

## SOLICITATION ADDENDUM

Date: **4/21/2017**  
Subject: **Workers' Compensation Defense Counsel RFP**  
Solicitation Number: **OGC-2017-04**  
Due Date/Time: **May 4, 2017 @ 4:00 pm EST**  
Addendum Number: **2**

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To All Suppliers:

The Commonwealth of Pennsylvania defines a solicitation "Addendum" as an addition to or amendment of the original terms, conditions, specifications, or instructions of a procurement solicitation (e.g., Invitation for Bids or Request for Proposals).

**Q.1.** Are proposals to be in the mail by May 4, 2017 or delivered by May 4, 2017?

**A.1.** Proposals should be delivered and in the Issuing Officer's office by 4:00 p.m. Thursday, May 4, 2017.

**Q.2.** Should we submit one CD for each territory that we are bidding in on, or just one CD with all territories included?

**A.2.** Please submit one CD with all territories included on it.

**Q.3.** If a firm you want to subcontract with is not certified, can they still be registered?

**A.3.** In order for an Offeror to receive credit for a commitment to an SDB or SB, the SDB or SB must possess their SDB verification (which requires an SB self-certification and an approved third-party SDB certification) or SB self-certification prior to the completion of SDB/SB scoring by BDISBO. Because there is no guarantee that a currently unverified or uncertified SDB/SB firm will receive their verification or self-certification by the completion of SDB/SB scoring, an Offeror who proposes to use such an SDB/SB firm does so at their own risk.

**Q.4.** How is an prime Offeror supposed to give an estimated dollar value on their SDB/SB Letter of Intent if the Issuing Office is not asking for an estimated number of hours for this specific RFP?

**A.4.** For scoring purposes, the issuing office and the Bureau of Diversity, Inclusion and Small Business Opportunities will just be utilizing the percentage commitment to score this RFP. Please ignore the dollar value commitment in the Letter of Intent and just fill out the percentage commitment for the SDB/SB you are subcontracting with.

**Q.5.** If you are an SDB/SB prime bidding in and subcontracting with an SDB/SB, can you get more than 20 points for the SDB/SB scoring portion of this RFP?

**A.5.** No, the most points you can receive for this portion of the RFP would be 20 points.

**Q.6.** Will a firm's diversity commitment help in the SDB/SB scoring portion of this RFP?

**A.6.** No. However, it will help in the law firm diversity scoring portion of this RFP.

**Q.7.** Does an Offeror need to provide liability insurance for their SDB/SB that they are subcontracting with?

**A.7.** No, it is not a requirement that a prime firm submits an SDB/SB subcontractor's liability insurance with their proposal. It is however, a good idea for the prime firm to confirm that their SDB/SB does in fact carry sufficient liability insurance.

**Q.8.** If your firm was successful in one territory in the original issuance (OGC-2015-50) of this RFP, but not another territory, can a firm bid in on the territory in which they were unsuccessful in without it affecting the territory in which they currently have a contract?

**A.8.** Yes, if you were unsuccessful in one territory, but currently hold a contract in another territory, it will have no effect on your current contract if you were to bid in on a territory in which you were unsuccessful in for RFP OGC-2015-50.

**Q.9.** Do you have a set number of firms you are looking to contract with for this RFP?

**A.9.** This decision will be made at the discretion of the General Counsel.

**Q.10.** Are cases going to be transferred to new firms from already existing prime firms?

**A.10.** This decision will be made at the discretion of the General Counsel.

**Q.11.** Were there more contracts for this type of work prior to the issuance of OGC-2015-50?

**A.11.** Yes.

**Q.12.** Is the two-hour travel time listed in the RFP one way?

**A.12.** Yes, the travel time in the RFP refers to a firm's commute one way.

**Q.13.** Appendix F – Project References: can we reference work we've done for the Commonwealth?

**A.13.** Yes, you can list work you have done for the Commonwealth as a project reference.

**Q.14.** If we want to submit a response in a territory in which our firm does not have an office, but our subcontractor does, should we mention that in our technical submittal?

**A.14.** Yes, it would benefit you to mention this in your technical submittal.

**Q.15.** Can you subcontract with a firm that already has a prime contract as a result of the issuance of RFP OGC-2015-50?

**A.15.** Yes.

**Q.16.** Are vocational services acceptable for SDB/SB scoring?

**A.16.** Yes.

**Q.17.** Can firms see which SDBs/SBs are currently being utilized as a result of OGC-2015-50?

**A.17.** Yes, please refer to the recommendation memos posted on the PA Governor's Office of General Counsel's website, under the "outside counsel" "awarded engagements" tab.

**Q.18.** How many cases come in on a regular basis?

**A.18.** Please refer to Appendix C: Historical Data – Claims Assigned to Outside Counsel by Fund

**Q.19.** Are the cases listed in Appendix C: Historical Data – Claims Assigned to Outside Counsel by Fund, cases that are currently in litigation or new cases?

**A.19.** New cases.

**Q.20.** If we subcontract with an SDB/SB, do we pay them or does the agency pay them?

**A.20.** The firm pays their subcontractor. The Commonwealth has no contractual obligation with the SDB/SB; just the prime. Please be advised however, that the percentage commitment you propose to the SDB/SB in your proposal is audited by the Bureau of Diversity, Inclusion and Small Business Opportunities and becomes part of the contract terms and conditions.

**Q.21.** Please confirm that if selected, an SDB/SB should submit their bill to the prime firm in which they are subcontracting for and the prime firm pays them.

**A.21.** Correct.

**Q.22.** Does an Offeror need to pay their SDB/SB the same amount as they are getting paid?

**A.22.** No.



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DEPARTMENT OF GENERAL SERVICES  
BUREAU OF PROCUREMENT

**Q.23.** If you're an SDB/SB bidding in as a prime, can you also bid in as an SDB/SB subcontractor?

**A.23.** Per RFP Part I-13, which reads as follows:

“An Offeror that qualifies as a Small Diverse Business or Small Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

A Small Diverse Business or Small Business may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.”

**Q.24.** Up to what percentage can a prime contractor subcontract out?

**A.24.** There is no limit as to what percentage a prime contractor can subcontract out.

**Q.25.** For the Law Firm Diversity submittal, should we be submitting the information and data for the office in which we are bidding out of, or can we submit data and diversity information for all of our satellite offices?

**A.25.** The concentration should be on the office in which the legal services will be provided out of. For example, if your Harrisburg office will be the office doing the work, then you should submit the information and data for the Harrisburg office and not your firm's other satellite offices.

**\* If you asked a question, and do not see your question listed, please let me know right away so we can get you a response as soon as possible.**

Except as clarified and amended by this Addendum, the terms, conditions, specifications, and instructions of the solicitation and any previous solicitation addenda, remain as originally written.

Respectfully,

Name: Mrs. Jordan M. Kiessling

Title: Issuing Officer

Phone: 717-346-8110

Email: [jkiessling@pa.gov](mailto:jkiessling@pa.gov)