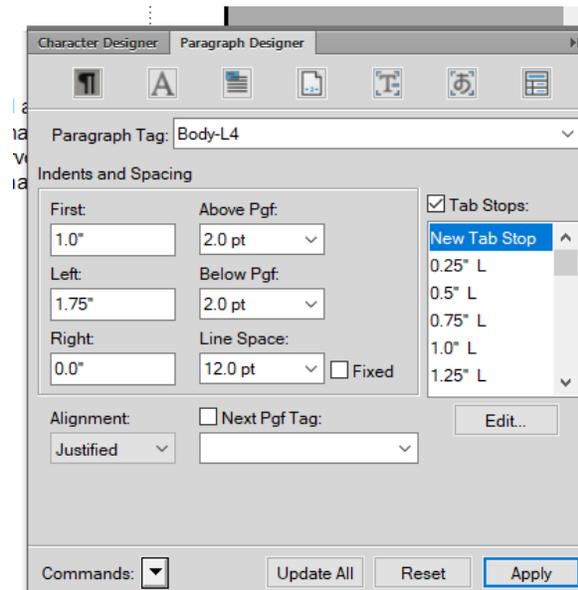
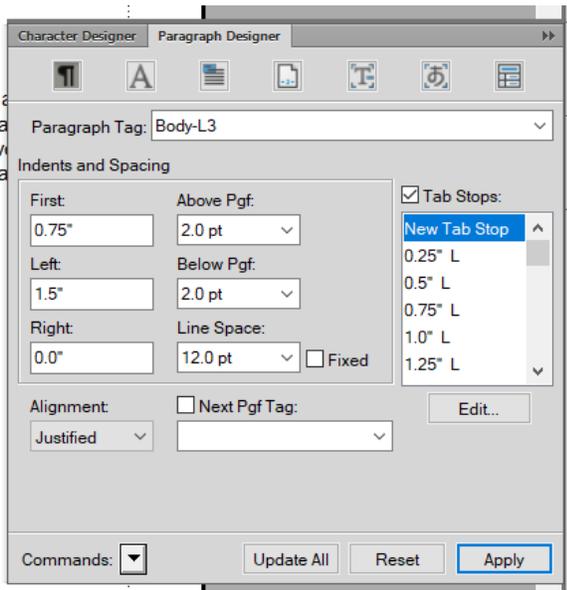
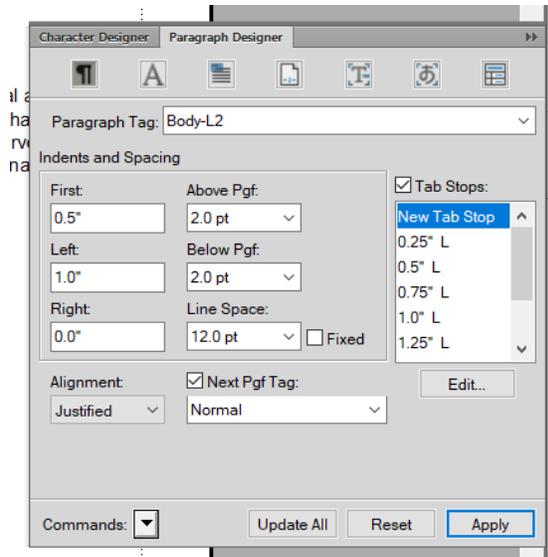
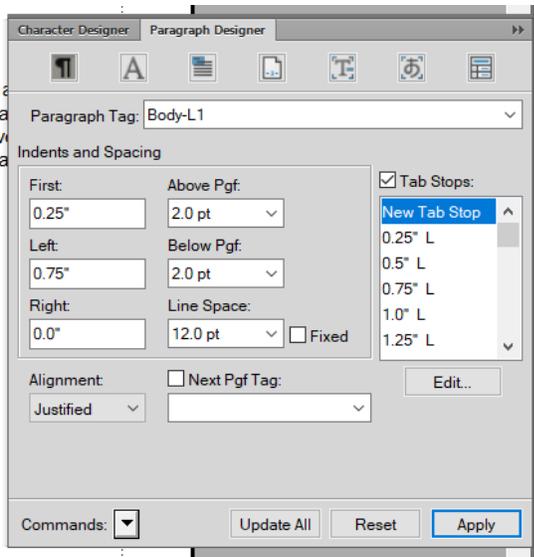
**Paragraphs:** (These are the most critical/most used elements for the regulations.)  
 The primary paragraph tags used are: Authority, Body, Body-L1, Body-L2, Body-L3, Body-L4, Body-L5, Body-L6, Bulleted, CellBody, Citation, Department, Division, Footnote, Part, RegTitle, Regulation, Section, and Title:



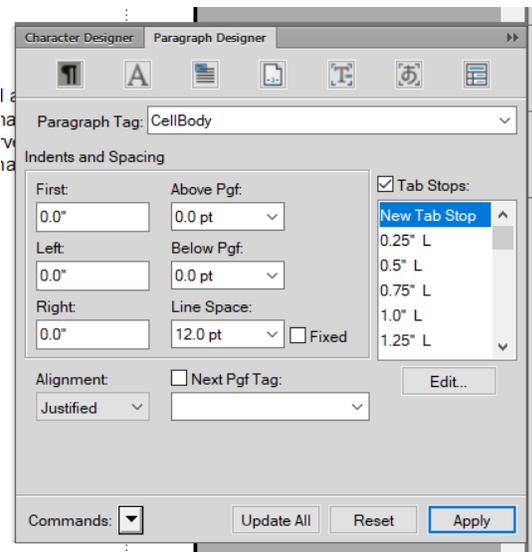
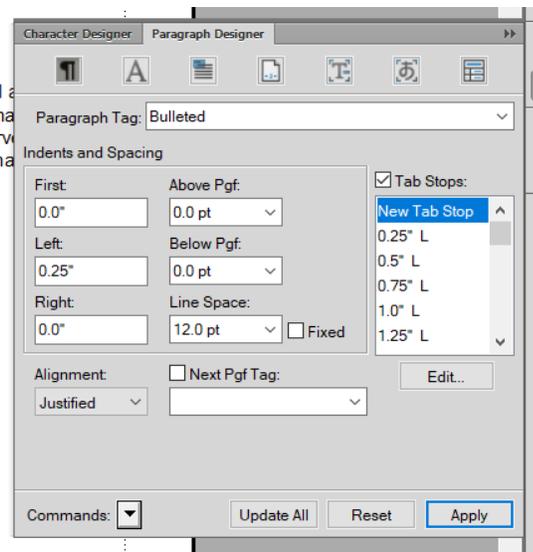
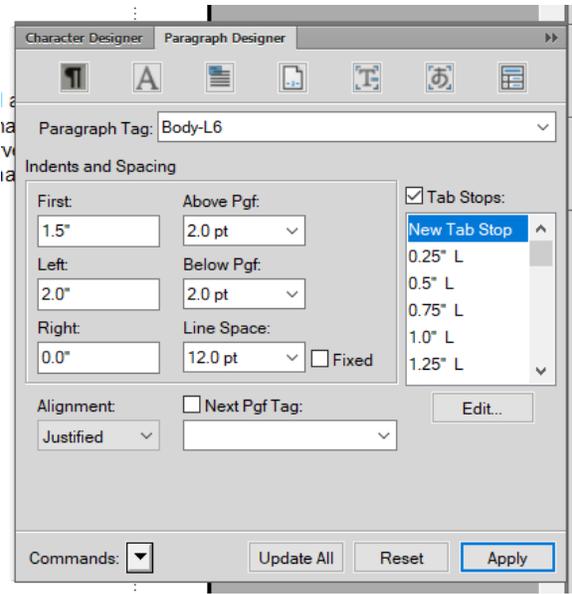
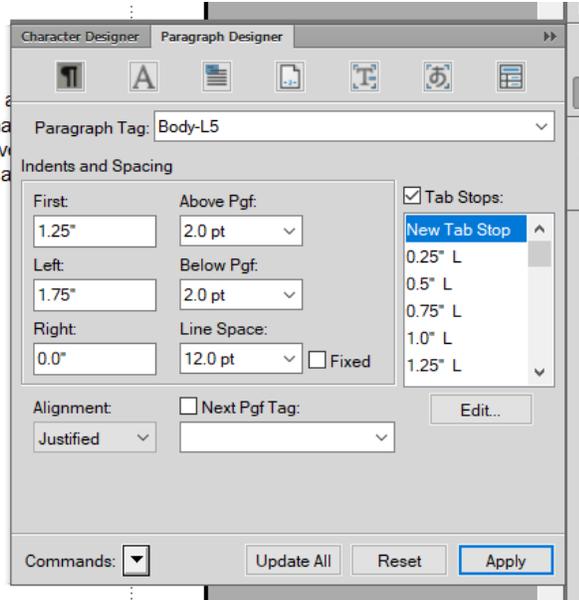
# Detailed Requirements



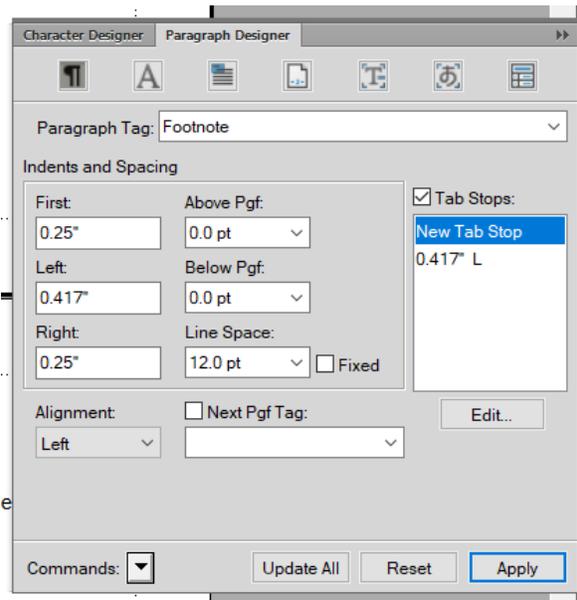
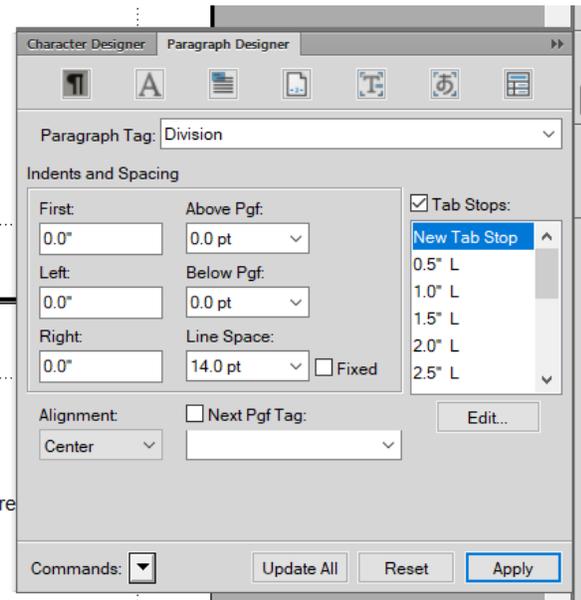
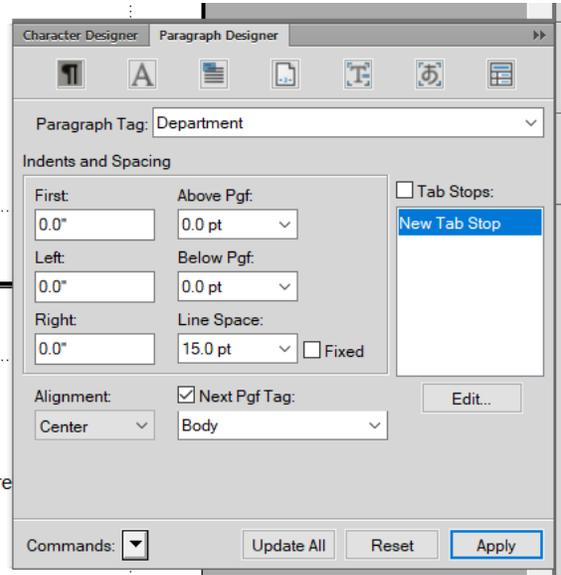
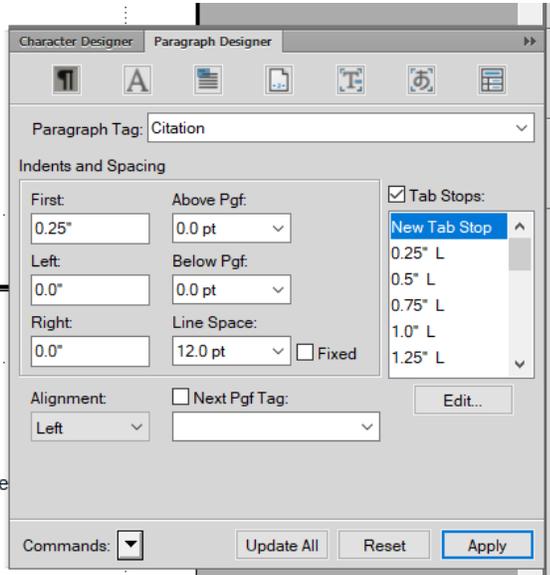
# Detailed Requirements



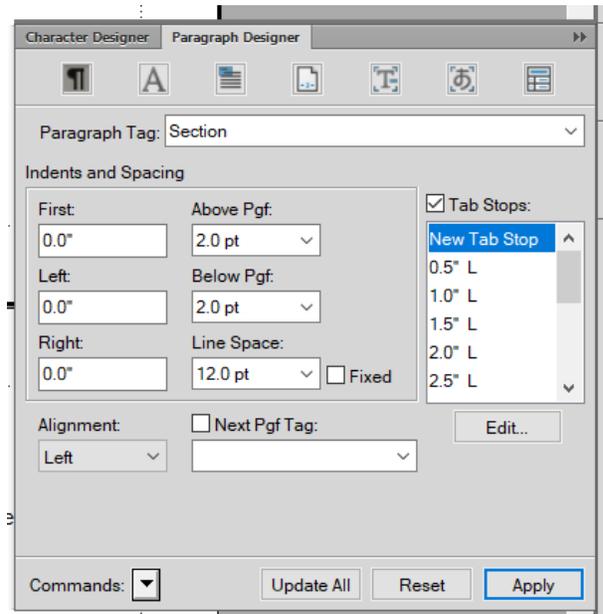
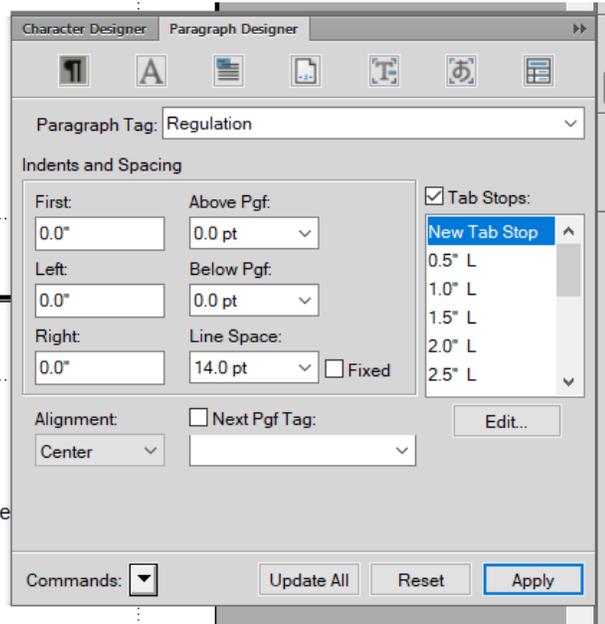
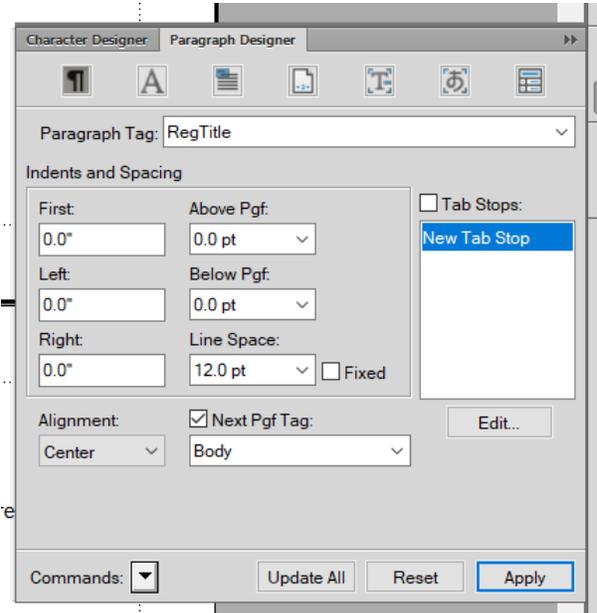
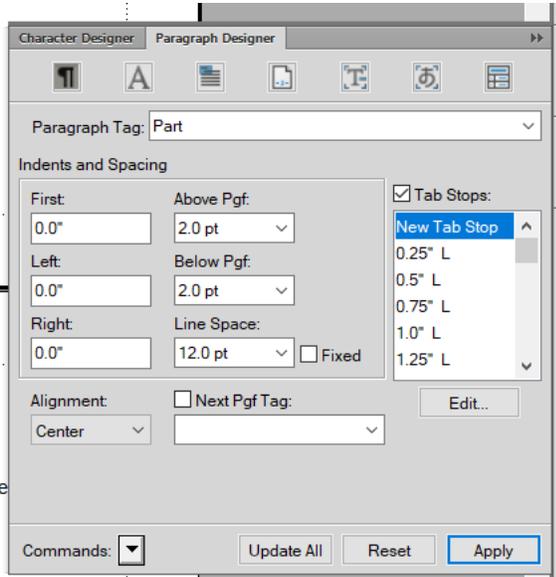
# Detailed Requirements



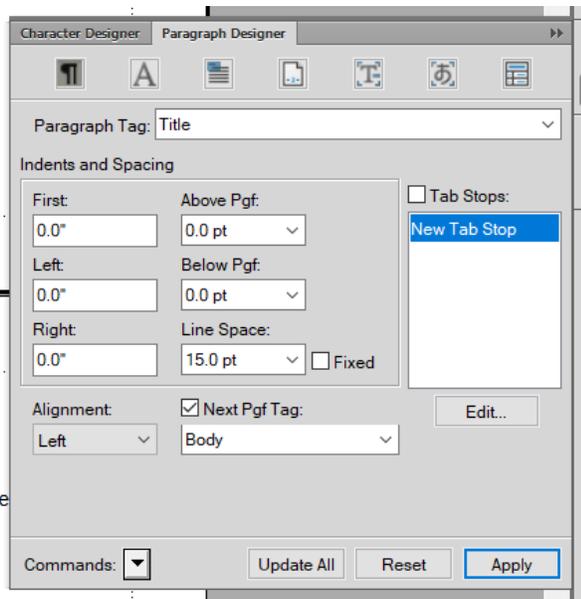
# Detailed Requirements



# Detailed Requirements



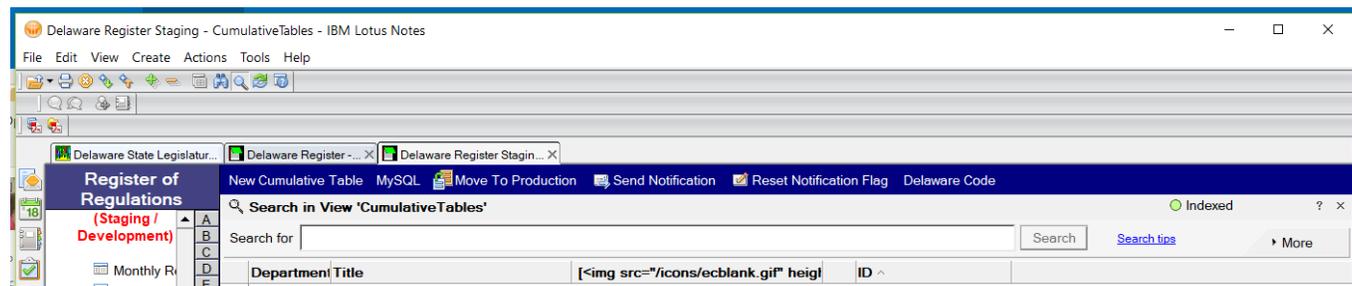
# Detailed Requirements



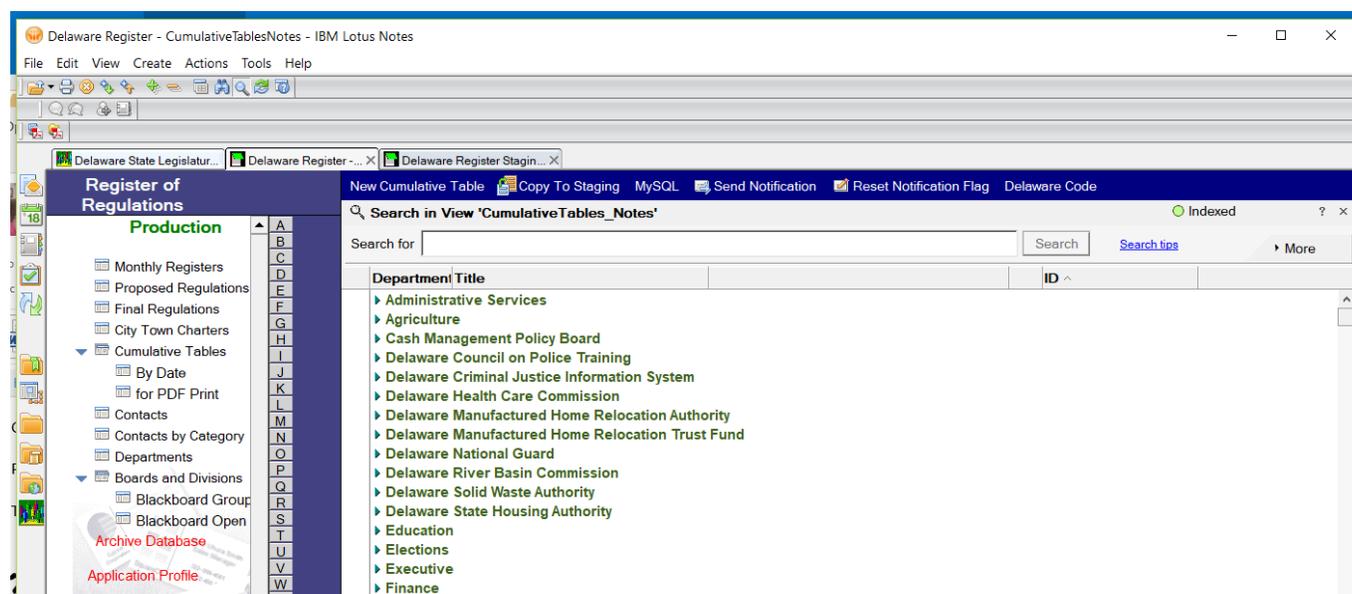
# Detailed Requirements

## I. Legacy Application Work View

### Staging View



### Production View



## Detailed Requirements

### *J. Administrative Code Published to Web*

#### Title

##### Delaware's Administrative Code

- [Title 1 - Authorities, Boards and Commissions](#)
- [Title 2 - Transportation](#)
- [Title 3 - Agriculture](#)
- [Title 4 - Alcoholic Beverage Control](#)
- [Title 5 - Banking](#)
- [Title 6 - Attorney General's Office](#)
- [Title 7 - Natural Resources and Environmental Control](#)
- [Title 8 - Public Information \(FOIA\)](#)
- [Title 9 - Services for Children Youth and Their Families](#)
- [Title 10 - Charitable Gaming, Lottery, and Fantasy Sports](#)
- [Title 12 - Unclaimed Property](#)
- [Title 14 - Education](#)
- [Title 15 - Elections](#)
- [Title 16 - Health and Safety](#)
- [Title 18 - Insurance](#)
- [Title 19 - Labor](#)
- [Title 20 - Corporations](#)
- [Title 24 - Regulated Professions and Occupations](#)
- [Title 26 - Public Utilities](#)
- [Title 29 - Regulation Filing and Publication Procedures](#)

#### Category

##### Title 1 Authorities, Boards and Commissions

- [100 Delaware Health Information Network](#)
- [200 Delaware Manufactured Home Relocation Trust Fund](#)
- [300 Victims' Compensation Assistance Program Advisory Council](#)
- [400 Delaware Economic Development Office](#)
- [500 Delaware Solid Waste Authority](#)
- [600 Human Relations Commission](#)
- [700 Delaware State Fire Prevention Commission](#)
- [800 Delaware Council on Police Training](#)
- [900 Division of Historical and Cultural Affairs](#)
- [1000 Division of the Arts](#)
- [1100 Delaware Sex Offender Management Board](#)
- [1200 Cash Management Policy Board](#)
- [1300 Delaware Criminal Justice Information System](#)
- [1400 Child Placement Review Board](#)

#### Sub Category

- Title 1 General Boards and Commissions**
- 200 Delaware Manufactured Home Relocation Trust Fund**
  - [201 Delaware Manufactured Home Relocation Trust Fund Regulations](#)
  - [202 Rent Increase Dispute Resolution Procedures](#)

## Detailed Requirements

### IX. Submission Forms

#### A. Submission Form-Errata

<b>DELAWARE REGISTER OF REGULATIONS</b>		
<b>ERRATA REGULATION SUBMISSION FORM</b>		
<b>Is this regulation exempt from the A.P.A.? (Check one)</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>		
Submitted on: (Date/Time):		
Submitted by:		
Submitting agency:	<b>Department:</b>	
<b>(Select from drop-down menus)</b> 	<b>Division:</b>	
	<b>Board/Section:</b>	
	Acu-(Board of Geo.)	
	(Board of) Med. – D.R.B.C.)	
	(D.S.W.A. - Pe)	
(PI – We)		
<b>Regulation Number:</b>		
<b>Regulation Name:</b>		
Published in the	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i> on page
To be published as Erata in the:	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i>
<b>Contact Name (1):</b>	<b>Email:</b> <b>@delaware.gov</b>	
<b>Contact Name (2):</b>	<b>Email:</b>	
Attached files (names):		
Comments:		

## Detailed Requirements

### B. Submission Form-Emergency

<b>DELAWARE REGISTER OF REGULATIONS</b>	
<b>EMERGENCY REGULATION SUBMISSION FORM</b>	
<b>Is this regulation exempt from the A.P.A.? (Check one)</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	
Submitted on: (Date/Time):	
Submitted by:	
Submitting agency:	<b>Department: (Select here:)</b>
<b>(Select from drop-down menus)</b> 	<b>Division: (Select here:)</b>
	<b>Board/Section:</b>
	Acu-(Board of Geo.)
	(Board of) Med. – D.R.B.C.)
	(D.S.W.A. - Pe)
	(PI – We)
<b>Regulation Number:</b>	
<b>Regulation Name:</b>	
To be published as an emergency regulation in the:	<b>(Select month:)</b> <b>(Select year:)</b> issue of the <i>Register</i>
<b>Contact Name (1):</b>	<b>Email:</b> <b>@delaware.gov</b>
<b>Contact Name (2):</b>	<b>Email:</b>
Attached files (names):	
Comments:	

# Detailed Requirements

## C. Submission Form-Final

<b>DELAWARE REGISTER OF REGULATIONS</b>		
<b>FINAL REGULATION SUBMISSION FORM</b>		
<b>Is this regulation exempt from the A.P.A.? (Check one)</b> <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b>		
Submitted on: (Date/Time):		
Submitted by:		
Submitting agency:	<b>Department (A-J): (Select here:)</b> <b>(K-Z): (Select here:)</b>	
<b>(Select from drop-down menus)</b> 	<b>Division: (Select here:)</b>	
	<b>Board/Section:</b>	
	Acu-(Board of Geo.)	
	(Board of) Med. – D.R.B.C.)	
	(D.S.W.A. - Pe)	
(PI – We)		
<b>Regulation Number:</b>		
<b>Regulation Name:</b>		
Proposed in the	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i> on page
To be published as final in the:	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i>
<b>Contact Name (1):</b>	<b>Email:</b>	
<b>Contact Name (2):</b>	<b>Email:</b>	
Attached files (names):		
Comments:		

# Detailed Requirements

## D. Submission Form-General Notice

<b>DELAWARE REGISTER OF REGULATIONS</b>			
<b>GENERAL NOTICE SUBMISSION FORM</b>			
Submitted on: (Date/Time):			
Submitted by:			
Submitting agency:	<b>Department: (Select here:)</b>		
<b>(Select from drop-down menus)</b> 	<b>Division: (Select here:)</b>		
	<b>Board/Section:</b>		
	Acu-(Board of Geo.)		
	(Board of) Med. – D.R.B.C.)		
	(D.S.W.A. - Pe)		
	(PI – We)		
Notice Number (if applicable):			
General Notice Title:			
Regulation to be published in the:	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 100px;"><b>(Select month:)</b></td> <td><b>(Select year:)</b> issue of the <i>Register</i></td> </tr> </table>	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i>
<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i>		
Public Comments Section:			
Contact Name (1):	Email:		
Contact Name (2):	Email:		
Attached files (names):			
Comments:			

# Detailed Requirements

## E. Submission Form-Proposed

<b>DELAWARE REGISTER OF REGULATIONS</b>		
<b>PROPOSED REGULATION SUBMISSION FORM</b>		
Submitted on: (Date/Time):		
Submitted by:		
Submitting agency:	<b>Department (A-J): (Select here:)</b>	<b>(K-Z): (Select here:)</b>
<b>(Select from drop-down menus)</b> 	<b>Division: (Select here:)</b>	
	<b>Board/Section:</b>	
	Acu-(Board of Geo.)	
	(Board of) Med. – D.R.B.C.)	
	(D.S.W.A. - Pe)	
(PI – We)		
<b>Regulation Number:</b>		
<b>Regulation Name:</b>		
Regulation to be published in the:	<b>(Select month:)</b>	<b>(Select year:)</b> issue of the <i>Register</i>
Public Comments Section:		
<b>Contact Name (1):</b>	<b>Email:</b>	
<b>Contact Name (2):</b>	<b>Email:</b>	
<b><i>Public comment period ends:</i></b>	<b>(Select month:)</b>	<b>(Select year:)</b>
Attached files (names):		
Comments:		

## Detailed Requirements

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### ***F. RFA Form***

**RFA Form** – Agency to be able to input the information, save and attach to the entry request screen.  
Notification to be sent to the Committee Chairs of the General Assembly when submitted

Can be accessed in its entirety at:

[http://regulations.delaware.gov/regulatory\\_flexibility\\_analysis\\_and\\_impact\\_statement\\_form.pdf](http://regulations.delaware.gov/regulatory_flexibility_analysis_and_impact_statement_form.pdf)

# Regulatory Flexibility Analysis and Impact Statement Form

## For Proposed New and Amended Regulations Affecting Small Businesses or Individuals

### Introduction

Beginning January 1, 2016, agencies submitting proposed new or amended regulations that affect small businesses or individuals are required, under the new Regulatory Transparency and Accountability Acts of 2015 (see 80 Del. Laws, c. 112 and 113), to submit a Regulatory Flexibility Analysis (RFA) and a Regulatory Impact Statement (RIS) with the proposed regulation to the Registrar of Regulations (see **29 Del.C. Ch. 104**).

This RFA and RIS form is intended to benefit the small businesses and individuals impacted by proposed regulations by ensuring a reasonable level of consistency in the formatting of RFAs and RISs across different agencies and regulations.

State agencies proposing new or amended regulations that are substantially likely to impose additional costs or burdens on small businesses<sup>1</sup> or individuals<sup>2</sup> must submit a Regulatory Flexibility Analysis (RFA) **and** a Regulatory Impact Statement (RIS) to the Registrar of Regulations, with the proposed regulation. For agencies proposing amendments to existing regulations, the promulgating agency shall only be required to complete the RFA and RIS for the proposed amended portion of the existing regulation, and not for the entire existing regulation.

### What is a Regulatory Flexibility Analysis (RFA)?

In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulation; and (4) examining other ways to accomplish the regulation's purpose, while minimizing the impact upon individuals and/or small businesses.

### What is a Regulatory Impact Statement (RIS)?

Among other things, each RIS must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation. In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly.

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<sup>1</sup>"Small business" means any not-for-profit enterprise, sheltered workshop or business enterprise which is engaged in any phase of manufacturing, agricultural production or personal service, regardless of the form of its organization, when such enterprise or workshop employs fewer than 50 persons, has gross receipts of less than \$10,000,000 and is not owned, operated or controlled by another business enterprise.

<sup>2</sup> "Individual" means any natural person, including any sole proprietorship. The term "individual" does not include any natural person affected by a regulation in his/her capacity as an officer, director, or employee of an organization that is not a "small business"; e.g. the CEO of a large business.

*Agencies, Boards, and Commissions: please fill out this form when proposing new or amended regulations for the purpose of informing the public and business community. All proposed regulations, even if an exemption applies, must have this form attached when submitting to the Registrar of Regulations.*

Date \_\_\_\_\_ Agency \_\_\_\_\_ Division/Office \_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email (or mailing address for comments) \_\_\_\_\_

Regulation # \_\_\_\_\_ Title \_\_\_\_\_

## Exemptions

*Exemption A:* This proposed regulation is **not subject to Chapter 104, Title 29 of the Delaware Code**, because it will not apply to small businesses or individuals at all.

*Exemption B:* The agency, board, or commission is exempt from completing the RFA and Impact Statement due to the nature of the proposed regulation.

Choose the reason for exemption:

*B1.* This proposed regulation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Explain this conclusion:

*B2.* This is an emergency regulation pursuant to **29 Del.C. §10119**.

*B3.* This proposed regulation is exempt from the procedural requirements of the Administrative Procedures Act, **29 Del.C. §10113(b)**. Choose which reason:

*B3a.* Descriptions of agency organization, operations and procedures for obtaining information

*B3b.* Rules of practice and procedure used by the agency

*B3c.* Delegations of authority to subordinates

*B3d.* Nonsubstantive changes in existing regulations to alter style or form or to correct technical errors

*B3e.* Amendments to existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations

*B3f.* Codifications of existing agency or judicial principles of decision derived from previous decisions and rulings

*B4. This proposed regulation defines standard of conduct or qualifications of individuals applying for licensure or as licensed professionals. Identify which professional license or professional qualification this would apply to:*

*B5. Regulations that are required by federal law and/or have already complied with the federal Regulatory Flexibility Act, 5 U.S.C. § 601 et seq. (If this is checked, the agency, board, or commission shall cite the federal law, regulation, directive, or guidance strictly mandating such state regulation and shall attach any applicable Federal RFA related to the regulation, if available. Attach the Federal RFA statement to this form, or provide the URL):*

*End of Exemption Section*

# Regulatory Flexibility Analysis

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State agencies, boards, and commissions proposing to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses shall consider, where **applicable, lawful, feasible and desirable**, the following methods of reducing the additional costs and burdens of proposed regulations **on individuals and small businesses**:

1. The establishment of less stringent compliance or reporting requirements;
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements;
3. The consolidation or simplification of compliance or reporting requirements;
4. The establishment of performance standards to replace design or operational standards required in the proposed regulation;
5. The exemption of certain individuals or small businesses from all or part of the requirements contained in the proposed regulation; and
6. Such other alternative regulatory methods that will accomplish the objectives of the proposed regulation while minimizing the adverse impact upon individuals and small businesses.

Explain whether each of the above methods would be applicable, lawful, feasible, and desirable to reduce the costs or burdens of the proposed regulation:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

If the above RFA section does not address each of the six methods and there is not an exemption that applies, explain why the agency, board, or commission decided it was not applicable, lawful, feasible, and desirable to complete the RFA section above:

*End of Regulatory Flexibility Analysis Section*

# Regulatory Impact Statement

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Any agency, board, or commission that proposes to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses must submit the below Regulatory Impact Statement (RIS).

- Reference the statutory provision that allows for the adoption or amendment of the regulation and the statutory provisions that address the subject matter of the regulation. In addition, provide the URL to the specific section of the Delaware Code to allow the public easy access to view the provision.
  - Statutory Citation: \_\_\_\_\_
  - URL: \_\_\_\_\_
  - Subject Matter Statutory Citation: \_\_\_\_\_
  - URL: \_\_\_\_\_
- Describe the purpose of the proposed regulation (what is the need for the proposed regulation?):
  
- What are the anticipated benefits of the proposed regulation? (Describe the benefits that are expected to accrue as a result of the implemented regulation). Please quantify such benefits, as feasible:
  
- Identify the types of individuals and/or small businesses that would be subject to compliance under the regulation:

- Provide a **good-faith estimate** of the potential cost of compliance for individuals and/or small businesses, which at minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation. Use the below space for a free-text response (*Cost Estimate Option 1*) or, use the questionnaire below to guide the response (*Cost Estimate Option 2*):

***Cost Estimate Option 1:***

	<b><i>Cost Estimate Option 2</i></b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
1	Is this regulation being proposed to implement a state or federal program that provides funds to Delaware?			
2	If this regulation is not implemented, will individuals, businesses, or programs lose federal funding?			
3	Does this regulation implement a plan that has already been approved by the federal government, after an opportunity for public comment?			
4	Does this regulation follow industry standards and best practices?			
5	Are there potential costs in not establishing these standards?			
6	Does the regulation require capital costs (building costs, material costs, upgrades to property or structures, retrofitting of systems, etc.)?			
7	Does the regulation require additional recurring costs on small businesses or individuals?			
8	Does the regulation impose additional administrative burden for a small business or individual?			
8a	If answering yes to #8, is it ongoing reporting or one time? (Choose answer) Ongoing                  One Time                  Unknown			
8b	If answering yes to #8, generally, how much administrative effort will be required to comply with the regulation? Large Amount          Small Amount          Unknown			
9	Does the regulation require new or changed record keeping that will create new processes or change processes already in place for small businesses or individuals?			

	<b><i>Cost Estimate Option 2 (continued)</i></b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
10	Would a small businesses or individual be required to hire an outside professional to comply with the proposed regulation (such as an attorney, accountant, tax advisor, environmental consultant, engineering firm, etc.)?			
10a	If answering yes to #10, estimate how many hours an outside professional may be needed to assist			
10b	If answering yes to #10, will a small business or individual be required to retain the services of the outside professional on an ongoing basis?			
11	Does the regulation require small businesses to purchase goods or services that are unusual or not commercially reasonable?			
12	Does the regulation require that small businesses exceed commercially reasonable data storage and transmission standards?			
13	Will small businesses have to hire additional employees in order to comply with the proposed regulation?			
14	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?			
15	Does the regulation have the effect of creating additional licenses, taxes and/or fees for small businesses?			
16	Does the regulation require small businesses to obtain additional education to keep up to date with regulatory requirements?			
17	Please further explain any additional costs or burdens, which at a minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation.			



## Detailed Requirements

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### X. Reporting Questions

If this is a request for a new report, complete questions 1 – 12.

If this request is for modifications to an existing report, skip to question 13.

1. Who is the sponsor – this is the person who requested the report and who will determine if the requirements are met. This may not be the person who submitted the maintenance request ticket.
2. Target audience – Which groups do you intend to use the report.
3. Report title
4. Definition – What you want to get out of the report. How you intend to use the report. What purpose will the report serve?
5. Data – What fields you want on the report. Data has to be captured in the system for us to develop a report.
6. Grouping – How do you want the report organized including subgroups?
7. Details – What data do you want for each set of groupings?
8. Sorting – How you want the groups sorted and the data within the groups sorted.
9. Calculations – Record count, totals, summaries, etc.
10. Parameters – List the selection criteria.
11. Timeframe – If a report is needed for a specific event (i.e. – a meeting, quarter end, fiscal year end, etc.)
12. Similar Report – Does a similar report already exist? If yes, please provide the report title and where the report is.
13. List report modifications (complete all that apply)
  - a. Report Title –
  - b. Report ID –
    1. Change sort order
    2. Change or add level of groupings
    3. Change, add or delete parameters
    4. Change, add or delete existing columns pulled from the database
    5. Change add, or delete graph(s)
    6. Cosmetic changes
    7. Calculation changes, adds, or deletes

## Detailed Requirements

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### XI. Related Links

*Delaware General Assembly Public Site*

- <https://legis.delaware.gov>

*Delaware Regulations Home Page*

- <http://regulations.delaware.gov/default.shtml>

*Delaware Regulations Manual*

- [http://regulations.delaware.gov/services/style\\_manual.shtml](http://regulations.delaware.gov/services/style_manual.shtml)

*Register of Regulations Cumulative Table*

- <http://regulations.delaware.gov/services/cumulativetable.shtml>

*Delaware Regulations RFA Form*

- <http://regulations.delaware.gov/rfa.shtml>

*Delaware Administrative Code*

- <http://regulations.delaware.gov/AdminCode>

*PIRS (Public Integrity*

- <http://regulations.delaware.gov/register/regs-rss.xml>

## Detailed Requirements

# XII. Requirements Acceptance/Sign-off

### DETAILED BUSINESS REQUIREMENTS

#### PRIMARY CLIENT APPROVAL

Signatures below indicate that the signers believe this document accurately reflects the needs of the business as they are known today related to the process(es) described herein. Signing does NOT indicate acceptance of system design(s), Interface design(s) [screen layout and navigation functionality], Information Services Costs, or any Functional components related to the process(es) described in this document, nor does it indicate that the Business Needs will not change in the future. Acceptance of System's Functional and Design Specifications will be based on tracing the Functional Specifications to the mutually agreed upon Business Needs presented in this document.

**Accepted:** \_\_\_\_\_  
*(Yvette Smallwood – Executive Sponsor)* Date

**Accepted:** \_\_\_\_\_  
*(Janet Roberson – Business Sponsor, Delaware General Assembly)* Date

**Accepted:** \_\_\_\_\_  
*(Angel Burack – Business Product Owner/Project Manager)* Date

**Accepted:** \_\_\_\_\_  
*(Name of Signer – Project Manager)* Date

**Accepted:** \_\_\_\_\_  
*(Name of Signer – Role and Business Area Represented)* Date

**Accepted:** \_\_\_\_\_  
*(Name of Signer – Role and Business Area Represented)* Date

**Accepted:** \_\_\_\_\_  
*(Name of Signer – Role and Business Area Represented)* Date