



DSCYF
Department of Services for
Children, Youth & Their Families

RFP# CYF 24-08

**Request for Proposals
For Professional Services
Bid under Title 29 Chapter 69 Section 6981**

SERVICE COMPONENTS

K-5 Early Intervention Family and Student Interventionists

INFORMATIONAL BIDDERS CONFERENCE: NONE

SUBMISSION DEADLINE: **Thursday, November 14, 2024, by 2:00 pm Eastern Time**

The RFP schedule is as follows:

Submit questions to H. Ryan Bolles, DSCYF Procurement Administrator, at herbert.bolles@Delaware.gov Questions received close to the deadline may not receive a response. The State of Delaware reserves the right to determine if there is enough time to answer submitted questions.

None There is **no** bidders' conference scheduled for this RFP.

11/14/2024 by 2:00 PM ET For this RFP DSCYF will accept your proposal by email as described below. Please submit the **minimum number** of email attachments as possible keeping potential attachment size limitations. A single proposal attachment is preferred, but not mandatory.

PROPOSAL DELIVERY: Proposals must be received by email by **11/14/2024** by **2:00 PM** ET.

Emailed proposals arriving with a **State of Delaware** system date/time stamp after 2:00 pm local time on the stated due date will not be accepted. DSCYF is not responsible for undelivered or delayed emails for any reason. If you experience any problem, please reach out to Ryan Bolles at herbert.bolles@delaware.gov **as soon as possible**.

Please submit your agency's proposal to [DSCYF Bids Submission@delaware.gov](mailto:DSCYF_Bids_Submission@delaware.gov) NOTE: the State of Delaware is not responsible for undelivered or delayed emails for any reason. **Submission email must have a date/time stamp when received by the State of Delaware in compliance with the stated due date/time. You are advised NOT to wait until the last minute to submit your proposal.**

The contents of any proposal shall not be disclosed by the State to competing entities during the negotiation process.

As soon as possible The Department will work diligently to complete the proposal review and selection process in an expeditious fashion. While DSCYF reserves the right to contact bidders for additional information proposals are expected to be able to stand alone based upon the written information submitted.

As soon as possible Decisions are expected to be made and awards announced as soon as possible. Initial notification to all bidders will be by email.

Delaware Children's Department
Request for Proposals

This Request for Proposal (RFP) is issued by the State of Delaware's Department of Services for Children, Youth Their Families (DSCYF), Division of Prevention and Behavioral Health Services (DPBHS). The Department is seeking proposals from qualified agencies to provide evidenced-based Early Intervention services to students in grades K-5.

DSCYF is NOT accepting proposals from individuals. DSCYF is ONLY accepting proposals from eligible agencies. Eligible agencies are those which are in compliance with licensing requirements of all appropriate Delaware State and local authorities. In addition, Agencies must be accredited by a national accreditation organization such as The Joint Commission, Commission on Accreditation of Rehabilitative Facilities (CARF), or the Council on Accreditation (COA). Agencies without accreditation status must meet DPBHS clinical standards outlined in the DPBHS Treatment Provider Manual and the CARF standards for unaccredited providers under the Business and Services Network. The DPBHS Treatment Provider Manual is available online at <https://kids.delaware.gov/prevention-and-behavioral-health-services/information-for-providers/>

DSCYF is responsible for providing and managing a range of services for children who have experienced abandonment, abuse, neglect, adjudication, and mental health and substance use disorders/conditions. DSCYF's mission is to engage families and communities to promote the safety and well-being of children, families and communities through prevention, intervention, treatment, and rehabilitative services. DSCYF is comprised of four operating divisions: The Division of Youth Rehabilitative Services which serves youth involved with the juvenile justice system; Division of Family Services which promotes the safety and well-being of children through prevention, protection and permanency; Division of Management Support Services which provides human resources, information technology, facilities management and fiscal services; and the Division of Prevention and Behavioral Health Services (DPBHS) which provides a range of statewide voluntary behavioral health prevention, early intervention and treatment programs and services for youth. The Department's core values include safety, compassion, respect, and collaboration. DSCYF is committed to providing services within a System of Care framework that requires staff and providers to work together using the following principles:

- Services are individualized and include strength-based solutions
- Services are appropriate in type and duration
- Services are child-centered, and family focused
- Services are primarily community-based and least restrictive
- Services are culturally competent
- Services are provided within and across a seamless system
- Services are planned and managed within a team-framework which includes the child, the family, and natural and professional supports that are available to them.

DPBHS develops, maintains and supports a system of high quality, accessible behavioral health, prevention, early intervention and treatment services to ensure that children and families are served within a coordinated system of care. DPBHS' current strategic plan focuses on achieving the best outcomes for youth and families including increasing the use of evidence-based and evidence-informed practices, ensuring that family voice is represented at the individual and system level including expanding family participation in service delivery, expanding data-driven decision making to maintain a culture of continuous performance improvement and recruiting, developing and retaining a highly competent and committed workforce.

DPBHS is nationally accredited by CARF (Commission of Accreditation of Rehabilitation Facilities); CARF accreditation provides for continuous quality improvement opportunities for the Division and its providers.

Trauma Informed Care

DSCYF has committed to a trauma-informed approach in our work with children, families, staff and our partners. To guide our trauma-informed work, DSCYF has adopted the Substance Abuse and Mental Health Services Administration Concept of Trauma and Guidance for a Trauma-Informed Approach (<https://store.samhsa.gov/product/samhsas-concept-trauma-and-guidance-trauma-informed-approach/sma14-4884>). Consistent with SAMHSA's framework, DSCYF is working to ensure that service recipients, service providers and DSCYF staff are knowledgeable about the prevalence of exposure and opportunities for resilience, healing and recovery for children, families and communities served. DSCYF encourages the use of strategies to build the capacity of staff and providers to recognize and respond to trauma exposure, including the use of trauma screening and assessment, trauma-specific treatment interventions, trauma training for staff, and trauma informed supervision practices. DSCYF is committed to actively resisting the re-traumatization of service recipients and staff and supports the incorporation of trauma informed principles into all aspects of organizational policy and practice (e.g., environments that promote a sense of physical and psychological safety, practices that promote collaboration with and empowerment of service recipients). This trauma informed framework is consistent with DSCYF's commitment to the Systems of Care principles. DSCYF reserves the right to give preference to bidder or bidders who demonstrate having adopted a Trauma Informed Care model in its service delivery practices.

CONTEXT OF NEEDED SERVICE:

The K-5 Early Intervention Program is a voluntary school-based program which provides 54 Family and Student Interventionists (FSIs) statewide to work with children and families identified as "at-risk". In collaboration with the Delaware Department of Education, FSI's are assigned to designated district and charter elementary schools to provide a range of evidenced based interventions designed to remove barriers for academic and social success. The year-round program focuses on providing a "System of Care" by enhancing collaboration among state agencies and communities to meet the needs of children and their families.

The program currently consists of 51 state employees and three contracted positions. Each FSI serves one school. While the current locations for the contracted positions are in New Castle County, the assigned schools are determined by the Department of Education. However, the school and county may be different than those identified at the time of this RFP. During the school year contractors will generally work Monday-Friday during the hours of operation of the school to which they are assigned although some later afternoon and evening hours may be necessary. During the summer the work hours for contractors will generally remain the same.

The successful bidder will be expected to collaborate closely with the state's current K-5 program administration and the expected quality of the service delivery of the contracted Family and Student Interventionists will be indistinguishable from the performance of the state employed Family and Student Interventionists. The work schedule for the Family and Student Interventionists will be developed to fit the needs of the district, school, the identified children, and their families. This may include late afternoon and evening hours. Contractors are required to transport students and/or parents at times (3,600 miles per year estimated).

Professional service types and number of intended individual service providers needed resulting from this RFP are as follows (details provided in subsequent pages):

- A proposed system of supervision of the 3 Family & Student Interventionists
- 3 Family & Student Interventionists

Contract Term:

Bidders are bidding on a relationship of up to five-years with DSCYF. Contracts may be written for a single year or multiple year periods. Renewals are contingent upon satisfactory performance, compliance with contract specifications and availability of funds.

- Contract Period - The first contract period will begin as soon as possible after this RFP closes and the award process can conclude.

12-Month Budget: Bidders must include in their proposal a detailed 12-month **DSCYF Budget Form, Salary detail and a budget narrative** describing all of the assumptions and calculations used to arrive at each budget line item for operation of the program as described below.

Budget Development: The successful bidder must provide 3 full time Family and Student Interventionists (one per school) to provide year-round (12 month) services in the schools, homes, and community inclusive of all supporting costs. The successful bidder must consider all required costs when preparing the required 12-month DSCYF Budget Form, Salary Detail (for comparison and estimation purposes only the **FSI salary for the comparable state merit system has a minimum of \$62,557 as of July 2024**), and budget narrative (e.g., cell phones, laptops/computers, travel costs, and a line item of \$1,800 (\$600 per FSI) to provide summer programming. There is no template for the budget narrative. Bidders must submit a proposed 12-month budget on the DSCYF provide forms as part of the proposal. The DSCYF Budget Form and Salary Detail are available in a single Excel workbook where this RFP is posted.

The successful bidder is responsible for payment of all federal, state, or local taxes that may apply. The successful bidder must accept full payment by conventional check and/or other electronic means and/or procurement (credit) card at the State’s option, without imposing any additional fees, costs, or conditions.

Service Type Descriptions and Requirements:

The scope of work for this service will follow existing standards established by the Division of Prevention and Behavioral Health Services and Department of Education for a Family and Student Interventionist and will include the following duties.

- Assess the child and family to determine what issues are impeding the child’s progress in school.
- Evaluate the needs of children, families, and others to make an accurate and complete assessment.
- Contact families to discuss issues identified in initial child contact and collaborate with the family and school team members to develop plans and facilitate improved child performance.
- Establish a comprehensive plan for services to ensure child and family needs are met.
- Assess in crisis situations and develop appropriate courses of action for a child and family.
- Provide intensive services to children and their families during a crisis, including in-home and telephone crisis intervention, during normal work hours, Monday-Friday.
- Provide intervention for children and families that address the child’s disruptive behavior and family issues that impact school performance.
- Maintain a caseload per FSI of 15-17 families as identified by the school intervention team or school administrator.
- Consult on children that are not part of the formal caseload, as requested by the principal.
- Facilitate individual, group and family intervention sessions.

- Provide services required to improve children’s performance and family functioning ability, i.e., tutoring, counseling.
- Provide monthly reviews and update service plans and notes to identify child progress regarding behavior and academic performance and identify if additional services may be needed.
- Complete initial and quarterly evaluations using K-5 designated tool.
- Engage children in various pro-social and/or educational activities during the summer months. These activities may include, but are not limited to, small group interventions and field trips.
- Conduct weekly face to face contact with children with disruptive behavior for the first month and at least bi-weekly until the child’s performance and academic achievement improve.
- Attend school intervention team meetings to review referrals and to discuss child progress.
- Complete required activities, which include fieldwork, assessments, reviews, and visits, within established time frames specified by school and DPBHS policy.
- Submit designated paperwork electronically and within established timeframes.
- Implement the same protocol as used by DPBHS’s K-5 FSIs e.g., assessment tools, documentation process, parent training.
- Participate in meetings and trainings designated by the manager of K-5 program. In addition, the FSI must meet internally with the successful bidder’s supervisor a minimum of monthly.
- Work closely with and accept cases from the principal in the assigned school.
- Provide some after hour work as required.

K-5 Early Intervention Program Family and Student Interventionist Qualifications

To work as a Family and Student Interventionist the person must meet the following criteria:

- Possession of a Bachelor’s degree or higher in Behavioral or Social Science or related field.
- Three years’ experience in case management such as assessing, planning, developing, implementing, monitoring, and evaluating options and services to meet an individual human service needs using effective counseling or interviewing techniques as well as other available resources such as service plans or case management systems.
- Experience working with children and their families.
- Experience in implementing social-emotional skill-based trainings.
- Possession of a valid Driver’s License.
- Pass all **DSCYF specific** criminal history and drug screening (all associated costs must be included in the bidder’s proposed 12-month budget calculation).
- Compliance with all DOE and/or school specific requirements.

Supervisory oversight of the FSIs must include the following activities.

- Supervision of the three contracted FSIs will be provided by the successful bidder. Supervision will include the following:
 - Minimum of one per month consultation.
 - Monthly reviews of child/family service plans and notes to identify children’s progress regarding behavior and academic performance. This will include a review of referrals and linkage for services required to improve child performance and family functioning ability (i.e. tutoring, counseling).
 - Review of FOCUS update reports provided by DPBHS for each FSI
 - Review of child, family, and/or school staff contacts to ensure that they are appropriate for frequency, type, and location of contact.
- Submit monthly reports on each staff’s case progress to the K-5 program manager.

Supervisor Qualifications

- Possession of a Bachelor's degree or higher in Behavioral or Social Science or related field.
- Two years' experience in crisis intervention.
- Three years' experience in case management such as assessing, planning, developing, implementing, monitoring, and evaluating options and services to meet an individual's human needs.
- Coursework, training and/or work experience in staff supervision, which may include performing as a lead worker overseeing the work of others.
- Compliance with all DOE and/or school specific requirements if going into the school(s).

All bidders must address each of the following items in their proposal. A response to every question is required to complete the proposal as is the inclusion of specified documents. ***Number the responses in accordance with the numbered questions below.***

1. Briefly describe the organization's history, include information such as date of inception, purpose, major growth or development, current professional / service affiliations, etc. and include the description of organization's administrative and fiscal management structures as well as its ability to effectively provide the proposed services.
2. Outline the agency's experience working with children identified as being at risk for or exhibiting early signs of behavioral health challenges and their families. Please highlight experience with providing behavioral health screening and consultation and providing these services in school settings.
3. Highlight the agency's experience delivering services for school aged children and families with diverse cultural and ethnic backgrounds. Include experience working with trauma informed and systems of care approaches and describe how the organization incorporates a focus on diversity/equity/inclusion, trauma informed approaches and systems of care principles in its operations.
4. Provide a detailed plan of how the organization will supervise the Family and Student Interventionists. Describe proposed outcome measures and how they will be collected.
5. Identify any sanctions, legal actions, licensing corrective actions and current or pending litigation that the organization is (now or within the past 2 years) experiencing. Affirmatively state if none.
6. Provide the agency's accreditation history (if applicable), including a copy of the last accreditation survey report and self-study report if the accreditation report was completed over 18 months prior to this proposal due date. For bidders without accreditation status describe how you meet the DPBHS clinical standards outlined in the DPBHS Treatment Provider Manual and the CARF standards for unaccredited providers under the Business and Services Network. The DPBHS Treatment Provider Manual is available online at <https://kids.delaware.gov/prevention-and-behavioral-health-services/information-for-providers/>
7. List all State of Delaware and federal contracts currently held or held in the past three (3) years (if applicable). Include a contact name, phone number, email, the name of state or federal agency contracted with, and the type of service(s) provided and include the most recent monitoring reports.
8. While currently the schools are located in New Castle County, the bidders must specify which counties the bidder is able to serve. Provide an organizational chart indicating the proposed supervisory structure for the management of the program.
9. Describe the quality monitoring and quality improvement process and strategies proposed to be incorporated in the K-5 Early Intervention Program.

10. Describe the agency's prior experience collaborating with multiple systems (e.g. state agencies, schools, etc.) and highlight strategies implemented to facilitate effective working relationships across systems.
11. Provide a description of your new staff on-boarding process including timeline if awarded this contract.
12. Since this is a rebid of an existing service there is a current contracted provider of this service. If a new bidder is awarded the contract a service transition plan will be implemented. This may include the opportunity for the new bidder to interview and hire existing FSI staff. Provide a detailed plan of how your agency proposes to work collaboratively with DPBHS, DOE and the schools to successfully transition youth currently receiving FSI services and/or transition staff presently in FSI positions to a new FSI provider.

Proposal Content Requirements

All proposals must include the following documents:

- a. Bidder FACT Sheet found online in MS Word for easy editing where this RFP is posted.
- b. Responses to all question #1-12 in the previous section.
- c. List of proposed current staff with qualifications or if hiring new staff include any additional bidder hiring criteria beyond the state's requirements above.
- d. Completed line-item 12-month **DSCYF Budget Form and Salary Detail** form with supporting budget narrative including proposed salary structure. DSCYF Budget Form and Salary Detail are available in a single Excel workbook posted online where this RFP is posted.
- e. Copy of last accreditation report/review or description of how the agency meets the DPBHS clinical standards outlined in the DPBHS Treatment Provider Manual and the CARF standards for unaccredited providers under the Business and Services Network as described above.
- f. Signed "Assurances" and Signed "Certifications, Representation, and Acknowledgements" document available online where this RFP is posted.
- g. Completed "Employing Delawareans Report" document available online where this RFP is posted.

Missing documentation will seriously affect the ability of the review panel to evaluate the bidder's proposal and may be a factor in proposal rejection.

Proposal Evaluation Criteria with Points

- a. Bidder's training and experience to deliver early intervention services, specifically using trauma informed, diversity/equity/inclusion and systems of care approaches. [15 points]
- b. Bidder's experience providing behavioral health consultation in and/or with different schools/districts and experience providing services within an elementary school environment. [20 points]
- c. Bidder's experience in implementing social emotional learning curriculum, activities, and strategies to equip children with the skills and abilities required to be successful in school, home and community. as well as experience working with caregivers of children with social, emotional and/or behavioral challenges to expand skills and abilities to support their child [15 points]
- d. Proposed monitoring and continuous quality improvement plan, including outcome and other measures for assessing service effectiveness [15 points]
- e. Quality of plan to transition services to new contractor [10 points]
- f. Experience, reputation and demonstrated ability of DSCYF, other state/federal agencies and/or accreditations and licensing bodies with the bidder [10 points]
- g. Proposed 12-month budget identifying all costs including salary structure [10 points]

A Delaware Business License (unless a documented non-profit agency) is required of all successful bidders at the time of contract execution, but not at time of proposal submission. Successful bidders must obtain and maintain a Delaware business license (except non-profit) and required commercial liability insurances for the term of the contractual agreement.

DSCYF reserves the right not to award contracts for any or all of the service areas included in this RFP. Contract start dates may vary depending on the length of the negotiations and other factors, but it is the Department's goal to begin service delivery as soon as possible.

FOR ANY FORMER AND CURRENT STATE EMPLOYEE WHO ARE INTERESTED IN COMPETING FOR THESE CONTRACTS:

To ensure compliance with the State's Code of Conduct post-employment law (which provides that former State employees may not work on State projects if they were directly and materially related to their work as State employees), it is required that current State of Delaware employees who respond to this RFP, also contact Deborah Weaver, Esq. (302-739-2399), attorney for the Delaware Public Integrity Commission. Ms. Weaver will assist such individuals in reviewing their situation, determining if a request to the Commission for advice is needed, and in drafting an appropriate letter to the Commission if necessary. Where such a letter is indicated, it must be submitted for consideration by the Commission at its regularly scheduled monthly meeting.

Individuals included in a proposal in response to this RFP who receive a pension benefit from the State Employees' Pension Plan are required to complete Form-SS-8 "Determination of Worker Status" with the Internal Revenue Service. The application and findings from the Internal Revenue Service must be reported to the Delaware Board of Pension Trustees for a determination of the individual meeting the definition of employee within the Plan. For more information visit <http://delawarepensions.com>

Criminal Background Check:

Pursuant to 31 Del.C. Section 309, all successful bidder's individual service providers are required to pass a DSCYF specific criminal background check (state and federal). No substitute background check will be accepted. DSCYF will determine eligibility for individual staff to work as part of the resulting contract.

In addition, all successful bidder's individual service providers will be required to obtain certification from the Department of Services for Children, Youth and Their Families as to whether the individual is named in the Central Register as the perpetrator of a report of child abuse.

APPENDIX A – Additional Bidder Information

Failure to follow Departmental procedures may disqualify a bidder's organization.

1. FORMAT

To be considered, all proposals must be submitted in writing and respond to the items outlined in this RFP. Videos will not be presented to the review panel. The State reserves the right to reject any non-responsive or non-conforming proposals.

To be considered, bidders must submit a complete response to this RFP. An official authorized to bind the bidder to the proposal must sign proposal documents. The successful bidder must be in compliance with all licensing requirements of the State of Delaware at time of contract execution.

2. QUESTIONS

All questions regarding this request should be directed to H. Ryan Bolles at Herbert.Bolles@Delaware.gov or 302-633-2701 (NOTE: all calls go to voicemail). Questions will be forwarded to the appropriate DSCYF program administrators for a response. Updates and answers to substantive questions will be posted on the State's solicitation web site www.bids.delaware.gov. It is the bidder's responsibility to check the website for updates to this RFP.

3. ASSISTANCE TO BIDDERS 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. 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 bidders' responses. Bidders shall not contact the State's consultant or legal counsel on any matter related to the RFP.

5. ETHICS LAW RESTRICTIONS

Neither the Contractor, including its parent company and its subsidiaries, nor any subcontractor, including its parent company and subsidiaries, may engage, directly or indirectly, any person who, while employed by the State of Delaware during two years immediately preceding the date of any Contract entered into as a result of this request for proposals, gave an opinion, conducted an investigation, was directly involved in, or whom otherwise was directly and materially responsible for said service described herein in this request for proposal in the course of official duties as a state employee, officer or official. The Department shall determine, at its sole discretion, whether a person was directly and materially responsible for said program, project, or contract or any other program, project, or contract related to the service described in any contract entered into as a result of this request for proposals.

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. Bidders 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 bidder 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.

9. PROPOSALS BECOME STATE PROPERTY

All proposals become the property of the State of Delaware and will not be returned to the bidder. Proposals submitted to the State may be reviewed and evaluated by any person other than competing vendors at the discretion of the State. The State has the right to use any or all ideas presented in reply to this RFP. Selection or rejection of the proposal does not affect this right.

10. RFP AND FINAL CONTRACT

The contents of the RFP may be incorporated into the final contract and become binding upon the successful bidder. If the bidder is unwilling to comply with the requirements, terms, and conditions of the RFP, objections must be clearly stated in the proposal. Objections will be considered and may be subject to negotiation at the discretion of the State.

11. PROPOSAL AND FINAL CONTRACT

The content of each proposal will be considered binding on the bidder and subject to subsequent contract confirmation if selected. The content of the successful proposal may be included by reference in any resulting contract. All prices, terms, and conditions contained in the proposal shall remain fixed and valid for one year after the proposal due date. Contract negotiations will include price re-verification if the price guarantee period has expired.

12. MODIFICATIONS TO PROPOSALS

Any changes, amendments or modifications to a proposal must be made in writing, submitted in the same manner as the original proposal 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.

13. 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.

14. 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.

15. DISCREPANCIES AND OMISSIONS

Bidder 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 bidder. Should bidder find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any questions arise concerning this RFP, bidder 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 bidder'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.

16. REALISTIC PROPOSALS

It is the expectation of the State of Delaware that bidders 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 bidder's failure to accurately estimate the costs or resources required to meet the obligations defined in the proposal.

17. 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.

18. PROPOSAL OPENING

The State of Delaware will accept proposals until the date and time shown in this RFP. Proposals will be opened in the presence of State of Delaware personnel. There will be no public opening of proposals, but a log will be kept of the names of all bidder 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.

19. ACKNOWLEDGEMENT OF UNDERSTANDING OF TERMS

By submitting a proposal, each bidder 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.

Any proposal received after the deadline for receipt of proposals shall not be considered. The bidder bears the risk of delays in delivery. The contents of any proposal shall not be disclosed as to be made available to competing entities during the negotiation process.

Upon receipt of bidder proposals, each bidder 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 bidders from any obligation in respect to this RFP.

20. COST OF PROPOSAL PREPARATION

The State of Delaware will not pay any costs incurred by any bidder associated with any aspect of responding to this solicitation, including proposal preparation, attendance at vendor's conference, system demonstrations or negotiation process. All costs of proposal preparation will be borne by the bidder. The cost of all necessary permits, licenses, insurance policies, etc., required by local, state or federal laws shall be borne by the bidder at his/her own expense.

21. MULTI-VENDOR PROPOSALS (JOINT VENTURES)

Multi-vendor proposals (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 the bidder of responsibility for the professional and technical accuracy and adequacy of the work. Further, the bidder 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 documents. 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 bidder will be responsible for the management of all subcontractors.

Any contract that may result from this RFP shall specify that the prime bidder 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 bidder. Payments to any-subcontractors are the sole responsibility of the prime bidder (awarded bidder).

Nothing in this section shall prohibit the State of Delaware from the full exercise of its options under Section 22 regarding multiple source contracting.

b. Sub-contracting

The bidder selected shall be solely responsible for contractual performance and management of all subcontract relationships. The resulting contract allows subcontracting assignments; however, bidders 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 bidder 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

Sub-contracting agencies may participate in multiple joint venture proposals.

22. 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 bidders if the state agency makes a determination that such an award is in the best interest of the State of Delaware.

23. POTENTIAL CONTRACT OVERLAP

Bidders 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 bidders during the same period, to award by types, on a zone-by-zone basis or on a service by service or lump sum basis service by service, or lump sum total, whichever may be most advantageous to the State of Delaware.

24. SUPPLEMENTAL SOLICITATION

The State reserves the right to advertise a supplemental solicitation during the term of any contract resulting from this solicitation if deemed in the best interest of the State.

25. NOTIFICATION OF WITHDRAWAL OF PROPOSAL

Bidder 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.

26. 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 bids.delaware.gov. The State of Delaware is not bound by any statement related to this RFP made by any State of Delaware employee, contractor, or its agents.

27. PROPOSAL CLARIFICATION

The Evaluation Team may contact any bidder 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.

28. REFERENCES

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

29. 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 bidder(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 bidder 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 bidder will acquire any legal or equitable rights or privileges until the occurrence of both such events.

a. RFP AWARD NOTIFICATION

After reviews of the proposal review committee report and its recommendation, and once the contract terms and conditions have been finalized, the State of Delaware will award/execute the contract which is then subject to the approval of a purchase order by the Secretary of the Department of Finance.

Any resulting contract shall be awarded to the bidder(s) 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 bidder who submits the lowest priced proposal or the bidder who receives the highest total point score, rather the contract will be awarded to the bidder(s) 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 bidder will be invited to negotiate a contract with the State of Delaware; remaining bidders will be notified in writing of their selection status.

30. COOPERATIVES

Bidders, 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.

31. EVALUATION REQUIREMENTS AND PROCESS

The Proposal Review Committee shall determine the bidders that meet the minimum requirements pursuant to selection criteria of the RFP and procedures established in 29 Del. C. §§ 6982(b). The Committee may interview at least one of the qualified bidders. The Committee may negotiate with one or more bidders during the same period and may, at its discretion, terminate negotiations with any or all bidders. The Committee shall make a recommendation regarding the award to the purchasing Division Director of this RFP, who shall have final authority, subject to the provisions of this RFP and 29 Del. C. § 6981 to award a contract to the successful bidder or bidders in the best interests of the State of Delaware. The Proposal Review Committee reserves the right to award to one or more than one bidder, in accordance to 29 Del. C. § 6986.

The Proposal Review Committee shall assign up to the maximum points as stated previously in this RFP. All assignments of points shall be at the sole discretion of the individual Proposal Review Committee members.

The Proposal Review Committee reserves the right to:

- Recommend for award or for negotiations, a proposal other than that with the lowest costs.
- Accept/Reject any and all 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 bidders during the review and negotiation.
- Negotiate any aspect of the proposal with any bidder and negotiate with more than one bidder at the same time. The Department reserves the right to contract with more than one vendor.
- Submit follow-up questions in response to the proposal to one or more bidders as part of the proposal review process.

All proposals shall be evaluated using the same criteria and scoring process. Bidders may be scheduled to make oral presentations in support of their written proposals. However, proposals are expected to stand on their own merits as written. The Review Panel will assess the strength and clarity of any oral presentation or responses to follow-up questions and combine the evaluations of both written and oral presentations (when applicable) in determining the overall evaluation of the proposal and in making recommendations. A summary of the Panel's recommendations will be available for review upon request.

Bidders 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 bidder's capabilities so the responding bidder should be detailed in their proposal responses.

32. REJECTION OF 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 service offered, or to solicit new proposals on the same service or on a modified service which may include portions of the originally proposed service as the State of Delaware may deem necessary in the best interest of the State of Delaware.

33. 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. Bidder's participation in this process may result in the State of Delaware selecting your agency 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.

34. RESERVED RIGHTS

Notwithstanding anything to the contrary, the Department reserves the right to:

- Reject any and all proposals received in response to this RFP
- Select for contract or for negotiations a proposal other than that with the lowest cost
- Waive or modify any information, irregularities, or inconsistencies in proposals received
- Consider a late modification of a proposal if the proposal itself was submitted on time; and, if the modifications make the terms of the proposal more favorable to the Department, accept such proposal as modified.
- Negotiate as to any aspect of the proposal with any proposer and negotiate with more than one proposer at the same time
- If negotiations fail to result in an agreement within a reasonable period of time, terminate negotiations and select the next most responsive proposer, prepare and release a new RFP, or take such other action as the Department may deem appropriate
- Negotiate a renewal of the contract resulting from this RFP with appropriate modifications.
- SUPPLEMENTAL SOLICITATION: Advertise a supplemental solicitation during the term of resulting contracts from this RFP if deemed in the best interest of the State.

35. STANDARDS FOR SUBCONTRACTORS

The prime contract with the contractor will bind sub or co-contractors to the terms, specifications, and standards of this RFP, resulting prime contracts, and any subsequent proposals and contracts. All such terms, specifications, and standards shall preserve and protect the rights of the Department under this RFP with respect to the services to be performed by the sub or co-contractor. Nothing in the RFP shall create any contractual relation between any sub or co-contractor and the Department.

All sub or co-contractors must be identified in the Contractor's proposal. The proposal's work plan must also state which tasks the sub or co-contractor will perform. Approval of all sub and/or co-contractors must be received from the Department prior to the contract negotiation.

The prime bidder will be the State's primary contractor.

36. CONTRACT TERMINATION CONDITIONS

The State may terminate the contract resulting from this RFP at any time that the Contractor fails to carry out its provisions or to make substantial progress under the terms specified in this request and the resulting proposal.

The State shall provide the Contractor with 30 days notice of conditions which would warrant termination. If after such notice the Contractor fails to remedy the conditions contained in the notice, the State shall issue the Contractor an order to stop work immediately and deliver all work and work in progress to the State. The State shall be obligated only for those services rendered and accepted prior to the date of notice of termination.

With the mutual agreement of both parties, upon receipt and acceptance of not less than 30 days written notice, the contract may be terminated on an agreed date prior to the end of the contract period without penalty to either party.

Notwithstanding any other provisions of this contract, if funds anticipated for the continued fulfillment of this contract are at any time not forthcoming or insufficient, through the failure of the State of Delaware to appropriate funds or through discontinuance of appropriations from any source, the State of Delaware shall have the right to terminate this contract without penalty by giving not less than 30 days written notice documenting the lack of funding.

37. NON-APPROPRIATION

In the event that the State fails to appropriate the specific funds necessary to continue the contractual agreement, in whole or in 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.

38. FORMAL CONTRACT AND PURCHASE ORDER

The successful firm shall promptly execute a contract incorporating the terms of this RFP within thirty (30) days after the award of the contract. No bidder is to begin any service prior to approval of a State of Delaware Purchase Order by the Secretary of the Department of Finance. The Purchase Order shall serve as the authorization to proceed in accordance with the bid specifications, any special instructions and the Contract terms and conditions.

39. INDEMNIFICATION

By submitting a proposal, the proposing firm agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the State of Delaware, DSCYF, 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 firm, its agents and employees' performance of work or services in connection with the contract, regardless of whether such suits, actions, claims or liabilities are based upon acts or failures to act attributable, in whole or in part, to the State, its employees or agents.

40. BUSINESS AND PROFESSIONAL LICENSES

In performance of this contract, the firm is required to comply with all applicable federal, state and local laws, ordinances, codes, and regulations. The cost of licenses and other relevant costs required in the performance of the contract shall be borne by the successful bidder. The bidder shall be properly licensed and authorized to transact business in the State of Delaware as defined in Delaware Code Title 30, Sec. 2502.

41. INSURANCE

Bidder 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 bidder's negligent performance under any resulting contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the bidder in its negligent performance under any resulting contract.

As a part of the resulting contract requirements, the contractor must obtain at its own cost and expense and keep in force and effect during the term of the 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;
 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 therein, shall be submitted to DSCYF. The certificate holder is as follows:

Department of Services for Children, Youth & Their Families
Attn: Contracts Unit
Contract No: **CYF 24-08**
State of Delaware
1825 Faulkland Road
Wilmington, Delaware 19805

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

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

42. NON-DISCRIMINATION

In performing the services subject to this RFP the successful bidder, as set forth in Title 19 Delaware Code Chapter 7 Section 711, agrees 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 bidder 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.

43. COVENANT AGAINST CONTINGENT FEES

The successful firm warrants 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 and/or bona-fide established commercial or selling agencies maintained by the bidder for the purpose of securing business. For breach or violation of this warranty, the State shall have the right to annul the contract without liability or at its discretion and/or to deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

44. CONTRACT DOCUMENTS

The RFP, the purchase order, and the executed contract between the State and the successful bidder(s) shall constitute the contract between the state and the bidder(s). 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, contract amendments, RFP, purchase order and bidder proposal. No other documents unless incorporated by reference in the contract shall be considered. These documents contain the entire agreement between the state and the firm.

45. APPLICABLE LAW

The Laws of the State of Delaware shall apply, except where Federal law has precedence. The successful bidder consents to jurisdiction and venue in the State of Delaware.

46. SCOPE OF AGREEMENT

If the scope of any provision of the resulting contract is 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.

47. CONFIDENTIALITY OF BIDDER DOCUMENTS

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. All proposals are 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 bidder 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 bidder’s confidential business information may be lost.

In order to allow the state to assess its ability to protect a bidder’s confidential business information, bidders will be permitted to designate appropriate portions of their proposal as confidential business information.

Bidder(s) **must** clearly identify which portions of its proposal it considers to be confidential business information. The proposal must include an explanation in good faith that the identified information is not “public record” as defined by 29 Del. C. § 10002, briefly stating the reasons that each designated section of the proposal meets the said definitions. Bidder(s) also have the option of providing a **second** electronic copy of the complete proposal which has had the identified confidential business information redacted.

Upon receipt of a proposal indicating the inclusion of confidential information the State of Delaware will determine whether the procedure described above has been followed. A bidder’s allegation as to its confidential business information shall not be binding on the state. The state shall independently determine the validity of any bidder designation as set forth in this section. Any bidder 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, bidder(s) assume the risk that confidential business information included in a proposal may enter the public domain.