

STATE OF DELAWARE
State Use Law Commission
**REQUEST FOR QUALIFICATIONS OF
Central Nonprofit Agencies
ISSUED BY STATE USE LAW COMMISSION
CERTIFICATION REQUEST NUMBER HSS22763A-CNA**

Contents:

- I. Overview
 - II. Scope of Services
 - III. Required Information
 - IV. Professional Services RFQ Administrative Information
 - V. RFQ Miscellaneous Information
 - VI. Attachments
- Appendix A – PRICING PROPOSAL

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

I. Overview

The State of Delaware Commission for Statewide Contracts to Support Employment for Individuals with Disabilities (“Commission”) seeks to identify responsible Central Nonprofit Agencies to support statewide contracts to support employment for individuals with disabilities. This request for qualifications (“RFQ”) is issued pursuant to [16 Del. C. §9604](#), [Admin Code 9101 Sec 5.5](#) and [16 Del. Admin. C. § 9102-3.1](#).

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

| | |
|-----------------------------------|--|
| Public Notice | Date: September 1, 2022 |
| Deadline for Receipt of Proposals | Date: October 31, 2022 at 3:00 PM (Local Time) |

Each proposal must be accompanied by a transmittal letter which briefly summarizes the proposing firm’s interest in providing the required professional services.

II. Scope of Services

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 ▼ |
|--|------------------------|
| Document and Mail Preparation Services | GSS09559-DOC/MAIL_PREP |
| Janitorial Services | GSS10551-JANITORIAL_SA |
| Remanufactured Toner Cartridges | GSS10412-REMAN_TONER |
| Temporary Employment Services | 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 CPR 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.

STATE OF DELAWARE
State Use Law Commission

III. Required Information

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

A. Minimum Requirements

1. Vendor shall provide Delaware license(s) and/or certification(s) necessary to perform services as identified in the scope of work.
2. Vendor shall provide responses to the RFQ scope of work and clearly identify capabilities as presented in the General Evaluation Requirements below.
3. Complete all appropriate attachments and forms as identified within the RFQ.

IV. Professional Services RFQ Administrative Information

A. RFQ Issuance

1. Obtaining Copies of the RFQ

This RFQ is available in electronic form through the State of Delaware Procurement website at www.bids.delaware.gov. Paper copies of this RFQ will not be available.

2. Assistance to Vendors with a Disability

Vendors with a disability may receive accommodation regarding the means of communicating this RFQ 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.

3. RFQ Designated Contact

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

Courtney McCarty
Office of Management & Budget, Government Support Services
600A South Bay Road
Dover, DE 19901
courtney.mccarty@delaware.gov

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

4. Consultants and Legal Counsel

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

STATE OF DELAWARE
State Use Law Commission

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 RFQ 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 RFQ.

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 RFQ, and is in all respects fair and without collusion or fraud; that the vendor did not participate in the RFQ development process and had no knowledge of the specific contents of the RFQ prior to its issuance; and that no employee or official of the State of Delaware participated directly or indirectly in the vendor's proposal preparation.

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

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 RFQ or the decision regarding designation by the Commission resulting from this RFQ will have their proposal immediately rejected and will be barred from further participation in this RFQ.

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 RFQ 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 RFQ 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 RFQ shall be conducted in strict accordance with the manner, forum and conditions set forth in this RFQ.

STATE OF DELAWARE
State Use Law Commission

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 proposal.

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

10. Exclusions

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

- a. Has been convicted for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;
- b. Has been convicted under State or Federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty that currently and seriously affects responsibility as a State contractor;
- c. Has been convicted or has had a civil judgment entered for a violation under State or Federal antitrust statutes;
- d. Has violated contract provisions such as:
 - 1) 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;
- 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. RFQ Submissions

1. Acknowledgement of Understanding of Terms

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

2. Proposals

To be considered, all proposals must be submitted in writing and respond to the items outlined in this RFQ. The State reserves the right to reject any non-responsive or non-conforming proposals. Each proposal must be submitted with **one (1)** paper copy and **one (1)** electronic copy on CD or DVD media disk, or USB memory drive. Please provide a separate electronic pricing file from the rest of the RFQ proposal responses.

STATE OF DELAWARE
State Use Law Commission

All properly sealed and marked proposals are to be sent to the State of Delaware and received no later than **3:00 PM (Local Time) on October 31, 2022**. The Proposals may be delivered by Express Delivery (e.g., FedEx, UPS, etc.), US Mail, or by hand to:

Office of Management & Budget, Government Support Services
600A South Bay Road
Dover, DE 19904
HSS22763A-CNA

Vendors are directed to clearly print “PROPOSAL ENCLOSED” and “CERTIFICATION REQUEST NO. HSS22763A-CNA” on the outside of the bid submission package.

Any proposal received after the Deadline for Receipt of Qualifications date shall not be considered and shall be returned unopened. The proposing vendor 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 vendor proposals, each vendor shall be presumed to be thoroughly familiar with all specifications and requirements of this RFQ. The failure or omission to examine any form, instrument or document shall in no way relieve vendors from any obligation in respect to this RFQ.

3. Technical Proposal Content and Organization

The proposal should be organized in the exact order in which the requirements and/or desirable performance criteria are presented in the RFQ. Each page should be numbered. The proposal should contain a table of contents, which cross-references the RFQ requirement and the specific page of the response in the vendor’s proposal.

If any relevant and material information is not provided, the offer may be rejected from consideration and evaluation. Proposals will be considered and evaluated based upon the vendor’s full completion and response to the following, and any additional requirements herein, or stated in a separate Exhibit.

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

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

1. Certification request number (HSS22763A-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 RFQ.

Table of Contents – clearly identifying the structure of the proposal and showing page numbers for each of the required sections and attachments.

Section A-1: Executive Summary - Provide a high-level executive summary consistent with other sections of the proposal.

Section A-2: CNA Experience – Provide supporting documentation that demonstrates all minimum criteria outlined in Section G. CNA Selection have been met.

STATE OF DELAWARE
State Use Law Commission

Section A-3: CNA Capabilities - Describe the approach for meeting the Duties outlined in the Section N.

Section B: Cost Proposal

- Cost proposal should respond to CNA management fees, provide confirmation that membership dues are not accessed and answer other cost related questions identified.

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 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. Proposal Modifications

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

5. Proposal Costs and Expenses

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

6. Proposal Expiration Date

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

7. 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 RFQ. The determination of whether an RFQ requirement is substantive or a mere formality shall reside solely within the State of Delaware.

8. 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.

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

STATE OF DELAWARE
State Use Law Commission

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 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 RFQ 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 RFQ, 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 proposal.

STATE OF DELAWARE
State Use Law Commission

12. State's Right to Reject Application

The State of Delaware reserves the right to accept or reject any or all proposals or any part of any proposal, to waive defects, technicalities or any specifications (whether they be in the State of Delaware's specifications or vendor's response), to sit and act as sole judge of the merit and qualifications of each product offered, or to solicit new proposals on the same project or on a modified project which may include portions of the originally proposed project as the State of Delaware may deem necessary in the best interest of the State of Delaware.

13. State's Right to Cancel Solicitation

The State of Delaware reserves the right to cancel this solicitation at any time during the designation 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.

14. Notification of Withdrawal of Proposal

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

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

15. Revisions to the RFQ

If it becomes necessary to revise any part of the RFQ, an addendum will be posted on the State of Delaware's website at www.bids.delaware.gov. The State of Delaware is not bound by any statement related to this RFQ made by any State of Delaware employee, contractor or its agents.

24. Award of Certification

The final award of a certification 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 proposal as unsatisfactory or non-responsive, or not to award a designation, as a result of this RFQ. Certification as a CNA by the Commission does not guarantee a Set Aside contract will be awarded to a CNA.

a. RFQ Award Notifications

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

C. RFQ Evaluation Process

1. Proposal Evaluation Team

The Proposal 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. Proposal Selection Criteria

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

STATE OF DELAWARE
State Use Law Commission

The proposals shall contain the essential information on which the designation decision shall be made. The information required to be submitted in response to this RFQ 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 RFQ shall be met in order to qualify as a responsive and responsible contractor and participate in the Proposal Evaluation Team's consideration for award. Proposals which do not meet or comply with the instructions of this RFQ 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 proposals or portions of proposals received in response to this RFQ.
- Select more than one vendor pursuant to [16 Del. C. §9604](#) and [16 Del. Admin. C. § 9102-3.1](#).

Criteria Weight

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

| 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 |
| Total | 125 |

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

3. Proposal Clarification

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

4. References

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

STATE OF DELAWARE
State Use Law Commission

V. RFQ 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 solicitation, 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 solicitation or resulting designation shall require the prior express written permission of the Commission.

VI. Attachments

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

- Attachment 1 – Confidentiality and Proprietary Information
- Attachment 2 – Business References
- Attachment 3 – Request for Assignment Form
- Appendix A – Pricing Proposal

STATE OF DELAWARE
State Use Law Commission

Attachment 2

Contract No. HSS22763A-CNA
Contract Title: Central Non-Profit Agencies

BUSINESS REFERENCES

List a minimum of three business references consisting of current or previous customers of similar scope and value, including the following information:

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

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

1. **Contact Name & Title:**

Business Name:

Address:

Email:

Phone # / Fax #:

Current Vendor (YES or NO):

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

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2. **Contact Name & Title:**

Business Name:

Address:

Email:

Phone # / Fax #:

Current Vendor (YES or NO):

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

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3. **Contact Name & Title:**

Business Name:

Address:

Email:

Phone # / Fax #:

Current Vendor (YES or NO):

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

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STATE OF DELAWARE PERSONNEL MAY NOT BE USED AS REFERENCES.

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State Use Law Commission

Attachment 3

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 PROPOSAL
HSS22763A-CNA

Appendix A is a separate pricing spreadsheet to be included with the vendor's proposal submission. The document can be found at <https://mmp.delaware.gov/Bids/>.