

**Pre-proposal Conference  
Ben Franklin Technology  
Development Authority  
Partnership Counsel  
RFP OGC-2019-16**

Issuing Officer: Jordan M. Kiessling

11/7/2019

11:30 a.m.



# Agenda

- Introductions
- Supplier Support
- RFP Requirements
- Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)
- Background
- Questions and Answers



# Introductions

- Department of General Services
  - Shawn E. Smith, Deputy Chief Counsel
  - Jordan M. Kiessling, Issuing Officer
  - Audrey Smith, Bureau of Diversity, Inclusion & Small Business Opportunities
  
- Department of Community & Economic Development
  - Diane Sterthous, Venture Capital Advisor

# Supplier Support

[www.eMarketplace.state.pa.us](http://www.eMarketplace.state.pa.us)

## Your Gateway to All Procurement Information

### Links to:

- Supplier Service Center
- PA e-Marketplace
- PA Supplier Portal
- Procurement Handbook

The screenshot displays the Pennsylvania Department of General Services website. The header includes the state logo and navigation links. The main content area features a large banner for the eMarketplace, with a central navigation table. To the right, there is a contact information section for Edward G. Birell, Chief Procurement Officer.

SUPPLIERS	AGENCIES	COSTARS
Register to do business with the Commonwealth of Pennsylvania	Register Agencies	Register our Organization to become a COSTARS member.
Find the Contract Plans on file	Search for Contracts	Participate as a COSTARS Supplier
Access Awards & State Goods		
PA eMarketplace	Access the Procurement Handbook	Know what to bid on?
Sign up for Monthly Procurement Alerts		

**ABOUT**  
The Bureau of Procurement is responsible for soliciting and contracting for supplies and services for the Commonwealth. The Bureau is the primary contractual and financial control over the acquisition, negotiation, award, and award contracts to suppliers.

**CONTACT INFORMATION**  
Edward G. BIRELL  
Chief Procurement Officer, Bureau of Procurement  
CONTACT INFO:  
1-800-787-3322 (toll-free)  
610-781-6200 (PA)  
610-781-6201 (PA)  
610-781-6202 (PA)  
610-781-6203 (PA)  
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# Supplier Development & Support

## Supplier Service Center Resources

- Frequently Asked Questions
- How to Register
- E-Alerts
- Reset Password
- Resource Toolbox
  - Brochures
  - Guides

The screenshot shows the Pennsylvania Department of General Services Supplier Service Center website. The page is titled "Supplier Service Center" and features a navigation menu with links for "Supplier Service Center" and "Need Help?". The main content area is divided into several sections:

- BIDDING HELP:** Provides information for Administrators and Bidders, including instructions on how to create a Bidder role and how to search for current solicitations and awards.
- View Current Commonwealth Solicitations, Awards & Contracts:** Offers search options for current solicitations, awards, and contracts.
- Bid on Commonwealth Solicitations:** Lists the requirements for bidding on Commonwealth solicitations, such as creating a Supplier Registration Profile, establishing an Administrator User, and logging in to the PA Supplier Portal.
- BIDDING HELPER TOOLS:** Includes links for Bidding Process Reference Guide and Supplier Response to a Solicitation - Bidform.
- View Bidding Related Frequently Asked Questions (FAQs):** Lists common questions such as "How do I Submit or Change a Bid?", "How do I Add a Bidder?", "How do I Submit a W-9 Form?", "How do I Register for e-Bids?", and "How do I Access e-Notifications?".



# Registering for e-Alerts

- To register for eAlerts for upcoming OGC RFPs for Legal Services, go to the Supplier Service Center:

<http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Supplier%20Service%20Center/Pages/default.aspx>

- Click the e-Alerts link under Bidding:

[http://www.dgs.internet.state.pa.us/EAlerts\\_V2/Login.aspx](http://www.dgs.internet.state.pa.us/EAlerts_V2/Login.aspx)

- After registering, you'll be directed to the page where you can select one or more categories of materials, services and construction bidding to be informed about.
- Select the Services dropdown under Bureau of Procurement, then select the following category:

**80120000-Legal Services.** This segment includes outside counsel legal services such as advising clients regarding the law; preparing documents and legal instruments of all kinds for clients which require a familiarity with legal principles; and appearing for, preparing pleadings and other documents, and managing actions and proceedings on behalf of, clients before public tribunals. The firm or individual providing legal services must be a licensed attorney admitted to practice in Pennsylvania and before any identified tribunals. Executive agencies must receive approval from the Office of General Counsel before engaging outside counsel.



# Supplier Development & Support

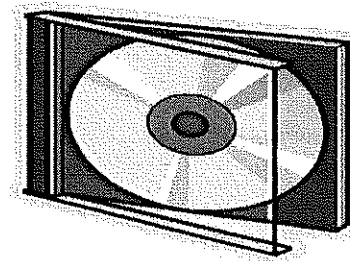
- Telephone - Toll Free: **877-435-7363**
  - Telephone - Harrisburg: **717-346-2676**
  - Web: **[www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us)**
  - e-Mail: **RA-PSC Supplier [Requests@pa.gov](mailto:Requests@pa.gov)**
- 
- **Vendor Registration Guide**
  - **Bidding Reference Guide**
  - **eAlerts**
  - **W-9 Form**

# RFP Requirements

The proposal shall consist of **four** separately sealed submittals:

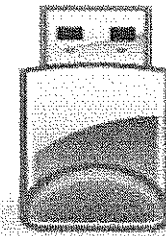
- **Technical Submittal**  
(6 paper copies)
- **Cost Submittal** (1 paper copy)
- **SDB Participation Submittal**  
(2 paper copies); and
- **Law Firm Diversity Submittal**  
(2 paper copies)

Include CD/Flash drive of **complete and exact** copy of each entire proposal



CD

**OR**



Flash Drive





# RFP Requirements

Paper Submission Due by Tuesday, November 19, 2019 @ 4:00 pm EST (hand carried or mailed)

Department of General Services  
Office of Chief Counsel  
401 North Street  
North Office Building, Room 603  
Harrisburg, PA 17120  
ATTN: Jordan M. Kiessling

\* Late submittals will not be accepted



# Technical Submittal

## Offeror's Technical Submittal

1. **Appendix A** - Proposal Cover Sheet
2. **Appendix C** – Trade Secret Notice
3. **Appendix D** – Statement of Qualifications/Technical Questionnaire
4. **Appendix E** – Personnel Experience
5. **Appendix F** – Project References

\* Please **DO NOT** include any **cost** information in your technical submittal response.

\* It is recommended that you include who you are subcontracting with and their role in the engagement.



# Cost Submittal

## Offeror's Cost Submittal

- **Appendix B** – Cost Submittal Form



# SDB Participation Submittal

Offeror's SDB  
Participation Submittal

- **Appendix G – SDB  
Participation Summary  
Sheet**



# Law Firm Diversity Submittal

## Offeror's Law Firm Diversity Submittal

- **Appendix H – Law Firm Diversity Submittal**
  - **Appendix I – Workforce Breakdown Chart**
- Any points received for the Law Firm Diversity criterion are bonus points in addition to the total points for this RFP.
  - The maximum amount of bonus points available for this criterion is **10%** of the total points for this RFP.
  - Firms will be scored for their diversity commitments both internally and externally.



# Mandatory Requirements

- Proposal must be received by the proposal due date and time (Paper Submission).
- Proposal Cover Sheet (Appendix A) must be properly signed by an authorized official.
- Must obtain 75% of total available technical points to advance.
- Must contain an SDB Participation Submittal and additional required documentation.



# Criteria for Selection

- **Technical** = 750 total points available
  - ✓ Understanding the Problem
  - ✓ Offeror's Qualifications
  - ✓ Proposed Personnel Qualifications
  - ✓ Soundness of Approach
- **Cost** = 250 total points available
- **Law Firm Diversity** = 100 possible bonus points

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What's New  
with  
Goal Setting

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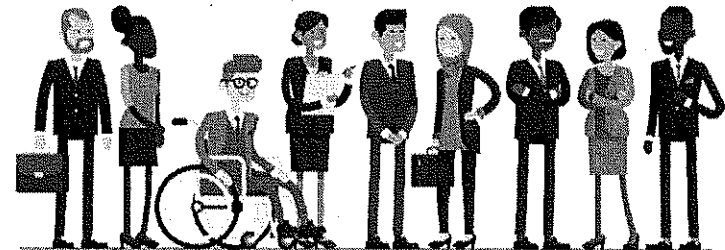


**pennsylvania**

BUREAU OF DIVERSITY, INCLUSION  
AND SMALL BUSINESS OPPORTUNITIES

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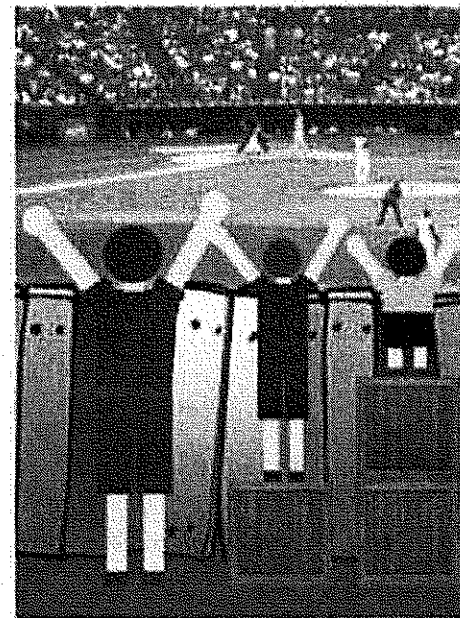
DCED Ben Franklin Technology Development  
Authority Partnership Counsel  
November 2019



# What's the Point?



Equal



Fair

# Governor Wolf's Legacy

Governor Wolf's Executive Order 2015-11 states:

***“This administration recognizes the need for goal setting, results measurement and greater coordination among agencies to ensure and increase diversity, inclusion and small business opportunities in Commonwealth procurement contracts and in Pennsylvania’s larger economy.”***

Governor Wolf stated in a speech to his Advisory Council on February 19, 2019 regarding the disparity study:

***“That study found that we still have a long way to go, but we are taking the necessary steps based on the information we now have to ensure that our Commonwealth is giving our small and diverse businesses a fairer shot, and making our contracting decisions with these vital members of our economy in mind.”***

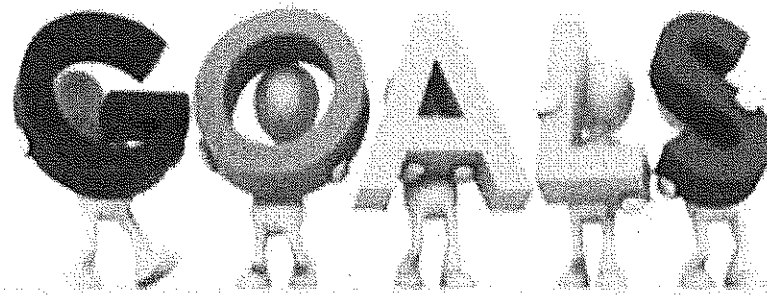
# DGS Disparity Study

- The Commonwealth of Pennsylvania's first ever comprehensive disparity study was concluded in October 2018. **The study identified disparities in the participation of small diverse business in Pennsylvania state contracting.**
- The disparity study assessed to what extent small diverse businesses (SDBs) face discrimination through the examination of:
  - Participation of Small Diverse Businesses
  - Marketplace Conditions
  - Contract Policies
  - Program Measures
  - Legal Compliance

# DGS Disparity Study Objectives

- Provide evidence and recommendations to assist in implementing SDB programs, including overall goal setting, project specific goal setting, race- and gender-neutral elements and program enhancements
- Educate policy makers and stakeholders about the legal and economic issues
- Meet federal regulatory requirements
- Provide a legal defense if the SDB programs are challenged

# Overall Goals



**Goal SDB – 15% VBE – 0%**

# Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)

## How do I find SDBs?

To search all DGS-verified SDBs and DGS-certified SBs, visit the DGS website at:

<http://www.dgs.internet.state.pa.us/suppliersearch>

- For this RFP, the Commonwealth will only consider commitments for the provision of professional or para-professional services towards the SDB participation goal.

## Goal Setting . . .

1. Replaces the current SB/SDB participation scoring process
2. Applies to supplies, services, construction, and design professional services
3. Impacts all RFPs, RFQs, and IFBs over designated thresholds
4. “Narrowly tailors” goals to the market availability of SDBs for each solicitation



# Solicitation-Specific Goals





## New Forms and Processes

- SDB Instructions – *SDB 1 Read*
- SDB Participation Submittal – *SDB 2*
- SDB Utilization Schedule – *SDB 3*
- Letter of Commitment – *SDB 4*
- Guidance for GFE Waiver – *SDB 5 Read*
- Good Faith Effort (GFE) Waiver – *SDB 6*

# SDB Submittal Instructions – SDB-1

## SDB-1 INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB) PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.

*PLEASE READ BEFORE COMPLETING THESE DOCUMENTS*

The following instructions include details for completing the SDB Participation Submittal (SDB-2) which Bidders or Offerors must submit in order to be considered responsive.

This form also includes instructions for completing the SDB Utilization Schedule (SDB-3), which Bidders or Offerors must submit for any portion of the SDB participation goal the Bidder or Offeror commits to meeting.

Bidder/Offeror shall attempt to achieve the SDB participation goal set forth in the SDB Participation Summary Sheet or request a waiver from meeting the entire or a portion of the goal.

**A Bidder/Offeror's failure to meet the SDB participation goal in full or receive an approved Good Faith Efforts waiver for any unmet portion of the SDB participation goal will result in the rejection of the Bid or Proposal as nonresponsive.**

I. **SDB Participation Goal:** The SDB participation goal is set forth in the SDB Participation



# SDB Submittal - SDB-2

## SDB-2 SDB PARTICIPATION SUBMITTAL

**CHECK ONE, AND ONLY ONE, BOX. FAILURE TO SUBMIT A COMPLETED SDB PARTICIPATION SUBMITTAL WILL RESULT IN REJECTION OF YOUR BID/PROPOSAL.**

**I agree to meet the SDB participation goal in full.**

I have completed and am submitting with my bid or proposal an **SDB Listing**, which is required in order

**I am requesting a partial waiver of the SDB participation goal.**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the SDB Participation Goal**, I am unable to achieve the total SDB participation goal for this solicitation and am requesting a partial waiver of the SDB

**I am requesting a full waiver of the SDB participation goal**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the SDB Participation Goal**, I am unable to achieve any part of the SDB participation goal

# SDB Utilization Schedule - SDB-3

## SDB-3 SDB UTILIZATION SCHEDULE

List in the chart below SDBs (including where applicable a prime bidder or offeror is self-performing a portion of the work) that will be used to meet the SDB participation goal (add additional pages if necessary). Submit a Letter of Commitment (SDB-4) for each SDB subcontractor, supplier, or manufacturer.

SDB Name SAP Vendor Number (6-digit number provided by SDB) SDB Verification Number (located on DGS SDB verification)	Type of SDB (check all that apply)	Description of Work to be Performed (Statement of Work/Specification reference)	% Commitment (or % of work to be self-performed by SDB bidder/offeror)	Associated Dollar Value of Commitment
Name: <u>ABC IT Solutions</u> SAP Vendor Number: <u>123456</u> SDB Verification Number: <u>123456-2016-09-SB-M</u>	<input checked="" type="checkbox"/> MBE	IT staffing resources	%	\$
Name: SAP Vendor Number: SDB Verification Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE			
Name: SAP Vendor Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE			

# SDB Letter of Commitment – SDB-4

## SDB-4 LETTER OF COMMITMENT

This Letter of Commitment serves as confirmation of the commitment by the prime as the Bidder/Offeror to utilize the Small Diverse Business (SDB) on the below-referenced Solicitation/Project.

Solicitation Number: \_\_\_\_\_

Solicitation Name: \_\_\_\_\_

	Bidder/Offeror Information	SDB Information
Name		
Address		
Point of Contact		
Telephone number		
Email address		

# SDB Guidance for GFE Waiver SDB-5

## SDB-5

### GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL DIVERSE BUSINESS (SDB) PARTICIPATION GOAL

In order to show that the Bidder/Offeror has made Good Faith Efforts to meet the SDB participation goal on a solicitation, the Offeror must either (1) meet the SDB participation goal and document its commitments for participation of SDB firms, or (2) when it does not meet the SDB participation goal, submit a Good Faith Efforts waiver request as set forth in Section IV below and the Good Faith Efforts Documentation to Support Waiver Request (SDB-6) of the SDB Participation Goal.

#### I. Definitions

**SDB participation goal** – “SDB participation goal” refers to the SDB participation goal set for a procurement for MBE, WBE, LGBTBE, and DOBE utilization.

**Good Faith Efforts** - The “Good Faith Efforts” requirement means that when requesting a waiver, the Offeror must demonstrate that it took all necessary and reasonable steps to achieve the SDB participation goal. Those steps are considered necessary and reasonable when their scope, intensity, and relevance could reasonably be expected to obtain sufficient SDB participation, even if those steps were not fully successful. The Issuing Agency and Department of General Services’ Bureau of Diversity, Inclusion and Small Business Opportunities (BDISRO) will determine whether or not the Offeror that requests a Good

# Good Faith Efforts Packet SDB-6

## Good Faith Efforts (GFE) Partial or Full Waiver

- Identified Items of Work Offeror Made Available to SDBs (Part 1)
- Identified SDBs and Record of Solicitations (Part 2)
- SDB Outreach Compliance Statement (Part 3)
- Additional Information Regarding Rejected SDB Quotes (Part 4)
- SDB Subcontractor Unavailability Certificate (Part 5)

# SDB GFE Documentation – SDB-6

## SDB-6

### GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF SDB PARTICIPATION GOAL

Project Description:	
Commonwealth Agency Name:	
Solicitation #:	
Solicitation Due Date and Time:	

Bidder/Offeror Company Name:	
Bidder/Offeror Contact Name:	
Bidder/Offeror Contact Email:	
Bidder/Offeror Contact Phone Number:	

#### Part 1 – Identified Items of Work Offeror Made Available to SDBs

Identify those items of work that the Offeror made available to SDBs. This includes, where appropriate, those items the Offeror identified and subdivided into economically feasible units to facilitate the SDB participation. For each item listed, show the anticipated percentage of the total contract amount. It is the Offeror's responsibility to demonstrate that enough work to meet the SDB participation goal was made available to SDBs, and the total percentage of the items of work identified for SDB participation met or exceeded the SDB participation goal set for the procurement.

Identified Items of Work	Was this work listed in the solicitation?	Does Offeror normally self-perform this work?	Was this work made available to SDB Firms? If not, explain why.
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no



# Questions?



## BDISBO Contact Info

### **Bureau of Diversity, Inclusion and Small Business Opportunities**

North Office Building  
401 North Street, Room 611  
Harrisburg, PA 17120-0500  
717.783.3119  
[GS-BDISBO@pa.gov](mailto:GS-BDISBO@pa.gov)



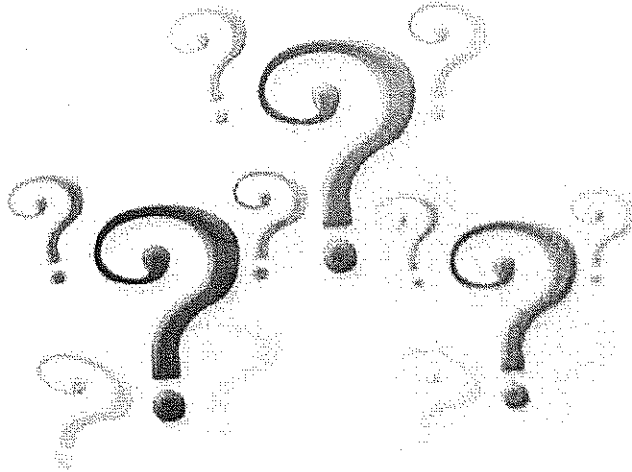
# Ben Franklin Technology Development Authority Partnership Counsel

Diane Sterthous  
Venture Capital Advisor  
DCED


# Questions & Answers

- Review of Questions
- Additional Questions

**ALL questions must be in written form...**



**Blank question sheets are available at the Sign-In Desk.**



# Questions & Answers

- Answers provided today are considered unofficial and not binding.
- All questions and responses will be posted as an Addendum to the solicitation and can be found at the link below:

**<http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=OGC-2019-16>**

**\* All Commonwealth responses are not official until they are confirmed in writing and posted to the eMarketplace website as an Addendum to the solicitation.**



thank  
you!