

REQUEST FOR PROPOSALS

**TO MARKET, CONVEY LICENSES, INSTALL AND MODIFY SOFTWARE OWNED BY
THE NEW YORK CITY DEPARTMENT OF PROBATION TO PROSPECTIVE CLIENTS**

ISSUE DATE: SEPTEMBER 13, 2010

**MICHAEL R. BLOOMBERG
VINCENT N. SCHIRALDI
MARJORIE FALBY**

**MAYOR OF THE CITY OF NEW YORK
COMMISSIONER
AGENCY CHIEF CONTRACTING OFFICER**

SECTION I - TIMETABLE

A. RFP Release Date: September 13, 2010

All questions and requests for additional information concerning this RFP should be directed to Marjorie Falby, Agency Chief Contracting Officer. She can be reached at:

Telephone No.: (212) 232-0656
Fax No.: (212) 232-0655
E-Mail Address: mfalby@probation.nyc.gov



If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD). The TDD number is 212-504-4115.

B. Recommended Pre-Proposal Conference:

Date: September 30, 2010
Time: 11:30 am
Location: NYC Department of Probation
33 Beaver Street, 21st Floor Conference Room
New York, NY 10004

If you are considering responding to this RFP, please make every effort to attend this pre-proposal conference. At the recommended pre-proposal conference, DOP will provide a demonstration of the Reusable Case Management System ("RCMS"), which will include an outline of some of its technical aspects. Prospective proposers in attendance will have an opportunity to pose questions about RCMS, and following the pre-proposal conference, DOP will provide formal responses in the form of an addendum.

C. Proposal Due Date and Time:

Date: October 29, 2010
Time: 3:00 pm
Location: Proposals are to be submitted to:
NYC Department of Probation
Office of Procurement and Contracts
33 Beaver Street, 21st Floor
New York, New York 10004
Attn: Marjorie Falby, Agency Chief Contracting Officer



If you have a physical disability and cannot deliver your proposal to the Agency, please contact the Agency Chief Contracting Officer, Marjorie Falby at 212-232-0656 at least 48 hours prior to the deadline and alternate arrangements can be made.

D. Anticipated Contract Start Date: January 28, 2011

SECTION II - SUMMARY OF THE RFP

(a) Purpose of RFP

The New York City Department of Probation (“DOP”) is seeking a concessionaire to market, convey licenses, install and modify software owned by DOP and known as RCMS to entities that manage offender populations (“Clients”). RCMS is a software application that law enforcement agencies and partners can utilize to monitor offender populations. It is a notification based workflow system that automates the Probation Business Process and information sharing between different probation business units and external stakeholders. The City of New York (“City”) owns the copyright in RCMS and KIOSK (KIOSK is described under Section II (c)) (hereinafter, collectively, “RCMS”).

The license agreement resulting from this solicitation will grant a license to the concessionaire to use RCMS for the purpose of performing tasks including, but are not limited to, marketing RCMS and conveying licenses to Clients, installing and modifying RCMS, conducting training in the use of RCMS and providing maintenance and support for RCMS Clients.

Proposers should be highly qualified and experienced in marketing, licensing, installing and modifying software applications and in providing training, maintenance and support for software applications. Proposers should have the fiscal capability to carry out the aforementioned responsibilities.

Proposers are encouraged to present creative approaches to carrying out all aspects of this RFP.

(b) Concession Term

DOP is seeking a concessionaire for one (1) five-year term, commencing upon DOP’s issuance of a notice to proceed, with one (1) five-year renewal option, to be exercised at the sole discretion of DOP. No longer term will be considered. This concession will operate pursuant to a license issued by DOP; no leasehold or other proprietary right is offered.

(c) Background

DOP is an integral part of the criminal justice system and interacts closely with the courts, schools, community-based organizations and others. DOP works with adults and children and their families to advance law-abiding behavior in an atmosphere that encourages rehabilitation, responsibility and accountability. DOP has two divisions, Adult and Juvenile Operations, which are responsible for providing the Supreme, Criminal, Family Courts, and Law Enforcement partners with:

- Information and recommendations for court dispositions;
- Information regarding the Supervision of Offenders, and compliance with the conditions of probation; and
- Information regarding offender rehabilitation, counseling and adjustment.

Recently, the DOP took a major step forward in leveraging technology to obtain maximum business efficiency via implementation of the RCMS system. The RCMS application replaces the 6 Legacy System developed during the early nineties on Client Server Architecture. The project not only integrates the functionality of all the legacy systems, it also addresses the limitations of legacy systems.

RCMS is a notification based workflow system that automates the Probation Business Process and information sharing between different probation business units and external stakeholders.

RCMS is comprised of Intake, Investigations, KIOSK and Data Warehouse modules. The comprehensive workflow system integrated with notification and alert mechanism ensures manageability of probation cases and provides traceability to each phase of the case, thereby ensuring 100% business process compliance.

The system is also integrated with a custom document management process and an electronic folder feature to eliminate dependency on physical papers. The document management process not only eliminates dependency on physical papers, it also ensures traceability of any document at your fingertips. The system is equipped with an integration platform and is capable of exchanging information in real time with any criminal justice agency. The integration platform, equipped with Iway Service Manager (ISM 5.5), provides the capability to exchange information in all types of transport protocols - FTP, MQ, Web Service and even in PDF document format. Currently, the system is exchanging 19 messages compliant to NIEM 2.0 standards. The integration framework can be expanded for any additional message exchange with minimal effort.

The application design utilizes a four-tier architecture. These tiers are referred to as the presentation, process, business and integration tiers, respectively. The frameworks within these tiers lay down the infrastructure and foundation of the overall system architecture. The technology components used in each of the tiers have been summarized below: JavaServer Faces Framework, Presentation subsystem, BPEL4WS, Business Process Articulation and Execution, Hibernate Framework subsystem that provides object relational mapping capabilities, Spring Framework provides factories and transaction management components. Log4J Logging package, Java Mail, Java Mailing Package, Database System: DB2. FOP: Formatting Objects Processor from Apache for rendering PDFs from structured XML content, Integration Framework - Iway Service Manager (ISM 5.5) for Message Exchange.

Many of the case management systems that exist today are outdated and built on legacy technology. Not only does it require additional IT resources to staff and support these systems, but they are also difficult and cumbersome for Probation Officers and Management to use. Furthermore, the Federal Office of Management and Budget ("OMB") requires that government agencies comply with e-government mandates (Government Paperwork Elimination Act and Electronic Records Management Standard DOD 5015.2) in order to obtain OMB funding. This has increased the focus on streamlining case management procedures.

With the deployment of RCMS, DOP now has the most comprehensive probation case management system developed to date. By utilizing RCMS, DOP has achieved the objective of operational efficiency and targeted cost saving. It has also established itself as a model agency in ensuring the highest level of public safety.

Some of the benefits derived from the RCMS case management modules include:

- Centralized, collaborative process management - By delivering a central collaboration hub with pre-defined case management workflow processes, Supervising Probation Officers and Investigation Officers will know exactly which tasks require attention at the right time.
- Integrated email notification - By sending email alerts and notifications through Microsoft Outlook, Probation staff will not miss items requiring their immediate attention.

- Workflow and approval - Pre-defined workflow rules help maintain consistency across each level of case management process, and reduce the chance for errors or variability.
- Records management - Once a case is complete, each document associated with the case is archived with appropriate security credentials applied.
- Streamlined business processes for planning, developing, and providing quality service
- Generate reports quicker and timelier.
- Maintain detailed historical Case Management information.
- Provide quality and timely service to government partners in both the Law Enforcement and Human Services Community.
- RCMS supports the day-to-day business operations of DOP's Adult and Juvenile Operations Kiosk Technology.

KIOSK Technology

DOP implemented RCMS, part of which included the deployment of twenty-three (23) KIOSKs throughout the city. KIOSKs monitor reporting and compliance of probationers who have been assessed at low risk for recidivism.

With the implementation of the KIOSKs, DOP realized an immediate Return on Investment (ROI). DOP was able to do more with less. Face to face office visits with probation officers were dramatically reduced, permitting the DOP to evaluate staffing needs and reallocate staff accordingly. It gave officers more time to spend monitoring the most serious offenders, thereby contributing to public safety.

The Kiosk system performs nine (9) main tasks:

1. Add a Probationer
2. Enrollment
3. Probationer Check-In
4. Probationer Alerts and Messaging
5. Probationer Reports
6. Failure to Report (FTR) Process
7. Discharge
8. System Administration
9. Business Administration

Investigation

DOP works with approximately, 87,000 adults and 25,000 juveniles and families annually in Adult and Family Court. Many times, the DOP must prepare pre-sentence reports (PSIs) or Investigation and Report (I&Rs) for these cases. The law requires timely filing of these reports. Timely submission prevents unnecessary adjournments of cases and decreases jail and detention stays for offenders. This results in reduced cost to government including staff, operations and offender transportation.

RCMS allows for easy creation and electronic submission of these reports to the Courts in a consistent format. It improves on-time report delivery to the Courts and oversight agencies. For the DOP, on-time delivery of reports to the courts has increased from 70% pre-implementation to 100% post-implementation. The timeliness of this information sharing is critical to community safety and an integral part of a fair and swift justice system.

Data Warehouse and Reporting

The Data Warehouse module provides the capability for collecting the strategic information for both Adult and Juvenile operations from its case management system to meet DOP's reporting needs.

The Data Warehouse application serves as a repository product to meet the overall strategy, or process, for building decision support systems – both everyday tactical decision making and long-term business strategy. It is envisaged that the application will provide an enterprise-wide data store to link information from diverse sources and make the information accessible for a variety of Client purposes, most notably, strategic analysis. Warehouse uses may include trend identification, forecasting and competitive analysis.

Some of the benefits of Data Warehousing include:

- Conversion of data into business intelligence
- Assists management with decision-making based on facts - not intuition
- Over 600 key business attributes that can be used to generate reports, for example probation profile (arrest charge, height, weight, country of birth), compliance statistics, analytical information, etc.

Summary

RCMS streamlines case management business processes. Clients will realize an immediate ROI. Clients will be able to provide quicker, more streamlined, thorough services to criminal justice partners. Staff will work smarter and more efficiently.

Numerous law enforcement partners have contacted the DOP and are eager to learn more about RCMS. They are requesting information and demonstrations of RCMS. They are convinced that RCMS will help them to better manage their offender population while at the same time recognizing cost savings and staffing benefits.

SECTION III - SCOPE OF SERVICES

Operations

Proposers should be highly qualified and experienced and present a proposal that demonstrates the capability for marketing, conveying licenses, installing and modifying software applications and in providing training, maintenance and support for software applications.

DOP encourages proposals that include creative approaches to facilitating the successful marketing, sale, installation and implementation of RCMS.

1. Client Licensing

- A. The concessionaire will be required to obtain DOP approval of all Clients to whom RCMS licenses are issued, and will be required to submit reports to DOP (at a frequency to be determined by DOP, but not more frequent than quarterly) listing all Clients to whom licenses have been issued and such other information as required by DOP.

- B.** The concessionaire will be required to enter into licensing agreements with Clients (“Client Licensing Agreements”) which grant the Client a non-exclusive and non-transferable license (for a term not exceeding 20 years) for the use of RCMS. The Client Licensing Agreement will provide for the implementation of RCMS, which may include but not be limited to, installation and modification of RCMS, training in the use of RCMS, and maintenance and support for RCMS. Proposals should include a plan for implementing RCMS for Clients, which includes the following elements:
- i. **Initiation** – the defined scope of the approach to be taken to deliver the desired outputs.
 - ii. **Planning** –identification and assignment of deliverables/tasks with risk analysis and a definition of criteria for the successful completion of each deliverable.
 - iii. **Execution and Control** – measures to ensure quality and execution of activities.
 - iv. **Closure** – preparation of a review report.
 - v. **Project Implementation Process (PIP)** – to include a detailed analysis to migrate legacy data and to create the necessary scripts for data migration (*if applicable*). After the customization process is complete, various configuration parameters, master data setup and legacy data shall be migrated to the new application (*if applicable*).
- C.** The form of Client Licensing Agreement used by the concessionaire shall be approved by DOP, and shall contain, at a minimum, legal terms and conditions dealing with the following:
- i. If the DOP’s license agreement with the concessionaire expires or is earlier terminated, the Client Licensing Agreement will terminate except to the extent that the term of the Client license goes beyond the expiration or termination of concessionaire’s license agreement with DOP, or to the extent that DOP, in its exclusive discretion, determines to continue such Client Licensing Agreement directly or to have such Client Licensing Agreement assigned to it or another concessionaire;
 - ii. The Client will not sell, assign, sublicense, lease, encumber or otherwise transfer the Client Licensing Agreement without the written consent of DOP and the concessionaire;
 - iii. The Client will not disclose confidential information pertaining to RCMS to any third party without the written consent of the concessionaire, unless required by law to do so;
 - iv. The City of New York and DOP retain all right, title and ownership (including copyright ownership) to RCMS and to RCMS modifications, RCMS updates, and any other licensed materials provided under the Client Licensing Agreement which materials are owned by the City of New York pursuant to the concessionaire’s license agreement with DOP, other than materials that existed prior to or were developed or discovered independently from the activities directly related to concessionaire’s license agreement with DOP;
 - v. The Client will not customize, modify or utilize RCMS in conjunction with other software or hardware in such a manner that may reasonably be anticipated to infringe upon the intellectual property rights of any third party;
 - vi. DOP will not make any express or implied warranties of any nature with respect to RCMS, including, without limitation, implied warranties of merchantability and fitness for a particular purpose;
 - vii. The Client will, at its expense, defend, indemnify and hold the City of New York and DOP harmless from and against any and all claims, fines, penalties, damages, losses, liabilities, awards and costs (including legal fees and expenses) from a third party arising out of any use or modification by the Client of RCMS, except to the extent that

- RCMS provided to the Client infringes or violates the intellectual property rights of any third party; and
- viii. The Client will waive any and all claims against the City of New York and DOP related to the installation, modification, use and maintenance of RCMS.

2. Marketing and Advertising

The concessionaire will be required to promote, at its own expense, the licensing of RCMS to entities that manage offender populations, including criminal justice agencies, human service clients or other interested entities. The concessionaire will be required to obtain the advance written approval of DOP for any and all advertising, promotions or solicitation efforts, which includes promotional material in all forms of media including, but not limited to, print, television, radio and signage. Proposals should include a detailed plan for marketing and promoting RCMS that shall span the length of the license agreement.

3. Installation and Implementation

The concessionaire will be required to install and implement RCMS at its own expense. Proposals should include a plan regarding the installation and implementation of RCMS. These plans should outline the operational process for implementing RCMS licensed to a Client.

4. Providing maintenance and support for RCMS and Clients

The concessionaire will be required to provide maintenance and support, at its own expense, for RCMS and its Clients including, but not limited to, implementing customer service operations, training Clients, and developing post deployment maintenance and support plans. Therefore, proposers should submit a detailed plan for implementing customer service operations, supporting the RCMS system and its Clients, training Clients, and post deployment support plans. Proposers are encouraged to present varied service support plan options including, but not limited to, post deployment maintenance and support for RCMS Clients, pricing structures for service, hours of operation, kinds of service provided and how provided, and response time. Proposers are encouraged to highlight the operational processes for handling post deployment support with a clearly defined Service Level Agreement (SLA) for handling production issues.

5. Business Case and Sample Product Guide

The concessionaire will be required to have a Business Case and Product Guide that will successfully attract potential clients. Proposers should submit a sample Business Case and Product Guide that will successfully attract potential clients.

a. Business Case

In the Business Case, proposers are encouraged to highlight for potential clients the advantages that can be derived from the successful implementation of RCMS and emphasize the operational and financial benefits.

b. Product Guide

In the Product Guide, proposers are encouraged to use various mediums and provide a description of the various features and functionality that the RCMS system can provide.

SECTION IV-ADDITIONAL REQUIREMENTS DURING THE TERM OF LICENSE

1. DOP reserves the right to select any pricing structure that is in the City's best interests.
2. No funds will be provided by DOP to a concessionaire for expenses incurred by the concessionaire in marketing RCMS.
3. No leasehold or other proprietary interest will be granted to the concessionaire. The license agreement will be terminable at will by DOP upon ten (10) days' notice.
4. DOP anticipates that the City of New York will have ownership (including copyright ownership) of all RCMS modifications, RCMS updates, training materials relating to RCMS and modifications and updates thereof, marketing and advertising materials relating to RCMS and modifications and updates thereof, and any other materials developed by concessionaire pursuant to its license agreement with the DOP, other than materials that existed prior to or were developed or discovered independently from the activities directly related to such license agreement with DOP. The concessionaire will be required to indemnify the City of New York and DOP for losses associated with the concessionaire's actions under the license agreement, including a failure to comply with the license agreement, the unauthorized use of the license, unfair trade practices, false advertising, or infringement of the copyright, patent, trademark or other proprietary rights of a third party.
5. The concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term of the license. This security deposit, which may be in the form of an interest bearing account or other format approved by DOP, will be due upon signing.
6. The concessionaire will be required to carry Commercial General Liability insurance, dedicated to the concessionaire's operations under the license agreement in the amount of \$3,000,000 per occurrence, and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. All insurance policies other than Employer's Liability, Worker's Compensation, and Disability Benefits Insurance must name the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as Insurance Services Office (ISO) GC 20 26. Proposers are on notice that the City may require higher liability limits and other terms if, in the opinion of the Commissioner, the proposed program warrants it.
7. The concessionaire will be required to comply with all applicable Federal, State and Local laws, rules, regulations in carrying out its obligations under the license agreement.
8. The concessionaire will be required to pay all taxes applicable to the operation of the concession.
9. The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the lawful operation of this concession.
10. Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11 shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the concessionaire upon notice from DOP.

11. The concessionaire will be required to report all sales efforts and inquiries regarding RCMS as they occur and shall generate reports and submit them to DOP on a bi-weekly basis or as otherwise prescribed by DOP. The concessionaire will be required to submit monthly statements in a format approved by DOP of Gross Receipts. The concessionaire will also be required to disclose any and all discount/financial agreements or arrangements as they occur. "Gross Receipts" means all funds received by the concessionaire, without deduction or set-off of any kind, in connection with the performance of tasks under the concession including, but not limited to, marketing RCMS and conveying licenses to Clients, installing and modifying RCMS, conducting training in the use of RCMS, and providing maintenance and support for RCMS Clients. Notwithstanding the foregoing, Gross Receipts does not include the amount of any Federal, State or municipal taxes that are paid by the concessionaire against its sales.
12. The concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to DOP. This revenue control system must maintain detailed sales information from each transaction. The concessionaire must also establish a dedicated bank account for deposits of concession-generated revenue. All accounting and internal control related records shall be maintained for a minimum of six (6) years after termination of the license agreement. All records may be subject to periodic inspection, review and audit by the City, State of New York, Federal Government and other persons duly authorized by the City.

SECTION V - PROPOSAL FORMAT AND CONTENT

(a) Proposal Submission Instructions

Instructions: Proposer should provide all information required in the format below. The proposal should be typed on both sides of 8 1/2" X 11" paper. The City of New York requests that all proposals be submitted on paper with no less than 30% postconsumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not length. Failure to comply with any of these instructions will not make the proposal non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to DOP's written approval. Oversized drawings may be submitted, but must be accompanied by 8 1/2" x 11" sectionals or reductions to 8 1/2" x 11". No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal (including four copies of all required attachments).

The following information should be printed on the outside of the envelope:

- Proposer's Name and Address
- Solicitation No. 2011781IT006
- Proposal Due Date: October 29, 2010
- Time Proposal Due: No later than 3.00pm

(b) Proposal Submission Requirements

Each proposal submitted must meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

1. All proposals must include a fee offer for each year of the license term.
2. All proposals must include a Proposal Cover Letter (See Attachment A) and be submitted in a sealed envelope and received by Marjorie Falby, Agency Chief Contracting Officer, in the NYC Department of Probation, Office of Procurement and Contracts, 33 Beaver Street, 21st Floor, New York, New York 10004.
3. All proposals must be received by **October 29, 2010 at no later than 3.00pm**. Hand delivery before the deadline is recommended to ensure consideration of your proposals. Proposals and modifications received after the time and date listed above will be considered late, will be returned to the proposer unopened and will not be considered for award, except as provided for in Section 1-13(j)(2) of the Concession Rules.
4. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, vendors responding to this solicitation are required to complete the Doing Business Data Form and return it with this proposal submission, and should do so in a separate envelope. If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Doing Business Data Form. If the City determines that a vendor has failed to submit a Doing Business Data Form or submitted a Doing Business Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Doing Business Data Form to the agency. Failure to do so will result in a determination that your proposal submission is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

(c) Proposal Content Guidelines

Each proposal is expected to include the following:

1. Fee Proposal

- The fee proposal should state the highest sum the proposer is prepared to pay as a license fee for each year of the license term, expressed as a guaranteed annual minimum fee versus a percentage of Gross Receipts (as defined in Section IV(11)), whichever is greater. The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in the guaranteed minimum fee over the license term.
- In addition to the fee proposal described above, the proposer has the option of presenting for consideration any other pricing structure as an alternate fee proposal.

2. Demonstrated quantity and quality of successful relevant experience

- Proposers should submit a detailed description of relevant successful professional experiences and professional qualifications demonstrating extensive experience in marketing, licensing, installing and modifying software applications, and in providing training, maintenance and support for software applications. This may include work in case management systems with other criminal justice agencies, and/or working with others who have such expertise.
- Proposers should attach a list of at least three (3) recent relevant references, with whom the proposer has previously worked and/or who can describe such matters as the proposer's financial and operational capability. Include the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

3. Demonstrated level of organizational and financial capability

Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures. Financial statements should include, but are not limited to, annual income and net worth (assets and liabilities), including a breakdown of liquid and non-liquid assets. Proposers should include supporting documentation of their financial worth including, but not limited to, Certified Financial Statements, Balance Sheets and Income Statements and tax returns from the past three (3) years (corporate and/or personal).

4. Presentation and quality of proposed operations

Proposals should also include a detailed operational plan for the concession that thoroughly addresses Section III of this RFP including, but not limited to, creative, detailed approaches on the marketing and advertising of RCMS, the conveyance of licenses to Clients, the installation and implementation of RCMS, and customer, support and training services. Proposals should also include a detailed Business Case and a detailed Sample Product Guide.

SECTION VI - EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee consisting of a minimum of three (3) DOP employees and, possibly, independent (non-government employed) professionals with relevant expertise, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges to be the best overall based on these criteria.

(a) Proposal Evaluation Criteria

In evaluating proposals, the selection committee will use the following criteria:

- Fee offer (20%); see Section V(c)(1) above.
- Demonstrated quantity and quality of successful relevant experience (30%); see Section V(c)(2) above.

- Demonstrated level of organizational and financial capability (25%); see Section V(c)(3) above.
- Presentation and quality of proposed operations (25%); see Section V(c)(4) above.

(b) Proposal Evaluation Procedures

DOP will only consider proposals that meet satisfactory levels of the above criteria. The City is not required to accept the proposal that includes the highest fee offer. DOP's acceptance of a proposal does not imply that every element of that proposal has been accepted.

DOP cannot consider any proposal that does not comply with the "Submission Requirements" section of this RFP. Proposals that do not meet these requirements will not be evaluated. When feasible, employees of DOP will visit facilities operated by proposers.

SECTION VII– OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

DOP reserves the right to postpone or cancel this RFP or reject all proposals, if in its judgment it deems it to be in the best interest of the City of New York to do so.

Proposers are advised that DOP has the option of selecting the proposer without conducting discussions or negotiations. Therefore, proposers should submit their best proposals initially, since discussions or negotiations may not take place.

Proposers are also advised that the concession award is subject to applicable provisions of Federal, State, and local laws and executive orders requiring affirmative action and equal employment opportunity.

Proposers have the right to appeal a determination of non-responsiveness and/or non-responsibility and have the right to protest a solicitation and award as specified in Chapter 1 of Title 12 of the Rules of the City of New York.

All RFP submission materials become the property of the City of New York and DOP. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

DOP is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by DOP. (*See* Public Officers Law, Sections 87 and 89.) Individuals or firms that submit proposals to DOP may request that DOP except all or part of such a proposal from public disclosure, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested.

If DOP grants the request for exception from disclosure, DOP shall keep such proposal or portions thereof in secure facilities.

DOP shall not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

Proposers should be aware that this concession will be developed and operated pursuant to a license issued by DOP.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. DOP will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation, except as provided for in Section 1-13(j) (2)(i) of the Concession Rules. Proposers may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to DOP. A proposer may not withdraw its proposal before the expiration of forty-five (45) calendar days after the date of the opening of proposals; thereafter a proposer may only withdraw its proposal by submitting written notice to DOP in advance of an actual grant of a concession.

Technical addenda issued by DOP will be the only authorized method for communicating clarifying information to all potential proposers. Proposers should contact the agency before submitting a proposal to verify that they have received any addenda issued. Proposers shall acknowledge the receipt of any addenda in their proposal submissions.

Proposers should be aware that, upon DOP's request, they shall be required to submit original copies of VENDEX Vendor and Principal Questionnaires to the Mayor's Office of Contract Services. In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is responsible for completing VENDEX Questionnaires. In such event, the concession award will be subject to completion of the VENDEX questionnaires and review of that information by the Department of Investigation.

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller's Office of Contract Administration, 1 Centre Street, Room 835, New York, New York 10007. This office may be reached at (212) 669-2323.

Vincent N. Schiraldi
Commissioner

ATTACHMENT A

PROPOSAL COVER LETTER

TO MARKET, CONVEY LICENSES, INSTALL AND MODIFY SOFTWARE OWNED BY THE NEW YORK CITY DEPARTMENT OF PROBATION TO PROSPECTIVE CLIENTS

PIN #: 2011781IT006

Proposer:

Name: _____

ADDRESS: _____

TAX ID #: _____

Proposer's Contact Person:

NAME: _____

Title: _____

Telephone #: _____

Proposer's Authorized Representative:

NAME: _____

Title: _____

Signature: _____

DATE: _____

Is the response printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?

☐ **Yes**

☐ **No**