

SOLICITATION ADDENDUM

Date: **4/8/2019**
Subject: **Hearing Officer Services RFP**
Solicitation Number: **OGC-2019-03**
Due Date/Time: **April 19, 2019 @ 4:00 PM EST**
Addendum Number: **1**

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). |

The Issuing Office received the following questions regarding the above-referenced RFP and provides the following responses. |

Q.1. Regarding Appendix D “Statement of Qualifications/Technical Questionnaire”, is it necessary for each hearing officer to complete a separate form or can we submit one form for the company as a whole which will include all proposed hearing officers?

A.1. In order to effectively evaluate the qualifications of all hearing officers within an organization who will be representing the Commonwealth, in matters relating to DOS’ hearing officer program, a separate form should be submitted for each hearing officer.

Q.2. Does the OGC have cases to be heard/adjudicated? When the bid was awarded a few years ago as **OGC-2016-04**, OGC stated, “It is understood that the Department of Education (“PDE”) anticipates having approximately 2000 charter school withholding appeal cases that will need hearings... for decision in the immediate future”. However, no cases were ever assigned under the current contract.

A.2. Most Commonwealth agency cases that require the services of a hearing officer are handled in-house through the OGC/Department of State/Office of Hearing Examiners. Hearing examiners who are selected through this RFP process will be assigned to cases on an as-needed basis to assist with volume control and/or conflict cases. A contract award does not necessarily mean that hearing officer services will be requested during the term of the contract.

Q.3. To our knowledge, the OGC previously issued this contract under **OGC-2016-04**, made awards, and never utilized any of the hearing officers. Does OGC plan on using the hearing officers or creating a contingency roster of officers that may be called upon?

A.3. Hearing officers who are awarded a contract to represent the Commonwealth in matters relating to the DOS’ hearing officer program will be assigned to cases on an as-needed basis to

assist with volume control and/or conflict cases. A contract award does not necessarily mean that hearing officer services will be requested during the term of the contract.

Q.4. Page 16 of the RFP, Section III-4A, states the following: “Offerors must provide the anticipated number of hours Offerors envision working on this engagement given the description of the scope of requested services in the Statement of Work.”

Last time under **OGC-2016-04**, OGC stated that they don’t have any statistics on this. As a result, can the offeror provide a range of minutes/hours associated with each task needing completion with this RFP by a hearing officer (e.g. time to complete receipt of case and data entry, conflicts check, review of files, hearing prep and scheduling, presiding over hearing, and adjudication)?

A.4. Offerors are expected to provide the anticipated number of hours they envision working on this engagement given the description of the scope of requested services in the Statement of Work.

Q.5. Under **OGC-2016-04**, OGC stated there was a training for awarded hearing officers, yet no training ever occurred. Does OGC again anticipate training of new officers, or will the officers be allowed to use their expertise and knowledge to immediately commence services if called upon by OGC?

A.5. Hearing officers who are awarded contracts will be expected to use their expertise and knowledge to immediately commence services if called upon by OGC.

Q.6. Are labor hours incurred for Travel Time considered billable hours? In **OGC-2016-04**, OGC stated this was the subject of negotiation after award.

A.6. Travel time incurred to attend a hearing may be considered billable hours if travel occurs during standard Commonwealth business hours, i.e., 8:00-5:00 p.m.

Q.7. Can Offeror provide in its billing structure separate rates for administrative professionals?

A.7. \$100 per hour is the billable rate for hearing officer services provided by a hearing officer; it does not include administrative professional services time.

Q.8. In Appendix B (Cost Submittal), Tab 2 (Cost Matrix), the tab states “Offerors should fill out the matrix above distributing a total of 1000 hours per year”. Is OGC stating to place “1000” in the “Estimated Hours” column for all positions?

A.8. The Offeror should distribute a total of 1000 hours per year *among the proposed staffing positions* consistent with the Offeror’s technical submission.

Q.9. In Appendix B (Cost Submittal), Tab 2 (Cost Matrix), the “Estimated Cost per position” formula only takes the Year 1 Position multiplied by the hours (presuming 1000 hours). Should the formula account for Years 2 and 3, or just Year 1 as it currently does?

A.9. For cost scoring purposes, the cost matrix formula should only account for Year 1.

Q.10. In Appendix B (Cost Submittal), Tab 2 (Cost Matrix), the instructions states, “In no case shall the rate exceed \$100/hour). Does that also apply to Year 2 and 3 (assuming most years have an incremental cost associated with the inflationary rate for future years)?

A.10. The maximum rate/hour throughout the term of the contract is \$100/hour. In no case shall the rate exceed \$100 per hour.

Q.11. In Appendix B, Tab 4 (alternative cost proposal), is the alternative proposal also to be used in future negotiations as in tab 3 (optional billable items). Is it mandatory to complete?

A.11. The instructions provide that Offerors must complete the Cost Matrix exactly as provided in Tab 2 of the workbook. In addition, Offeror’s *may provide an alternate pricing proposal*. This is not mandatory to complete.

Q.12. For RFP, Part IV (SOW), IV-1, can the offeror answer those questions within the context of answering Appendix D, or does OGC want a separate Appendix and then a separate answer to all of IV-1? Many of the questions in IV-1 appear to be asking for affirmation, which can be done in Appendix D.

A.12. The purpose of Part IV-1 is *to provide an overview of the engagements envisioned as a result of this RFP*. Interested Offerors should use this Part in its technical proposal and in conjunction with the Technical Submission (Appendix D).

Q.13. Pursuant to the section with Small Business/Small Diverse Business Information, would you please provide the suggested process or how the breakdown of responsibilities would work with the position of hearing officer with a prime contractor and an SDB/SB subcontractor/supplier (i.e. prime contractor as the hearing officer and the subcontractor would act as the hearing officer in shared capacity or a percent of the hearings would be designated for the prime contractor and the remainder would be for the subcontractor, etc.)?

A.13. The manner in which an Offeror structures subcontracting with Small Diverse Businesses (SDBs) and Small Businesses (SBs) is a business decision to be made by each Offeror. As long as an SDB or SB subcontractor is qualified to handle hearings per the terms of the RFP, an Offeror may subcontract the handling of hearings as suggested. However, offerors may also receive credit for subcontracting commitments to SDBs or SBs for other sub-contractable portions of professional or para-professional work such as conducting legal research and drafting adjudications and orders.

*** 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.



pennsylvania

DEPARTMENT OF GENERAL SERVICES
BUREAU OF PROCUREMENT

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