



**pennsylvania**  
DEPARTMENT OF GENERAL SERVICES

**DATE:** November 14, 2019

**TO:** The Honorable Curt Topper  
Secretary of General Services

**FROM:** Janice M. Pistor  
Chief Procurement Officer

**SUBJECT:** Request for Waiver of Procurement Handbook Provisions  
Electronic Monitoring Services  
RFP No. 6100047842

The Department of General Services (Department), Bureau of Procurement (BOP), is preparing to issue a Request for Proposals (RFP) for a statewide contract for Electronic Monitoring Services (the RFP).

The Department's Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) has developed a goal setting policy based upon recommendations from its 2018 Disparity Study. The goal setting policy requires BDSIBO and agencies to identify contract-specific participation goals for Small Diverse Businesses (which include Minority Business Enterprises, Women Business Enterprises, LGBT Business Enterprises, and Disability-Owned Business Enterprises) and Veteran Business Enterprises (which include Veteran-Owned Small Businesses and Service-Disabled Veteran-Owned Small Businesses). Proposers must either agree to meet the participation goals in full or must request a full or partial Good Faith Efforts waiver from one or both of the participation goals. Failure to meet the participation goals or establish they have made good faith efforts to meet the participation goals will result in rejection of a proposal as nonresponsive.

BDISBO intends for the new goal setting policy to replace the former Small Diverse Business (SDB) and Small Business (SB) participation program which allocated 20% of the total evaluation points towards voluntary SDB and SB commitments made by Proposers on RFPs. The new goal setting policy will also apply to IFBs, ITQs, and RFQs.

The RFP has been selected by BOP to be a pilot of the new goal setting policy. As parts of this new goal setting policy differ from the policies set forth regarding the SDB (and SB) participation program in the Procurement Handbook, I respectfully request a waiver from the Handbook procedures and requirements for this procurement.

Specifically, I note the following requirements or processes contained in the Procurement Handbook that will be different in these procurements:



1. Part 1, Chapter 2: Under the definition of “Small Business,” the threshold for gross annual revenues for all types of businesses has been increased to \$38.5 million over a three-year average. The definition of Small Diverse Businesses is changed to “A DGS-verified minority-owned business, woman-owned business, LGBT owned business, or Disability-owned business, that qualifies as a small business. A definition of Veteran Business Enterprise is also added as “a DGS-verified Veteran-Owned Small Business Enterprise and a Service-Disabled Veteran-Owned Small Business Enterprise.”
2. Part I, Chapter 3(B): The Bureau of Small Business Opportunities (currently BDISBO) will be setting an SDB participation goal and a VBE participation goal with the assistance of the Bureau of Procurement, will review the SDB and VBE participation submittals and required documents, and will evaluate any Good Faith Efforts waiver requests with the Bureau of Procurement. BDISBO will not conduct any scoring activities.
3. Part I, Chapter 3(H): The Bureau of Small Business Opportunities (currently BDISBO) will be setting an SDB participation goal and a VBE participation goal with the assistance of the Bureau of Procurement, will review the SDB and VBE participation submittals and required documents, and will evaluate any Good Faith Efforts waiver requests with the Bureau of Procurement. BDISBO will not conduct any scoring activities.
4. Part I, Chapter 6 (B): BDISBO will not conduct any scoring of SDB and SB Participation submittals. They will instead provide goal setting and submittal review activities as detailed in paragraphs 2 and 3 above.
5. Part I, Chapter 21: The threshold for gross annual revenues for all types of businesses has been increased to \$38.5 million over a three-year average. The definition of Small Diverse Businesses is changed to “A DGS-verified minority-owned business, woman-owned business, LGBT owned business, or Disability-owned business, that qualifies as a small business.” A definition of Veteran Business Enterprise is also added as “a DGS-verified Veteran-Owned Small Business Enterprise and a Service-Disabled Veteran-Owned Small Business Enterprise.”
6. Part I, Chapter 21(C): The new goal setting policy fully replaces the former SDB and SB participation scoring which allocated 20% of the total evaluation points towards voluntary SDB and SB commitments made by Proposers.
7. Part II, Chapter 7: Because the new goal setting policy fully replaces the former SDB and SB participation scoring, the 20% (or 200) of total evaluation points are not allocated towards SDB (and SB) participation. The scoring weights for this RFP will be 65% technical criterion and 35% cost criterion.
8. Part II, Chapter 7(b)(2)(j), (10)(a), 13(a): BDISBO will not conduct any scoring of SDB and SB Participation submittals. They will instead provide goal setting and submittal review activities as detailed in paragraph 2 above.



9. Part III, Chapter 7: This chapter refers to Part II Chapter 3 for procedures on Delegated Formal Competitive Sealed Bidding for services and materials. The new goal setting policy fully replaces the former SDB and SB participation scoring, the 20% (or 200) of total evaluation points are not allocated towards SDB (and SB) participation. The scoring weights for this RFP will be 30% technical criterion and 70% cost criterion.
  
10. The Issuing Office and the Department of General Services' Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) identified this procurement as potentially eligible for the setting of Small Diverse Business (SDB) and/or Veteran Business Enterprise (VBE) participation goals. However, after analyzing the solicitation for subcontracting opportunities and researching available SDB and/or VBE firms to perform commercially useful functions, the Issuing Office and BDISBO have determined that the SDB and/or VBE participation opportunities for the scope of work for this procurement are de minimis. Therefore, the Issuing Office and BDISBO have declined to set SDB or VBE participation goals for this procurement. In addition, there will be no points allocated toward SDB/SB participation for this procurement.

There may be other minor variations from the Handbook in these RFPs, but any such differences would be considered inconsequential and would have no bearing on the overall fairness of this competitive process.

Accordingly, I respectfully request a waiver from the applicable provisions of Parts I and II of the Procurement Handbook and as set forth above for this contract.

Waiver Approved

Waiver Denied

  
Curt Topper  
Secretary, General Services

1/3/20  
Date

c: Kenneth Hess  
Deputy Secretary for Procurement

Erin E. Verano  
Assistant Chief Counsel

