

Date:	September 27, 2011
Subject:	Clarification to Question and Answers
Solicitation Number:	RFP 3510R01
Opening Date/Time:	October 13, 2011 2:00 PM
Addendum Number:	3

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), including but not limited to questions and answers, which are considered a material part of the solicitation.

Please see the following updates:

The answer to question #18 is amended to add the following:

A18: In circumstances where a question arises as to the selected offeror's eligibility to participate in a procurement (or the eligibility of a subcontractor or member of the selected offeror's team to participate in a procurement), the Department's Office of Chief Counsel, as part of its responsibility to review procurements as to form and legality, will look to, inter alia, the State Adverse Interest Act and those provisions of the Procurement Code relating to fair and open competition for public contracts. Any determination made by the Department's Office of Chief Counsel will address the threshold issue of eligibility. For purposes of the Adverse Interest Act, however, it must be noted that it provides for criminal sanctions in the event of a violation and the Office of Chief Counsel's judgment is therefore secondary to that of those entities entrusted with the enforcement of the Commonwealth's criminal laws. Entities are therefore responsible for independently determining their eligibility prior to submitting a proposal or joining an offeror's team.

The answer to question #116 is replaced by the following:

A116: PennDOT will not provide complete communication and protocol documents for all devices beyond what is included in this RFP. We believe this RFP provides sufficient information so that Offerors can review quantities, manufacturers and equipment types to identify an accurate estimate of the work involved and to formulate a proposed price for this task. This is a deliverable-based contract. Please refer to response to question 115.

The answer to question #132 is replaced by the following:

A132: a. For vendor's own development and test environment, equivalent tools are acceptable. The PennDOT standard version control, enhancement/defect tracking/requirements management tools must be used for any software components owned and/or maintained by the Commonwealth. PennDOT's standard tool for managing these software assets is the Rational Tool Suite. If a vendor is proposing to deviate from the standard for any software components owned and/or maintained by the Commonwealth, the vendor shall explain the proposed tools in the technical proposal and provide a justification for deviating from the standard.

b. Intel x64 IBM
c. IBM XIV
d. Cisco
e. Dell

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f. Most servers are Windows based and virtual on VMWare. Physical servers are all IBM xSeries of various specifications. Windows 2008R2 is the preferred operating system.

Question #149 is amended to read:

149: I am inquiring as to whether Momentum, Inc. is precluded from bidding on RFP 10R-01 – Next Generation Advanced Traffic Management System as we have the Business Analysis Services contract with PennDOT. In past RFPs, we have been allowed to bid if requirements are included with the solicitation. Please advise.

The following individuals supported ATMS RCRS and Network requirements. Both individuals are employees of Acclaim Systems who is a subcontractor to Momentum on the BA Services contract:

- Patricia Anderson
- Robert Schroeder

Please let me know if you need any additional information. We are currently in teaming discussions and need an answer about preclusion as soon as possible in order to develop a quality response.

The answer to question #149 is replaced by the following:

A149: The Department's Office of Chief Counsel cannot offer legal advice pertaining to the State Adverse Interest Act and other applicable laws; or substitute its judgment for those individuals and entities entrusted with enforcement of such laws. It cannot be stressed enough that each Offeror, including subcontractors and members of proposal teams, are responsible for assessing prior work, anticipated future work, and the legal question of whether prior work would preclude participation in procurements, or otherwise result in a violation of any applicable laws.

As indicated above, when evaluating future contracting opportunities, determinations regarding a company's eligibility to participate in a procurement depends on the specific facts of its earlier involvement in procurements. If a company has not provided formal recommendations implicating the violation or potential violation of the State Adverse Interest Act, or other applicable legal guidance, then it would appear that a company is not precluded from participating in the subject procurement. The Department is unaware of any facts supporting the conclusion that either of the above-mentioned contractors is disqualified by virtue of prior contracted work.

It is important to note that any individual, however, that executed a confidentiality statement related to predecessor procurements or this procurement, must maintain confidentiality and not provide any information to their employers that could provide or otherwise be perceived as providing a competitive advantage to that employer. Companies with employees that have executed confidentiality agreements must implement adequate internal mechanisms to shield employees from the current employer's work on this procurement so as to prevent the violation of any one individual employee's confidentiality agreement or any applicable laws.

In circumstances where a question arises as to the selected offeror's eligibility to participate in a procurement (or the eligibility of a subcontractor or member of the selected offeror's team to participate

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Question #150 is amended to read:

150: My Name is Abe Hunter and I represent Acclaim Systems. One of our employees (Patti Anderson) worked on requirements for ATMS and signed a personal agreement that she would not participate in any RFP response. Does this preclude Acclaim Systems (without participation from Patti Anderson) from being sub-contractor to a prime on this RFP?

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

Regards,



Nadine Chinapoo | Management Analyst 2
PA Department of Transportation
Bureau of Office Services | MSMD
400 North Street - 5th Fl, Keystone Bldg. | Harrisburg, PA 17120
Phone: 717.705.4665 | Fax: 717.783.7971
www.dot.state.pa.us