

STATE OF DELAWARE  
State Use Law Commission

**REQUEST FOR QUALIFICATIONS OF  
Central Nonprofit Agencies  
ISSUED BY STATE USE LAW COMMISSION  
DESIGNATION APPLICATION NUMBER HSS24763-CNA**

**Contents:**

- I. Overview
- II. Scope of Services
- III. Required Information
- IV. Professional Services RFQ Administrative Information
- V. RFQ Miscellaneous Information
- VI. Attachments

**\*\* Ctrl+Click on the headings above will take you directly to the section.**

**I. Overview**

The application period for Central Nonprofit Agency designation through the State of Delaware Commission for Statewide Contracts to Support Employment for Individuals with Disabilities (“Commission”) to support statewide contracts to support employment for individuals with disabilities is open. This application cycle notice is issued pursuant to [16 Del. C. §9604](#), [Admin Code 9101 Sec 5.5](#) and [16 Del. Admin. C. § 9102-3.1](#).

Application Cycle Open  
Deadline for Application

Date: September 1, 2024  
Date: October 31, 2024 at 3:00 PM (Local Time)

Each application must be accompanied by a transmittal letter which briefly summarizes the proposing firm’s interest in Central Nonprofit Agency designation.

**II. Central Nonprofit Agencies**

**A. Overview**

The State of Delaware encourages the assistance of individuals with visual impairments and other disabilities to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for their products and services, thereby enhancing the dignity and capacity for self-support.

STATE OF DELAWARE  
State Use Law Commission

**B. Code References**

**REF: Title 16, Section 9602 (2) Delaware Code.** "Agency of this State" or "agency" means all counties, municipalities, school districts, or any other entity which is supported in whole or in part by funds that the General Assembly appropriated.

**REF: Title 16, Section 9602 (10) Delaware Code.** "Set-aside" means a service or product that has been exempted from procurement under Chapter 69 of Title 29 and awarded by the Commission for a price that the Commission approved.

**REF: Title 16, Section 9605 (a) Delaware Code.** If any agency of this State intends to procure a product or service on the procurement list published by Government Support Services under § 9604 of this title, that agency shall, in accordance with Commission rules and regulations, procure such product or service from a Central Non-Profit Agency (CNA) or Community Rehabilitation Program (CRP) at the price established by the Commission. If the product or service is available within the period required by that agency, such procurement is mandatory. This chapter, however, does not apply in any case where products or services are available for procurement from any agency of this State and procurement therefrom is required under any statute, rule, or regulation.

**C. General Information**

1. The term of the designation between the selected CNA and the State will be for three (3) years, after which each designated CNA may apply to renew its designation for another three years.
2. At the time that a Set Aside is assigned to a CNA the vendor shall be required to negotiate and sign a Master Contract with Government Support Services.

**D. Definitions**

"Central Nonprofit Agency" (CNA) means a public or private entity organized under the laws of the State of Delaware that is selected to facilitate by subcontract or other means the set-aside services or the production and distribution of set-aside commodities and provide information to the Commission as required.

"Commission" identifies the Commission for Statewide Contracts to Support Employment of Individuals with Disabilities.

"Community Rehabilitation Program" (CRP) means a public or private entity that provides or coordinated rehabilitation services for individuals with visual impairments and other disabilities, including assessment, customized employment, medical, personal assistance, psychiatric, psychological, rehabilitation technology, supported employment, or vocational services.

"Disability" means as it is defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102.

"Set-Aside" means a service or product that has been exempted from procurement under Chapter 69 of Title 29 and awarded by the Commission for a price the Commission approved.

STATE OF DELAWARE  
State Use Law Commission

**E. Commission**

The Commission consists of 7 voting members and 3 non-voting members that promote an expanded and constant market for products and services of CRPs and other employers of individuals with impairments and other disabilities. Vendor(s) certified under this Request for Qualifications shall be considered for current and future Set-Aside opportunities based on the qualifications presented in their response to this RFQ and capabilities presented to the Commission. The Commission has rules and regulations concerning the work, performance, and other matters of operations as shall be necessary to carry out the purpose of the CRPs or CNAs.

**F. Current Set-Aside Contracts**

The State makes available a list of current Set-Aside contracts on its procurement portal, My Marketplace. The link is provided and also a listing as found on the procurement portal.  
<https://mmp.delaware.gov/Contracts>

▲ Contract Title ▼	▲ Contract Number ▼
<a href="#">Document and Mail Preparation Services</a>	GSS09559-DOC/MAIL_PREP
<a href="#">Janitorial Services</a>	GSS10551-JANITORIAL_SA
<a href="#">Remanufactured Toner Cartridges</a>	GSS10412-REMAN_TONER
<a href="#">Temporary Employment Services</a>	GSS21112-TEMP_EMPL

**G. CNA Selection**

The Commission shall designate one or more CNAs for a three-year period, after which each designated CNA may apply to renew its designation for another three years. Applications for CNA status may be made to the Commission between March 1st and April 30th and between September 1st and October 31st of each calendar year. The CNA selection criteria shall be reviewed and revised periodically by the Commission. Nevertheless, for this RFQ, an applicant must demonstrate the following minimum criteria:

1. Its tax-exempt non-profit entity status under 26 U.S.C. §501 and under similar state income tax codes. Such status must be verified by providing proper documentation;
2. Its ability to manage contracts within the State of Delaware;
3. Its expertise in the employment of persons with visual impairments or other disabilities, which may include evidence of its history of providing job opportunities to such persons;
4. Its capacity to fulfill the duties of a CNA, as described in section H, Duties of CNA (also found: [16 Del. Admin Code § 9102-3.2](#)); and
5. Its ability to fulfill the duties of a CNA as shown by letters of reference from CRPs with which it intends to subcontract. A letter of reference from a CRP shall not exclude the CRP from responding to this solicitation as a potential CNA.

**H. Duties of CNA**

The responsibilities of the CNAs shall include, but not be limited to, the following:

1. Recruiting and assisting CRPs in developing and submitting proposals for Set Aside contracts for suitable products and services;
2. Facilitating the distribution of subcontracts among CRPs;
3. Managing and coordinating the deliverables of service under Set Aside contracts, including quality assurance and general administration of subcontracts with CRPs;

STATE OF DELAWARE  
State Use Law Commission

4. Handling complaints and ongoing customer relations with agencies of this State;
5. Educating and training CRPs to improve the quality and cost-effectiveness of services described in Set Aside contracts;
6. Promoting the increase in supported employment opportunities for persons who are visually impaired or who have other disabilities;
7. Marketing products and services to potential consumers;
8. Researching and developing products and services;
9. Producing content that the Commission may consider for inclusion in its annual report and in other public relations materials or submitting information to the Commission that may be included in the Commission's annual report;
10. Preparing accurate purchase orders and invoices for those Set Aside contracts mentioned by the CNA;
11. Making payments to CRPs in a timely manner; and
12. Other duties as designated by the Commission.

**I. Semi-annual Reviews**

The Commission or its designee shall conduct semi-annual reviews of the services provided by CNAs to determine whether the CNAs have fulfilled the duties listed in [16 Del. Admin Code § 9102-3.2](#). The Commission shall use as the basis for its reviews the work and performance of the CNAs as documented in its meeting minutes from regularly-scheduled meetings or as documented in other materials that have been provided upon the Commission's request. The reviews must be completed between March 1st and April 30th and between September 1st and October 31st of each calendar year. If the Commission notes any deficiencies in the performance of a CNA, the Commission will negotiate with the CNA a mutually-agreeable corrective action plan.

**J. CNA Management Fees**

CNA management fees must be included as part of any approved Set Aside contract price for products or services. Invoices will be paid according to the contract price. Agreements between CNAs and CRPs regarding management fees charged by the CNAs may be reviewed annually by the Commission. [16 Del. Admin Code § 9102-5.7](#) provides guideline for CNAs and CRPs with regard to fair market value.

**K. CRP Affiliation Prohibited**

CNAs shall not require CRPs to pay membership dues in order for CRPs to be assigned a subcontract under Set Aside contracts held by the CNAs.

**L. Direct Contracting by CRPs**

CRPs may receive Set Aside contracts directly from the Commission or from the State if the CRPs' personnel can fulfill the duties normally expected of a CNA as described in [16 Del. Admin Code § 9102-3.2](#).

**M. State Agency CNAs**

The Division for the Visually Impaired will fulfill the duties of a CNA for the Delaware Industries for the Blind. Other state agencies may apply to be considered as CNAs by the Commission if the agencies can fulfill the duties of CNAs as described in [16 Del. Admin Code § 9102-3.2](#).

STATE OF DELAWARE  
State Use Law Commission

**N. Duties of the CRPs**

The responsibilities of the CRPs shall include, but not be limited to, the following:

1. Recruiting and assisting individuals with disabilities for opportunities and job placement in Set Aside contracts for suitable products and services;
2. Facilitating the distribution of opportunities for individuals with disabilities among established Set Aside contracts;
3. Managing and coordinating the deliverables of service under Set Aside contracts, including quality assurance and general administration of Set Aside contracts they hold or through the CNA on whose behalf they are performing services;
4. Handling complaints and ongoing customer relations with agencies of this State when directly contracted and through their CNAs when subcontracted;
5. Educating and training individuals with disabilities to improve the quality and cost-effectiveness of services described in Set Aside contracts;
6. Promoting the increase in supported employment opportunities for persons who are visually impaired or who have other disabilities;
7. Marketing products and services to potential consumers;
8. Researching and developing products and services;
9. Producing content that the Commission may consider for inclusion in its annual report and in other public relations materials or submitting information to the Commission that may be included in the Commission's annual report;
10. Preparing accurate purchase orders and invoices for those Set Aside contracts under which they are operating; and
11. Other duties as designated by the Commission.

**O. Set-Aside Contracts Requests**

1. All Set Aside contract requests submitted by a CRP, its designed CNA, or both, if applicable, must provide all relevant information required by the Commission.
2. Agencies and community service providers who desire to participate in Set Aside contract requests need to provide verification that they are a CRP as defined by Delaware law. A CNA is responsible for ensuring that CRPs with which it subcontracts meet the requirements for participation.
3. When a CNA or a CRP wants to develop and research a new product or service for a Set Aside contract, the CNA or CRP may submit to the Commission a "Request for Assignment." The form set forth in [16 Del. Admin Code § 9102-9.0](#) must be used when requesting an assignment.
4. The period allowed for developing the new product or service should not exceed twelve (12) months.
5. At the end of a development period, the CNA or CRP must present the assigned product or service to the Commission for its consideration as a Set Aside contract. If the CNA or CRP does not request a Set Aside contract at that time, then the CNA or the CRP may request a time extension. If a CNA or a CRP requests a time extension, the Commission may approve a six-month extension by a majority vote at a regularly-scheduled and convened meeting and shall document such granted time extension.
6. In keeping with the scope and purpose of 16 Del.C. Ch. 96, the Commission, designated CNAs, and any CRPs assigned to a Set Aside contract must assure that persons who are visually impaired or who have other disabilities as defined by the Americans with Disabilities Act of 1990 (ADA) will perform 75% of all direct labor for service-based contracts and 50% of all direct labor for product-based contracts. A phase-in plan may be requested by the CNA or the CRP, and any such approved phase-in plan will start at 25% less than the direct labor requirements, with that percentage increased to the required minimum standards as soon as possible, but no less than eighteen (18) months into the term of the Set Aside contract.

STATE OF DELAWARE  
State Use Law Commission

7. The Commission will typically consider products or services proposed to it if the price of the product or service is within 10% or less of the amount the State is currently paying, or if the price is 10% or less than or within the fair market value.
8. If two CRPs or CNAs request a Set Aside contract for the same service or product at the same time, the Commission will determine which agency is best prepared to provide the service or product by evaluating each CNA based on criteria delineated in [16 Del. Admin Code § 9102-3.1 & 3.2](#) and by evaluating each CRP based on the criteria delineated in [16 Del. Admin Code § 9102-4.1](#).

**P. Information for a Set Aside Contract**

1. The designated CNA and CRP must provide the following information when requesting a Set Aside contract for a particular product or service:
  - a. A copy of a specification or a clear description of the product or service, including samples of products, when appropriate.
  - b. A verification of the fair market value and employment impact, which may include:
    - 1) Obtaining the most recent state bidding or award information;
    - 2) Providing commercial or competitive price information; and
    - 3) Identifying the anticipated number of people who will be employed by the Set Aside contract.
2. Based on a majority vote, and after it has assured itself that the designed CNA and/or CRP has provided it with all of the necessary information, the Commission will review and respond to the CNA and/or CRP regarding the acceptability of the proposal for a Set Aside contract.

**Q. Approved Set Aside Contracts**

1. To approve a Set Aside contract request, the majority of the members present at two properly-noticed and convened public meetings of the Commission must vote upon the request. If the request is deemed to be an urgent circumstance, the majority of the Commission members may vote to waive the waiting period and may approve the Set Aside contract request at one properly-noticed and convened public meeting.
2. Once the Commission has approved a Set Aside contract, it shall notify in writing GSS and the CRP, CNA, or both regarding the approval and provide to GSS a copy of the Set Aside contract.
3. GSS shall add the approved Set Aside contract to the procurement list of products and services and shall publish the procurement list on the State's "My Marketplace" website portal or on any other state electronic procurement advertising system.
4. The Commission, a CNA, a CRP, or GSS may recommend that a product or service be removed from the procurement list after the Commission has documented that the product or service is no longer needed. The removal of any product or service from the procurement list will depend on an analysis provided by GSS and on GSS' protocols for making such changes.
5. Set Aside Contract Promotion. In keeping with the scope and purpose of 16 Del.C. Ch. 96, the Commission may promote the purchase of products and services that are within approved Set Aside contracts and ensure that approved Set Aside contracts are published on the procurement list that is circulated to all State agencies and other government entities in the State of Delaware. The Commission, CRPs, and designated CNAs may monitor available spend data for State agencies to determine whether or not the products and services offered through the procurement list are procured from the Set Aside contract holder.

STATE OF DELAWARE  
State Use Law Commission

**R. Changes to an Established Set Aside Contract**

1. After an initial Set Aside contract has been established, the State or a CRP and/or its designated CNA may request the following changes:
  - a. Price Changes and Modifications. The request must verify fair market value and employment impact by:
    - 1) Providing written substantiation for a price modification;
    - 2) Obtaining the most recent state bidding or award information;
    - 3) Providing commercial or competitive price information;
    - 4) Submitting a new cost analysis that highlights changes from the original Set Aside contract; and
    - 5) Providing updated or new information on the number of people employed by the Set Aside contract.
2. Transfer of Set Aside Contract. From time to time it may be necessary for a CNA or a CRP to cease performing a service or providing a product that is the subject of a Set Aside contract.
  - a. If the contract is held by a CNA, the CNA may transfer the Set Aside contract to a different CRP as long as no modifications are made to the Set Aside contract. The CNA shall notify the Commission at its next regularly-scheduled meeting that the CNA has transferred the Set Aside contract to a different CRP.
  - b. If the transfer of the Set Aside contract is from one CNA to another CNA, the transfer must be ratified by a majority vote of Commission members that are present at the next regularly-scheduled Commission meeting.
  - c. If a CRP abandons a Set Aside contract or is unable to fulfill its contractual duties under a Set Aside contract, the CRP must immediately notify the Commission and Government Support Services.
  - d. The transferring and receiving CRP and/or designated CNA must develop a detailed plan for the transfer of a Set Aside contract to ensure that there will be no disruption of service.

Transfer of a Set Aside Contract shall be complete as approved by the State Use Law Commission, with no transfer exceeding ninety (90) days. Any vendor(s) designated under this solicitation who does not respond to subsequent RFQ, or for any reason whatsoever is not awarded a subsequent designation that has active awards, either direct or through a CRP shall have a requirement to transition the contracts to the subsequently designated vendor(s) under successor contract as directed by the State Use Law Commission. During the transition period, outgoing vendor(s) shall perform in accordance with the terms and conditions of the award under which they were servicing.

**S. Evaluation**

Applications for designation received will be evaluated as qualified in reference to section III.B of this RFQ and quantified in reference to Criteria Weight, section IV.C.2. Final pricing is subject to approval by the Commission and compliance with [16 Del. Admin Code § 9102](#).

**T. Pricing**

The price of a Commission-approved contracted set-aside shall recover for a CRP or CNA, the cost of raw materials, labor, overhead, and delivery. The Commission retains the right to revise prices from time to time in accordance with changing cost factors.

### III. Application Notice Administrative Information

#### A. Application Notice Issuance

##### 1. Obtaining Copies of the Application Notice

This Application notice is available in electronic form through the State of Delaware Procurement website at <https://bids.delaware.gov> and <https://gss.bonfirehub.com/>. Paper copies of this application notice will not be available.

##### 2. Assistance to Vendors with a Disability

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

##### 3. Application Designated Contact

All requests, questions, or other communications about this application shall be submitted through the [online bid submission portal](#). 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 application designated contact.

**Courtney Strickland**  
**Office of Management & Budget, Government Support Services**  
**600A South Bay Road**  
**Dover, DE 19901**

##### 4. Consultants and Legal Counsel

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

##### 5. Contact with State Employees and Commission Members and Staff

Direct contact with State of Delaware employees (other than the State of Delaware Designated Contact), Commission members, or Commission staff regarding this application 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.

##### 6. Organizations Ineligible to Respond

Any individual, business, organization, corporation, consortium, partnership, joint venture, or any other entity including subcontractors currently debarred or suspended, or any CNA that has been denied certification as a CNA by another entity is ineligible to respond. Any entity ineligible to conduct business in the State of Delaware for any reason is also ineligible to respond to the application.

##### 7. Collusion or Fraud

Any evidence of agreement or collusion among vendor(s) and prospective vendor(s) to act illegally to 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 application, and is in all respects fair and without collusion or fraud; and that no employee or official of the State of Delaware participated directly or indirectly in the vendor's application preparation.

STATE OF DELAWARE  
State Use Law Commission

**8. 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 Delaware employee, agent of the State of Delaware, or representatives of the Commission concerning this application or the decision regarding designation by the Commission resulting from this application will have their proposal immediately rejected and will be barred from further participation in this application.

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 application 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 application 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 or representatives of the Commission concerning this application shall be conducted in strict accordance with the manner, forum and conditions set forth in this application.

**9. Solicitation of State Employees**

Until CNA designation, vendors shall not, directly or indirectly, solicit any employee of the State of Delaware or Commission member or staff 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 or Commission member or staff by a vendor may result in rejection of the vendor's application.

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.

**10. Exclusions**

The Application Evaluation Team reserves the right to refuse to consider any application 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) Knowing 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;

STATE OF DELAWARE  
State Use Law Commission

- 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. Application Submissions**

**1. Acknowledgement of Understanding of Terms**

By submitting an application, vendor shall be deemed to acknowledge that it has carefully read all sections of this application notice, including all forms, schedules and exhibits, and has fully informed itself as to all existing conditions and limitations.

**2. Application**

Application must be submitted through the online bid submission portal at: <https://gss.bonfirehub.com/>. Refer to Online Bid Submission Portal Instructions for specific instructions.

Applications submitted after the specified date and time will not be accepted by the online bid submission portal. Evaluation of the applications is expected to begin shortly after the proposal due date. To document compliance with the deadline, the application will be date and time stamped upon receipt within the online bid submission portal.

**3. Application Content and Organization**

The application should be organized and indexed in the following format and should contain, at a minimum, all listed items in the sequence indicated.

If any relevant and material information is not provided, the application may be rejected from consideration and evaluation.

**Cover Letter** – Each application must be accompanied by a letter of transmittal that is signed by a representative who has the legal capacity to submit a formal application on behalf of the organization and provides the following information:

1. Certification request number (HSS24763A-CNA)
2. Submitting organization's name (Vendor)
3. Identify the name, title, telephone and fax number and email address of the person authorized to serve as the organization's contact person.
4. Acknowledge receipt of any and all amendment to this application notice.
5. Provide a high-level executive summary that supports your qualifications for designation.

**Non-profit entity status** – Attach supporting documentation through the online bid submission portal.

**Questionnaire**: Complete the questionnaire through the Online Bid Submission Portal.

**Bid Table** – Submit a cost proposal using the BidTable through the online bid submission portal.

**Other Attachments**

- **Attachment 1: Confidentiality and Proprietary Information** – include completed Confidentiality and Proprietary Information form. This form must be provided even if no confidential content is cited.
- **Attachment 2: Business References** – include completed Business Reference form.

Each item listed above will provide the basis for evaluating each vendor's proposal. Failure to provide all appropriate information (in detail) may deem the submitting vendor as "non-responsive" and

STATE OF DELAWARE  
State Use Law Commission

exclude the vendor from further consideration. If an item listed above is not applicable to your proposal, please make note in your submission package.

**4. Application Modifications**

Vendors will have the ability to modify their application up to the Application Deadline in the [online bid submission portal](#).

**5. Application Costs and Expenses**

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

**6. Application Expiration Date**

Administrative costs quoted in the application shall remain fixed and binding on the vendor at least through the three year CNA designation period.

**7. Non-Conforming Applications**

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

**8. Concise Application**

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

**9. 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 application will be treated as confidential during the evaluation process. As such, vendor application 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 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 certification is made, the content of vendors' CNA applications 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

STATE OF DELAWARE  
State Use Law Commission

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 RFQ 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.

**10. Price Not Confidential**

No Vendor shall retain the right to declare their pricing, including administrative costs, as confidential.

**11. Discrepancies and Omissions**

Vendor is fully responsible for the completeness and accuracy of their proposal, and for examining this application notice 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 application notice, vendor shall notify the State of Delaware's Designated Contact, in writing, of such findings at least ten (10) calendar prior to the application deadline. This will allow issuance of any necessary addenda. All unresolved issues should be addressed in the application.

**12. State's Right to Reject Application**

The State of Delaware reserves the right to accept or reject any or all applications or any part of any applications, 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 application.

**13. Notification of Withdrawal of Application**

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

Applications become the property of the State of Delaware at the application submission deadline. All applications received are considered firm offers at that time.

**14. Revisions to the Application Requirements**

If it becomes necessary to revise any part of the application, an addendum will be posted on the State of Delaware's website at <https://bids.delaware.gov> and <https://gss.bonfirehub.com/>. The State of

STATE OF DELAWARE  
State Use Law Commission

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

**24. Award of Designation**

The final award of a designation is subject to approval by the Commission. The Commission has the sole right to designate one or more CNAs in accordance to the scoring criteria identified, to reject any application as unsatisfactory or non-responsive, or not to award a designation, as a result of this application. Designation as a CNA by the Commission does not guarantee a Set Aside contract will be awarded to a CNA.

**a. Application Designation Notifications**

After reviews by the evaluation committee and its recommendation, the Commission will make the final determination regarding CNA designation(s).

**C. Application Evaluation Process**

**1. Application Evaluation Team**

The Application Evaluation Team will be comprised of representatives designated by the Commission. The Team shall determine which vendors meet the minimum requirements pursuant to selection criteria of the RFQ and procedures established in [16 Del. C. §9604](#) and [16 Del. Admin. C. § 9102-3.1](#). The Team shall make a recommendation to the Commission, who shall have final authority, subject to the provisions of this RFQ and [16 Del. C. §9604](#) and [16 Del. Admin. C. § 9102-3.1](#), to make CNA designations.

**2. Application Selection Criteria**

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

The applications shall contain the essential information on which the designation decision shall be made. The information required to be submitted in response to this application notice has been determined by the Commission to be essential for use by the Team in the proposal evaluation and designation process. Therefore, all instructions contained in this application notice shall be met in order to qualify as a responsive and responsible contractor and participate in the Application Evaluation Team's consideration for designation. Applications which do not meet or comply with the instructions of this application notice 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:

- Reject any and all applications or portions of applications received in response to this RFQ.
- Designate more than one vendor pursuant to [16 Del. C. §9604](#) and [16 Del. Admin. C. § 9102-3.1](#).

STATE OF DELAWARE  
State Use Law Commission

**Criteria Weight**

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

Criteria	Weight
Proper documentation provided that verifies tax-exempt non-profit entity status under 26 U.S.C. §501 and under similar state income tax codes.	Y/N
Describe your ability to manage contracts within the State of Delaware.	25
Describe your expertise in the employment of persons with visual impairments or other disabilities, which may include evidence of its history of providing job opportunities to such persons.	25
Capacity to fulfill the duties of a CNA: Identify your Managerial/Leadership capacity to meet requirements. Describe your business model for fulfilling the duties of a CNA, as described in section F. Duties of CNA (response should address each point identified in the CNA Responsibilities).	25
Describe your ability to fulfill the duties of a CNA as shown by letters of references from CRPs with which it intends to subcontract. Explain your methodology for distribution of work to individuals and firms or economic considerations.	25
Describe your ability to perform within cost parameters.	25
<b>Total</b>	<b>125</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 application responses.

**3. Application Clarification**

The Evaluation Team may contact any vendor in order to clarify uncertainties or eliminate confusion concerning the contents of a application. Applications 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.

**5. Application Referral to Commission**

After application(s) have been reviewed and scored by the Application Evaluation Team, the application(s), along with a recommended action for each application will be referred to the Commission for consideration. The Commission shall have the final determination to vote, and accept or deny any application presented.

**IV. Application Notice Miscellaneous Information**

**1. No Press Releases or Public Disclosure**

The Commission reserves the right to pre-approve any news or broadcast advertising releases concerning this application, the resulting designation, the work performed, or any reference to the State of Delaware and/or Commission with regard to any Set Aside contract. Any such news or advertising releases pertaining to this application or resulting designation shall require the prior express written permission of the Commission.

STATE OF DELAWARE  
State Use Law Commission

**V. Attachments**

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

- Sample 1 – Request for Assignment Form
- Appendix A – Pricing Scenarios

STATE OF DELAWARE  
State Use Law Commission

Sample 1

**Request for Assignment Form**

The following shall be the "Request for Assignment" form that must be used by a CNA or a CRP that wants to develop and research a new product or service for a Set Aside contract:

AGENCY:

---

DATE:

---

LIST PRODUCT(S) AND/OR SERVICE(S) TO BE ASSIGNED FOR DEVELOPMENT:

---

---

---

ESTIMATED TIME NEEDED TO DEVELOP:

---

COMMENTS:

---

---

---

ASSIGNMENT DATE:

---

NAME / TITLE:

---

---

REQUESTING AUTHORITY:

---

---

STATE OF DELAWARE  
State Use Law Commission

Appendix A – Pricing Scenario

For each of the current Set Aside contracts, vendors are asked to complete a pricing sample based on the provided contract specific scenario. **Current Scope of Work associated with each contract can be found online at the links provided below and should be taking into consideration when pricing out the scenario provided.**

Scenarios are outlined below. Vendors shall submit requested pricing information through the Online Bid Submission Portal by filling out the associated Questionnaire & BidTable.

**Document and Mail Preparation Services**

**Contract Link:** <https://mmp.delaware.gov/Contracts/Details/1392>

**FY-22 Spend:** \$1,806.86

**Rate Proposal Scenario:** A request has come in to have 1,500 envelopes prepared. Contents need to be tri-folded, collated, and inserted, envelopes sealed, labels applied and returned to customer. Fill in the yellow sections below to show the costs associated with fulfilling this order.

**Janitorial Services**

**Contract Link:** <https://mmp.delaware.gov/Contracts/Details/1502>

**FY-22 Spend:** \$4,036,035

**Rate Proposal Scenario:** Refer to next tab for cleaning requirements associated with Probation & Parole, Cherry Lane in New Castle, DE. Fill in the yellow sections below to show the costs associated with providing this service.

DEPARTMENT OF CORRECTIONS & PROBATION & PAROLE  
JANITORIAL SPECIFICATIONS

Services are to be provided between the hours of 8:00am and 4:00pm.

**All contracted staff must pass the Department of Correction's background check.**

Daily:

Empty and Remove all trash  
Fully clean restrooms and shower areas  
Re-Stock all paper and soap products  
Vacuum all carpeted areas  
Fully clean drug testing areas  
Clean all door glass  
Spot clean interior window glass  
Dust and Wet Mop all tile flooring  
Wipe and sanitize all tables in the kitchenette area (refrigerator and microwave not included)

Twice Weekly:

High / Low Dusting

Weekly:

Detail vacuum all carpeting  
Spray buff all VCT flooring (as applicable per location's cleaning specifications)

Monthly:

Machine scrub restroom flooring (as applicable per location's cleaning specifications)

Quarterly:

Strip and refinish all tile flooring (as applicable per location's cleaning specifications)  
Hot water extract all carpet flooring (as applicable per location's cleaning specifications)

STATE OF DELAWARE  
State Use Law Commission

**Remanufactured Toner Cartridges**

**Contract Link:** <https://mmp.delaware.gov/Contracts/Details/1417>

**FY-22 Spend:** \$97,166

**Rate Proposal Scenario:** An office building in New Castle has placed an order for the following remanufactured toners: HP5600LJ (Black, Cyan, Yellow) & Dell Fax 1500. Fill in the yellow sections below to show the costs associated with fulfilling this order.

**Temporary Employment Services**

**Contract Link:** <https://mmp.delaware.gov/Contracts/Details/5175>

**FY-22 Spend:** \$2,026,939

**Rate Proposal Scenario:** A temporary employee has been identified and will have a "pay rate" of \$13.50 (current minimum wage). They will be working in Sussex County 37.5 hours per week, on a 4-week month. Fill in the yellow sections below to show the final cost associated with this one employee. **NOTE: ACA must be a separate line item and identified as ACA Safe Harbor on all invoices.**